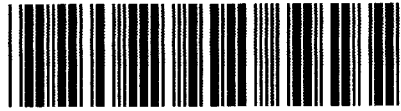




Control Number: 38743



Item Number: 370

Addendum StartPage: 0

**PUC DOCKET NO. 38743
SOAH DOCKET NO. 473-11-0945**

**APPLICATION OF ELECTRIC
TRANSMISSION TEXAS, LLC TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
FOR THE TESLA TO EDITH CLARKE
TO CLEAR CROSSING TO WEST
SHACKELFORD 345-KV CREZ
TRANSMISSION LINE IN
CHILDRESS, COTTLE, HARDEMAN,
FOARD, KNOX, HASKELL, JONES,
AND SHACKELFORD COUNTIES**

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**BEFORE THE

PUBLIC UTILITY COMMISSION

OF

TEXAS**

**RECEIVED
APR 14 AM 8:55
PUBLIC UTILITY COMMISSION
FILING CLERK**

**DUFF/ALEXANDER GROUP'S
INFORMATIONAL FILING**

In response to the late-filed letter of the City of Abilene (Abilene Letter), the Duff/Alexander Group files this informational filing pointing out record evidence relevant to the proposed reservoir and the claims in the Abilene Letter.

First, Abilene claims that 2007 legislation including this proposed reservoir as a unique construction site affords the area “protection from interference during the planning process.”¹ Instead, the only restriction in the actual statutory language relevant to this claim is:

A state agency or political subdivision of the state may not obtain a fee title or an easement that would significantly prevent the construction of a reservoir on a site designated by the legislature under this subsection.²

There is no proposal in this case for the state to take fee title, nor is there any evidence that approval of a route utilizing Links C7, C8 or C9 would in any way “significantly prevent the construction” of the reservoir. In fact, as the PFD correctly found, there is no engineering

¹ Abilene Letter at 2.

² TEX. WATER CODE ANN. § 16.051(g).

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constraint related to the construction of the proposed line along any of the segments proposed in this case.

Abilene further claims that ETT will not be able to span the proposed reservoir at the level above the elevation pool with its standard towers; however, the evidence shows to the contrary:

The longest span of the projected conservation pool identified by Abilene witness Tommy O'Brien is 451 feet. As a result, the proposed site of the normal conservation pool for the reservoir can readily be spanned by ETT's proposed route.³

Further, the proposed route links all took the potential future reservoir into account:

PBS&J adjusted route links to cross narrow upper portions of the proposed reservoir at approximately perpendicular angles where the normal conservation pool could be avoided by spanning it with the line.⁴

Thus, as-filed, ETT has designed and proposes to construct any link in proximity to the proposed reservoir in a manner that would not require future relocation or change to the line.

With respect to claims of future environmental impact, it is critical to note that where Link C8 would span the projected conservation pool for the proposed reservoir, that line parallels an existing 138 kV transmission line. There is no evidence to indicate that there will be a significant incremental environmental impact from paralleling that existing line.

The same holds true for any claims of concern related to construction of the line in a future 100-year flood plain. The evidence shows that ETT has significant experience constructing lines in flood plains.⁵ Further, Commission precedent directly holds that

³ ETT Ex. 9 at 5 (Rebuttal Testimony of ETT witness Mr. Tucker).

⁴ ETT Ex. 11 at 13 (Rebuttal Testimony of ETT witness Mr. Reid).

⁵ ETT Ex. 11 at 13; Also see Tr. At 294-295 (Cross-examination of Duff/Alexander witness Mr. Hughes).

construction of a line in an existing floodplain does not create an engineering constraint.⁶ In the final order in the *Oncor Newton to Killeen* CREZ case, the Commission approved a route in a known floodplain based on the following findings which also apply to this case:

Engineering Constraints

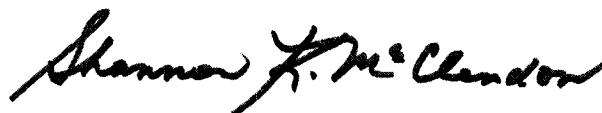
1. Flood plain, elevation changes, water wells, and river/creek crossings are constraints that Oncor often faces in constructing transmission lines; however, Oncor has substantial experience in finding workable solutions for engineering constraints.
2. Oncor has sufficient flexibility to modify the route to address issues such as elevation changes, flood plain, and water wells.
3. Although route 207 may present minor flood plain issues that would require a reinforced foundation near the river, Oncor has significant experience in building transmission lines in the flood plain where this would not become a problem.
4. At the portion of route 207 near the Lampasas River (at links PP2 and UU), there is an existing Oncor 138-kV transmission line; therefore, Oncor has already dealt with the flood plain issue in this area.
5. Route 207 presents no major engineering constraints for Oncor.

In conclusion, Abilene asks that this Commission approve a route that bisects properties of numerous intervenors in this proceeding and passes within close proximity to the homes in which they live today in order to avoid spanning the far-reaches of a proposed reservoir that is not even projected to have a completed design until 2024 to 2028.⁷ Even given the uncertain nature of this project, ETT's application takes the potential future reservoir into its engineering design of alternative routes spanning the proposed conservation pool of the reservoir. The Commission may order ETT in this case to construct the line according to this design that will not impact the completed reservoir.

⁶ *Application Of Oncor Electric Delivery Company, LLC To Amend Its Certificate Of Convenience And Necessity For The Newton - Killeen 345-Kv CREZ Transmission Line In Bell, Burnet And Lampasas Counties*, P.U.C. Docket No. 37463 (Oct. 7, 2009) ("Oncor Newton to Killeen").

⁷ ETT Ex. 22, Abilene Response to ETT RFI 1-7 d).

Respectfully submitted,



Shannon K. McClendon
State Bar No. 13412500

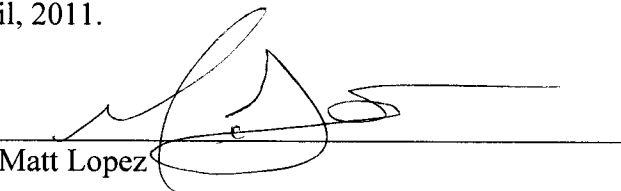
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**ATTORNEYS FOR THE DUFF/ALEXANDER
GROUP**

CERTIFICATE OF SERVICE

I certify that a copy of the above has been served in accordance with the procedural orders in this proceeding on this 14th day of April, 2011.



Matt Lopez