

Control Number: 38943



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DOCKET NO. 38943

APPLICATION OF GOLDEN SPREAD	§	PUBLIC UTILITY COMMISSION
ELECTRIC COOPERATIVE, INC. TO	§	
AMEND A CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY FOR	§	
A PROPOSED TRANSMISSION LINE	§	
WITHIN WHEELER COUNTY	§	

COMMISSION STAFF'S SUPPLEMENTAL RESPONSE TO ORDER NO. 1

NOW COMES Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, to submit this Supplemental Response to Order No. 1. On January 5, 2010, Staff filed its Response to Order No. 1, but did not attach the memorandum referenced in Section I below. Staff files this Supplemental Response to Order No. 1 along with the memorandum from Mohammed Ally and T. Brian Almon of the Infrastructure & Reliability Division.

I. THE APPLICATION

On December 9, 2011, Golden Spread Electric Cooperative, Inc. (Golden Spread or Applicant) filed an application to amend a certificate of convenience and necessity (CCN) for a proposed 115 kilovolt (kV) transmission line in Wheeler, Texas (Application). The proposed project is designated as the Howard to Ft. Elliot 115-kV Transmission Line Project. On December 10, 2010, the administrative law judge (ALJ) issued Order No. 1 requiring Staff to review the Application and file comments identifying any deficiencies in the Application, file comments regarding compliance of notice and with requirements set out in Order No. 1, and to propose a procedural schedule.

Based upon the attached memorandum of Mohammed Ally and T. Brian Almon, Infrastructure & Reliability Division, Staff recommends that Golden Spread's Application be found sufficient.

**II. NOTICE AND COMPLIANCE WITH REQUIREMENTS SET OUT IN ORDER
NO. 1**

On December 20, 2010, in compliance with Order No. 1, Golden Spread filed its affidavit and proof of proof of notice by mail. On December 28, 2010, a publisher's affidavit was filed

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stating that published notice was provided in a newspaper in Wheeler County. Staff has reviewed the notice and proofs of notice and finds them sufficient and that Golden Spread has complied with the notice requirements set forth in P.U.C. PROC. R. 22.52(a) and Order No. 1.

Order No. 1 also required Golden Spread to provide a copy of the Application to Texas Parks and Wildlife Department (TPWD) and to verify by December 20, 2010, that a copy of the Application was provided to TPWD. In the affidavit filed on December 20, 2010, Golden Spread attested to the fact that it mailed a copy of the Application to TPWD on December 16, 2010.

Order No. 1 listed four issues that the Commission requested be addressed in all CCN dockets and required Golden Spread to file information responsive to the four issues no later than December 28, 2010. On December 22, 2010, Golden Spread filed its response to Order No. 1 in which it addressed the four issues as required by Order No. 1.

It is Staff's position that Golden Spread complied with the requirements set out in Order No. 1.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule, in accordance with P.U.C. SUBST. R. 25.101(b)(C)(3), which provides that an application for an uncontested transmission line shall be approved administratively within 80 days from the date of filing a complete application:

Deadline for Intervention	January 24, 2011
Deadline for Intervenor Requests for a Hearing on the Merits, and Deadline for Intervenor Comments if no Hearing is Requested	February 3, 2011
<i>If Qualified for Informal Disposition:</i>	
Deadline for Staff to Request a Hearing on the Merits or File a Recommendation on Final Disposition if no Hearing is Requested	February 8, 2011
Deadline for Applicant to Request a Hearing or Applicant's Response to Intervenor Comments on the Merits and Staff's Recommendation on Final Disposition if no Hearing is Requested,	February 15, 2011

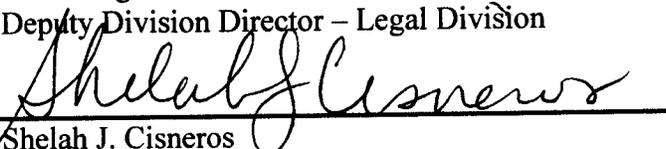
or for Parties to File a Joint Proposed Order if no disputed issues	
If applicable, Administrative Review Completed – within 80 days from the date of filing	February 25, 2011 ¹

DATE: January 6, 2011

Respectfully submitted,

Thomas S. Hunter
Division Director - Legal Division

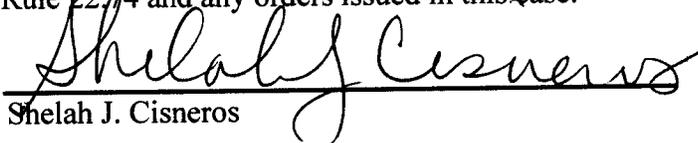
Keith Rogas
Deputy Division Director – Legal Division



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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 6, 2011, in accordance with P.U.C. Procedural Rule 22.74 and any orders issued in this case.


Shelah J. Cisneros

¹ Staff notes that, by its calculation, the 80th day from the filing of a complete application falls on Sunday, February 27, 2011. Therefore, it may be appropriate - if applicable - to complete the administrative review by Friday, February, 25, 2010.

Public Utility Commission of Texas

Memorandum

TO: Shelah Cisneros
Legal Division

FROM: Mohammed Ally *MA*
T. Brian Almon *TBA*
Infrastructure & Reliability Division

DATE: January 5, 2010

RE: Docket 38943, Application of Golden Spread Electric Cooperative, Inc. to Amend a Certificate of Convenience and Necessity (CCN) for a Proposed Transmission Line within Wheeler County

Response to Order No. 1:
Sufficiency of the Application and compliance of notice

Staff has reviewed for deficiencies the application filed on December 9, 2010 by Golden Spread Electric Cooperative, Inc. (Golden Spread) to amend its CCN for the Howard to Ft. Elliott 115 kV transmission line.

Staff concludes that Golden Spread has adequately addressed the requirements of the application form for a transmission line in its December 9th filing. Staff has not found any material deficiencies at this time. Staff recommends that the application be deemed sufficient.

Staff has reviewed the mailed notices attached to the Affidavit of Notice filed on December 20, 2010 and the publishers' affidavits for the published notices filed by Golden Spread on December 28, 2010. The notices were published on December 16, 2010 in The Wheeler Times and the County Star-News. The notice in The Wheeler Times did not include a description of the route as required by Proc. R. §22.52(a). However, the same rule specifies that only one newspaper publication is required in the county where a certificate of convenience and necessity is being requested. Therefore, Golden Spread has complied with the rule.

Staff concludes that Golden Spread has complied with the notice provisions set out in P.U.C. Proc. R. §22.52(a) and Order No. 1 and recommend that the notice be deemed sufficient.