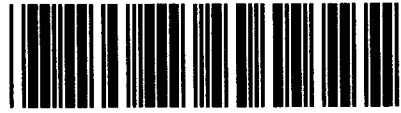




Control Number: 38484



Item Number: 47

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-5919
PUC DOCKET NO. 38484

APPLICATION OF WIND ENERGY	§	BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC FOR A	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY FOR THE SCURRY	§	
COUNTY SOUTH – LONG DRAW –	§	ADMINISTRATIVE HEARINGS
GRELTION – ODESSA 345-KV	§	
TRANSMISSION LINES IN SCURRY,	§	
MITCHELL, BORDEN, HOWARD,	§	
DAWSON, MARTIN, MIDLAND, AND	§	
ECTOR COUNTIES	§	
	§	
	§	

FILED
SEP 10 PM 1:49
CLERK

COMMISSION STAFF'S COMMENTS ON NOTICE AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files these comments on notice and a proposed procedural schedule.

I. BACKGROUND

On August 18, 2010, Wind Energy Transmission Texas, LLC (WETT) filed an application for a certificate of convenience and necessity (CCN) for the proposed 345-kilovolt (kV) Competitive Renewable Energy Zones (CREZ) transmission lines in Scurry, Mitchell, Borden, Howard, Dawson, Martin, Midland, and Ector Counties, Texas. (Application). Pursuant to Public Utility Regulatory Act (PURA) § 39.203(e), the Commission must issue a final order in this docket before the 181st day after the date the Application was filed, same being February 15, 2011. Order No. 1 directed Staff to file any comments regarding WETT's notice and a proposed procedural schedule no later than September 10, 2010.

47

II. NOTICE

On September 8, 2010, in compliance with Order No. 1, WETT filed its proof of notice. Staff has reviewed WETT's notice and proof of notice and finds them materially sufficient. However, Staff did discover several non-material errors in WETT's notice:

1. WETT's preferred route is not identified in the listings of the routes in Tables 1-1 of the notices;
2. For the Scurry County South to Long Draw notices:
 - a. In the description for Link JY2, the distances listed add up to 6.7 miles but the total length stated is 8.1 miles;
 - b. The CR 328/CR 1785 intersection referenced in the description of Link QY2 as the starting point for that link does not appear on Map 2/3 with the link;
3. For the Long Draw to Grelton notices:
 - a. CR 4301 is not identified on Map 1/3 as the ending point for Link AU3, as referenced in Link AU3's description;
 - b. On Map 3/3, the inset has Link TS3 labeled as Link CS3;
 - c. For Link CT3, the description references CR 3801 as the beginning point, while the map shows CR 3901 as the starting point;
4. For the Grelton to Odessa notices:
 - a. In the Link P4 description, the other links met at the endpoint of Link P4 appear to be incorrect;
 - b. For Link PC4, the map shows that the starting point is northeast of the CR 171/CR 1325 intersection, while the description states that it is northwest of the intersection;
 - c. For Link R4, the map shows that the starting point is southwest of the IH 20/FM 1788 intersection, while the description states that it is southeast of the intersection; and
 - d. For Link YB4, SH 349 is not shown on Map 3/3 with the link.

Staff recommends that WETT be required to supplement its Application to address these errors as soon as practicable.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Deadline
Prehearing conference	9-29-2010
Technical conference	9-29-2010
Objections to Applicant's direct testimony	10-11-2010
Replies to objections to Applicant's direct testimony	10-15-2010
Intervenor direct testimony and/or statements of position	10-22-2010
Discovery on Applicant's direct case ends	10-22-2010
Objections to Intervenor direct testimony	10-29-2010
Responses to objections to Intervenor direct testimony	11-5-2010
Staff direct testimony	11-8-2010
Discovery on Intervenor's and Staff's direct case ends	11-12-2010
Objections to Staff's direct testimony	11-12-2010
Applicant rebuttal testimony	11-12-2010
Discovery on Applicant's rebuttal case, limited to depositions, ends	11-19-2010
Response to objections to Staff's direct testimony	11-19-2010
Objections to Applicant's rebuttal testimony	11-19-2010
Prehearing conference to resolve outstanding discovery and other issues	11-30-2010
Settlement conference	11-30-2010
Hearing on the Merits	11-30-2010 through 12-3-2010
Replies to objections to Applicant's rebuttal testimony	At hearing
Initial briefs	12-13-2010
Reply briefs	12-20-2010
Proposal for Decision (PFD)	1-17-2011
Exceptions to the PFD	1-24-2011
Replies to exceptions	1-31-2011
Final Order issued per PURA § 39.203(3)	2-15-2011 (180th day after filing)

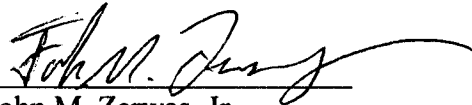
Dated: September 10, 2010

Respectfully Submitted,

Thomas S. Hunter
Division Director
Legal Division

Keith Rogas
Deputy Division Director
Legal Division

Andres Medrano
Senior Attorney
Legal Division

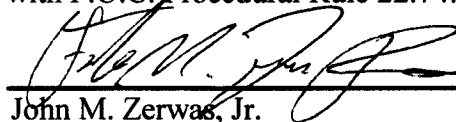


John M. Zerwas, Jr.
Attorney – Legal Division
State Bar No. 24066329
(512) 936-7297
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

SOAH DOCKET NO. 473-10-5919
PUC DOCKET NO. 38484

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 10th day of September, 2010, in accordance with P.U.C. Procedural Rule 22.74.



John M. Zerwas, Jr.