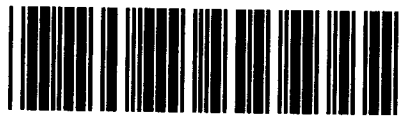




Control Number: 38561



Item Number: 11

Addendum StartPage: 0

DOCKET NO. 38561

<b>APPLICATION OF EL PASO ELECTRIC COMPNAY TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A PROPOSED 115-KV TRANSMISSION LINE WITHIN EL PASO COUNTY</b>	§ § § § § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this response to Order No. 1, and would show the following:

**I. BACKGROUND**

On August 25, 2010, El Paso Electric Company (EPEC) filed an application to amend a certificate of convenience and necessity (CCN) for a proposed 115-kV transmission line in El Paso County, Texas. The proposed project is designated as the Pendale 115-kV Transmission Line Project.

Pursuant to P.U.C. SUBST. R. 25.101(b), the Commission must render a decision approving or denying an application for a CCN within one year of the date of filing a complete application for such certificate. Order No. 1 required Staff to file comments regarding the sufficiency of the application, the compliance of EPEC's notice, and to propose a procedural schedule by September 17, 2010. Accordingly, this pleading is timely filed.

**II. THE APPLICATION**

In response to Order No. 1, Staff has reviewed the Application and information provided by EPEC. Staff did not find any deficiencies in the Application. Therefore, Staff recommends that the Application be deemed sufficient based on the attached memorandum of Jolie Mathis, attached as Exhibit A.

### III. NOTICE

On September 15, 2010, in compliance with Order No. 1, EPEC filed its proof of publication and proof of notice by mail. Staff has reviewed EPEC's notice and proof of notice, and has not identified any deficiencies, as specified in the attached memorandum of Jolie Mathis.

### IV. PROCEDURAL SCHEDULE

Order No. 1 directs Staff to file a proposed procedural schedule no later than September 17, 2010. Staff recommends the following procedural schedule:

Intervention Deadline	October 11, 2010
Deadline for Intervenor Requests for a Hearing on the Merits, and Deadline for Intervenor Comments if No Hearing is Requested	October 18, 2010
Deadline for Staff's Request for a Hearing and Staff's Recommendation on Final Disposition if No Hearing Requested	October 27, 2010
Deadline for Applicant to Request a Hearing or Respond to Intervenor Comments and Staff's Recommendation on Final Disposition or for Parties to file Proposed Notice of Approval if No Disputed Issues	November 5, 2010
If Applicable, Administrative review completed	November 15, 2010

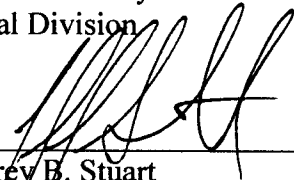
**Dated: September 17, 2010**

Respectfully Submitted,

Thomas S. Hunter  
Division Director  
Legal Division

Keith Rogas  
Deputy Division Director  
Legal Division

Andres Medrano  
Senior Attorney  
Legal Division



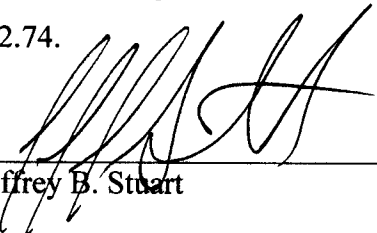
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Jeffrey B. Stuart  
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Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 38561**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 17, 2010 in accordance with P.U.C. Procedural Rule 22.74.



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Jeffrey B. Stuart


# EXHIBIT

A

# *Public Utility Commission of Texas*

## **Memorandum**

**TO:** Jeff Stuart  
Legal Division

**FROM:** Jolie Mathis   
Infrastructure and Reliability Division

**DATE:** September 17, 2010

**RE:** STAFF RECOMMENDATION  
Docket No. 38561, Application of El Paso Electric Company for a Certificate of Convenience and Necessity for a 115kV Transmission Line in El Paso County, Texas (Pendale Project)  
Sufficiency of Application and Compliance with Notice Requirements

I have reviewed the application filed by El Paso Electric Company (EPEC) on August 25, 2010 in this docket for deficiencies. I have also reviewed the affidavits filed by EPEC in this docket for compliance with the requirements for notice:

### **I. Deficiencies in the Application**

After reviewing the Application and EPEC's response to Order No. 1, no deficiencies were found. I therefore recommend that the Application be deemed sufficient.

### **II. Compliance of Notice**

- A. After reviewing the notice provided to landowners that was included with the Application and proof of notice filed on September 15, 2010, I find them to comply with the requirements in P.U.C. Proc. R. 22.52(a)(3).
- B. After reviewing the notice provided to utilities and county and municipal authorities that was included with the Application and the proof of notice filed on September 15, 2010, I find them to comply with the requirements in P.U.C. Proc. R. 22.52(a)(2).
- C. After reviewing the published notice included with the Application and the proof of notice filed on September 15, 2010, I find them to comply with the requirements in P.U.C. Proc. R. 22.52(a)(1).
- D. I recommend that EPEC's published and written notice be deemed sufficient.