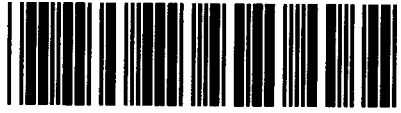


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SOAH DOCKET NO. 473-11-1266  
PUC DOCKET NO. 38825

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PUC-11 PUBLIC UTILITY COMMISSION

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

**WETT'S RESPONSE TO STAFF'S COMMENTS IN RESPONSE TO ORDER NO. 1  
AND ERRATA TO WETT'S APPLICATION**

COMES NOW Wind Energy Transmission Texas, LLC (WETT), and respectfully submits its response to Commission Staff's Comments in Response to Order No. 1 and errata to its application.

**I. Background**

On November 24, 2010, the staff (Staff) of the Public Utility Commission of Texas (PUC) submitted comments on the sufficiency of WETT's application in this docket. Staff found the *Application of [WETT] for a Certificate of Convenience and Necessity (CCN) for the Proposed Long Draw to Sand Bluff, Sand Bluff to Divide, Sand Bluff to Bearkat 345-kV Transmission Line* (Application) to be sufficient and contain no material deficiencies. Staff also noted two non-material errors, and requested that WETT address these alleged errors as soon as is practicable. This response is filed 2 business days after Staff's comments, and accordingly is timely filed.

## II. WETT's Responses to Staff's Comments

### A. Staff's First Comment:

In its response to Question 21 of the application WEIT 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.

### WETT's Response:

WETT supplements its response to Question 21 as follows:

A review of the Study Areas identified one active public Federal Aviation Administration (FAA)-registered airfield (Big Spring McMahon-Wrinkle Airport), one private FAA-registered airfield (McEntire's Lazy V Ranch), 12 non-FAA-registered private airfields (seven active, five inactive), and two heliports (West Texas VA Medical Center Heliport and Sterling County Hospital Heliport). All of these aviation facilities are identified on the routing maps in Figure 3-1 of each EA. The facilities within the requisite distances from the Proposed Project are included in Table 8 below.

Table 8: Airstrips					
Line	Name	Description	Route	Distance from Centerline	Exceed slope?
Private Airstrips within 10,000 Feet of Proposed Project					
Long Draw to Sand Bluff	County Airport	5,500-foot runway, est.	9-5, 10-5, 11-5, 14-5, 16-5	8,176	N/A

Table 8: Airstrips					
Long Draw to Sand Bluff	Unnamed Airstrip #3	2,300-foot runway, est.	5-5	4,711	N/A
Long Draw to Sand Bluff	Unnamed Airstrip #4	2,630-foot runway, est.	17-5	9,306	N/A
Long Draw to Sand Bluff	Unnamed Airstrip #7	2,570-foot runway, est.	7-5, 12-5, 17-5, 18-5	3,461	N/A
<u>Long Draw to Sand Bluff</u>	<u>Unnamed Airstrip #2</u>	<u>Inactive 1,600-foot runway, est.</u>	<u>1-5, 21-5</u>	<u>1,269</u>	<u>N/A</u>
<u>Long Draw to Sand Bluff</u>	<u>Unnamed Airstrip #5</u>	<u>Inactive 3,860-foot runway, est.</u>	<u>15-5, 19-5</u>	<u>1,999</u>	<u>N/A</u>
<u>Long Draw to Sand Bluff</u>	<u>Unnamed Airstrip #6</u>	<u>Cannot be Determined (Inactive)</u>	<u>17-5</u>	<u>7,584 est.</u>	<u>N/A</u>
Sand Bluff to Divide	Unnamed Airstrip #11	3,350-foot runway, est.	9-6	667	N/A
<u>Sand Bluff to Divide</u>	<u>Unnamed Airstrip #12</u>	<u>Inactive 7,000-foot runway, est.</u>	<u>9-6; 7-6</u>	<u>4,923 8,551</u>	<u>N/A</u>
Airports Registered with the FAA 3,200 Feet or Longer within 20,000 Feet of Proposed Project					
Long Draw to Sand Bluff	Big Spring McMahon-Wrinkle Airport	8,802-foot runway, public airport	12-5, 18-5; 12-5, 17-5, 19-5, 20-5; 12-5, 17-5, 19-5, 20-5; 12-5, 13-5, 15-5, 17-5, 18-5, 19-5, 20-5	9,538; 14,616; 9,948; 13,910	Yes Yes Yes Yes
Sand Bluff to Divide	McEntire's Lazy V Ranch Airstrip	3,410-foot runway, private airfield	11-6 10-6 and 11-6	7,570 10,139	Yes Yes
Airports Registered with the FAA Shorter than 3,200 Feet within 10,000 Feet of Proposed Project					
None	N/A	N/A	N/A	N/A	N/A
Heliports within 5,000 Feet of Proposed Project					
Sand Bluff to Divide	Sterling County Hospital	Private	10-6, 11-6	4,000	No (exactly at 25:1)

Table 8: Airstrips					
	Heliport				distance)

According to FAA regulations, notification of the construction of the Proposed Project is required if structure heights exceed the height of an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of a public or military airport having at least one runway longer than 3,200 feet, and 50 to 1 for a horizontal distance of 10,000 feet from the nearest runway of a public or military airport where all runways are less than 3,200 feet in length. As indicated above some of the airstrips listed above would require FAA notification pursuant to 14 Code of Federal Regulations Part 77, Objects Affecting Navigable Airspace. Should the Commission select a route that requires FAA notification, WETT will notify the FAA and comply with its requirements.

See Sections 3.8.5.2 and 8.6.5.2 of the EAs for additional discussion regarding airstrips.

Please note that any discrepancies between the number of airstrips indicated in the Study Areas and the number of airstrips listed in the chart as being within the requisite distance of the Proposed Project are due to the fact that any unspecified airstrips are outside the requisite distances noted in the chart. Given the changes noted in “redline” format, above, all private airstrips within 10,000 feet of the Proposed Project, whether active or inactive, are now included.

**B. Staff’s Second Comment:**

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.

**WETT’s Response:**

As indicated in WETT’s initial response to Question No. 24, there are no parks or recreation areas crossed by any link in the Proposed Project. Likewise, Table 7-2 of the relevant

environmental assessments (EAs) indicates there are no parks or recreation areas within 1,000 feet of any link on the Scurry County South to Long Draw or the Long Draw to Grelton lines.

Accordingly, WETT hereby supplements its Application by editing its response to Question 24 as follows:

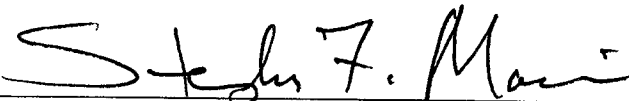
The Proposed Project would not affect or cross any federal or state designated recreational areas, including those listed in the National Wild and Scenic Rivers System, National Trails System, or any registered national landmarks. There are local parks and recreational areas located within the Study Areas, as discussed in the EAs in Section 3.8.2 and noted on the maps in Figure 3-1, but the centerline of the Proposed Project does not come within 1,000 feet of these parks or recreational areas.

**Prayer**

WHEREFORE, PREMISED CONSIDERED, WETT respectfully prays for a finding that its Application is materially sufficient and an order consistent in all respects with this Response, granting the relief requested herein and such other and further relief, not inconsistent herewith, to which it is justly entitled.

Respectfully submitted,

Naman, Howell, Smith & Lee, PLLC  
8310 N. Capital of Texas Highway, Suite 490  
Austin, Texas 78731  
(512) 479-0300  
(512) 474-1901 (Facsimile)

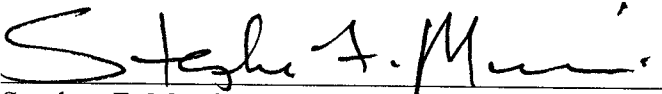
By: 

Dennis W. Donley, Jr.  
State Bar No. 24004620  
Stephen F. Morris  
State Bar No. 14501600  
Stephanie S. Potter  
State Bar No. 24065923

ATTORNEYS FOR WIND ENERGY  
TRANSMISSION TEXAS, LLC

**Certificate of Service**

I certify that a true and correct copy of the foregoing document was served on all parties of record on this 30<sup>th</sup> day of November, 2010.

  
\_\_\_\_\_  
Stephen F. Morris