

Control Number: 38825



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SOAH DOCKET NO. 473-11-1266
P.U.C. DOCKET NO. 38825

2010 NOV 24 AM 11:06
PUBLIC UTILITY COMMISSION

APPLICATION OF WIND ENERGY § BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR THE LONG DRAW TO SAND § OF
BLUFF, SAND BLUFF TO DIVIDE, §
AND SAND BLUFF TO BEARKAT 345- §
KV CREZ TRANSMISSION LINE IN §
BORDEN, COKE, GLASSCOCK, § ADMINISTRATIVE HEARINGS
HOWARD, MITCHELL, AND §
STERLING COUNTIES §

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1 AND
RECOMMENDATION AS TO SUFFICIENCY OF THE APPLICATION**

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 submits its recommendation as to sufficiency of the Application.

I. BACKGROUND

On November 10, 2010, Wind Energy Transmission Texas, LLC (WETT) filed an application with the Commission to amend its certificate of convenience and necessity (CCN) for a proposed Competitive Renewable Energy Zones (CREZ) transmission line in Borden, Coke, Glasscock, Howard, Mitchell, and Sterling counties (Application). The project is identified as the Long Draw to Sand Bluff, Sand Bluff to Divide, and Sand Bluff to Bearkat Double-Circuit 345 kilovolt (kV) Transmission Line Project (the Project). Pursuant to Public Utility Regulatory Act (PURA) § 39.203(e), the Commission must issue a final order in this docket by the 180th day after the date the application was filed, same being May 9, 2011. On November 12, 2010, an Order of Referral and Preliminary Order was issued referring this case to the State Office of Administrative Hearings (SOAH) and providing a list of issues to be addressed and listing issues not to be addressed. On November 17, 2010, Order No. 1 was issued requiring Staff to review the Application and notify the ALJ through written pleadings of any deficiencies in the Application.

II. THE APPLICATION

Staff has reviewed the Application and has identified two errors that WETT should correct in a supplemental filing, though neither error amounts to a deficiency in the application. Staff has therefore determined that the application sufficiently addresses the issues identified in the CREZ CCN application form as specified in the attached memorandum of Mike Lee, Infrastructure and Reliability Division, Public Utility Commission of Texas.

III. RECOMMENDATION

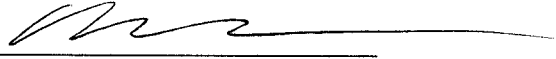
Based on the foregoing, Staff recommends that WETT be ordered to file supplemental information to correct the two minor errors identified in Mr. Lee's memorandum and that the Application be found materially sufficient.

Dated: November 24, 2010

Respectfully Submitted,

Thomas S. Hunter
Division Director
Legal Division

Keith Rogas
Deputy Division Director
Legal Division



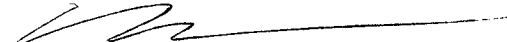
Andres Medrano
Senior Attorney-Legal Division
State Bar No. 24005451
(512) 936-7285
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 24th day of November 2010 in accordance with P.U.C. Procedural Rule 22.74.

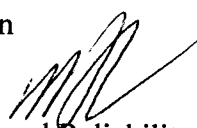


Andres Medrano

Public Utility Commission of Texas

Memorandum

TO: Scottie Aplin
Legal Division

FROM: Mike Lee 
Infrastructure and Reliability Division

DATE: November 24, 2010

RE: STAFF RECOMMENDATION: Docket No. 38825,
WETT CREZ CCN (Long Draw-Sand Bluff-Bearkat-Divide)
Deficiencies in the Application

Sufficiency of the Application

I have reviewed the application filed by WETT on November 10, 2010 in this docket for deficiencies and I find two errors as follows:

1. In its response to Question 21 of the application WETT stated that it had identified seven active and five inactive private airfields in the Study Area and had located those airfields on the routing maps. However, in its response WETT identified and described only the five active private airfields that are located within 10,000 feet of the project. In particular, WETT's response did not identify and describe any of the five inactive private airfields nor did it state that all five were farther from the project than 10,000 feet and therefore not subject to further discussion. Question 21 does not distinguish between active and inactive private airfields within 10,000 feet of the project, and therefore WETT's response is incomplete in that it does not address the five inactive airfields or state that they are each farther than 10,000 feet from the project.
2. In its response to Question 24 of the application WETT did not provide a listing by route of all parks and recreational areas owned by a governmental body or an organized group, club, or church and located within 1,000 feet of the centerline of any proposed alternative route. Also, the response did not describe each such area (if any) and provide a distance from the centerline. Because the response did not state that no such parks or recreational areas exist, the response must be considered incomplete.

Recommendation Regarding Sufficiency of the Application

I do not believe that WETT's errors in its responses to Questions 21 and 24 (as noted above) should be regarded as material deficiencies, and I therefore recommend that WETT's application be deemed sufficient. However, I recommend that WETT be required to supplement its responses to those Questions as soon as practicable and provide all required information.