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PUC DOCKET NO. 39699

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**APPLICATION OF NORTH PLAINS
ELECTRIC COOPERATIVE, INC., TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE WILLIAMS 69-KV TRANSMISSION
LINE IN HANSFORD COUNTY, TEXAS**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**JOINT MOTION
FOR
ADMINISTRATIVE APPROVAL**

Comes now North Plains Electric Cooperative, Inc. ("NPEC") and Staff of the Public Utility Commission of Texas ("Staff"), collectively referred to as "Joint Parties", and files this Joint Motion for Administrative Approval, respectively showing the following:

On September 9, 2011, NPEC filed its application ("Application") for an amendment to its Certificate of Convenience and Necessity ("CCN") for the Williams 69-kV transmission line in Hansford County, Texas. The proposed project is designed to construct new electric transmission facilities in Hansford County in order to improve electric service reliability for its members. This docket was processed in accordance with applicable statutes and rules of the Public Utility Commission of Texas. Pursuant to Order No. 2, the deadline to intervene in this proceeding was October 24, 2011. There have been no interventions filed in this docket; thus, there are no contested issues of law or fact in this proceeding. Based on NPEC's Application and Staff's November 7, 2011 memorandum recommending approval of the Application, the Joint Parties propose that the findings of fact, legal conclusions and ordering paragraphs attached to this pleading be approved.

Wherefore, premises considered, Joint Parties respectfully request that the findings of fact, legal conclusions and ordering paragraphs attached to this pleading be approved.

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DATED: November 7, 2011.

Respectfully submitted,

Margaret Uhlig Pemberton
Division Director
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ATTORNEYS FOR NORTH PLAINS ELECTRIC
COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I certify that a copy of this document has been served on all parties of record on November 7, 2011, in accordance with the P.U.C. Procedural Rule 22.74.

Patricia McNeill
Patricia McNeill

PUC DOCKET NO. 39699

**APPLICATION OF NORTH PLAINS
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AMEND ITS CERTIFICATE OF
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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

JOINT PROPOSED NOTICE OF APPROVAL

On September 9, 2011, North Plains Electric Cooperative, Inc. ("NPEC") filed its application ("Application") for amendment to its Certificate of Convenience and Necessity ("CCN") for a proposed 69-kV transmission line within Hansford County, Texas. The proposed project is designed to construct new electric transmission facilities in Hansford County, Texas in order to improve electric service reliability for its members. No party intervened in this proceeding and no hearing was requested. On November 7, 2011, staff (Staff) of the Public Utility Commission of Texas (Commission) recommended that the Commission approve the Application. Based on Commission Staff's memorandum recommending approval of the CCN Application, the following facts and statements and legal conclusions are approved effective the date of this notice.

I. Fact Statements

Procedural History and General Project Description

1. NPEC is a member-owned electric cooperative providing service under CCN No. 30125.
2. On September 9, 2011, NPEC filed its Application requesting to amend its CCN No. 30125 for a proposed transmission project located within Hansford County, Texas, as shown on the maps filed with the Application. The Commission assigned Docket No. 39699.

3. The Application requests approval for NPEC to construct approximately two miles of electric transmission line and associated facilities east / northeast of the city of Spearman in Hansford County, Texas, just outside the Hansford County right-of-way for County Road 28. The transmission line is planned to be operated at 69 kV. The project will be a radial tap from an existing 69 kV transmission line to serve a distribution substation that will provide additional distribution capacity with the immediate area and cause NPEC to lift load growth restrictions presently on four adjacent substations and their feeders. This project has been designated as the Williams 69 kV Tap Transmission Line.
4. Since there are less than 25 directly affected landowners along the routes, no public meetings or open house events were held.
5. On September 9, 2011, pursuant to P.U.C. PROC. R. 22.52, NPEC mailed written notice by registered mail of the filing of its Application to the owners of land ("landowners"), as stated on the current county tax roll(s), who would be directly affected by any of the routes filed in its Application for the proposed transmission line. For purposes of the mailed notice "directly affected" land included land in which an easement or other property interest would be obtained for the construction of any of the proposed routes and any land that contained a habitable structure that would be within 300 feet of the centerline of one of the proposed routes for the proposed 69-kV transmission line.
6. There is no neighboring utility providing the same utility service within five miles of the requested facilities. Nevertheless, on September 9, 2011, NPEC provided notice of the filing of its application in this proceeding to the following electric utilities:

Golden Spread Electric Cooperative, Inc. Attn: Mark Schwartz, General Manager P.O. Box 9898 Amarillo, Texas 79105-5898	Southwestern Public Service Company Attn: James Bagley, Mgr Regulatory Admin P.O. Box 1261 Amarillo, Texas 79105-1261
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7. On September 9, 2011, pursuant to P.U.C. PROC. R. 22.52, NPEC mailed written notice of its Application to the city government of Spearman, Texas and the county government of Hansford County, Texas, where the proposed transmission line project is located.

8. On September 15, 2011, pursuant to P.U.C. Proc. R. 22.52, NPEC published notice of its Application in *The Hansford County Reporter-Statesman*, a newspaper of general circulation in Hansford County, Texas.
9. On September 9, 2011, NPEC filed its Verification that the Application was provided to Texas Parks & Wildlife Division ("TPWD").
10. On September 12, 2011, Order No. 1 was issued requiring Commission Staff to comment on the sufficiency of the Application and proposed notice and NPEC to provide proof of notice and answers to certain issues related to potential options to the proposed project.
11. On September 22, 2011, NPEC filed its Proof of Notice and Proof of Publication.
12. On September 22, 2011, NPEC filed its response to Order No. 1.
13. On October 4, 2011, Staff filed its Response to Order No. 1, stating that the Application was sufficient and proposed a procedural schedule.
14. On October 12, 2011, Order No. 2 was issued finding NPEC's Application and notice sufficient and adopting a procedural schedule.
15. None of the directly affected landowners filed comments or motions to intervene in this proceeding.
16. On November 7, 2011, Commission Staff filed its Recommendation on Final Disposition, recommending approval of NPEC's Application and NPEC's alternative route A.

Need for the Project

17. NPEC is proposing to construct the Williams 69-kV transmission line to assure reliable electric service is maintained at an acceptable level for its members.
18. Additional distribution capacity is needed to serve growing electric needs in eastern Hansford County, particularly irrigation loads from local farmers, as well as ensure an adequate electric supply to oil and gas operations in the general area. The project is needed because increasing electricity requirements in the area will exceed the capacity available in North Plains' existing distribution system so a new delivery point from the existing 69 kV transmission grid is needed. Currently, NPEC has implemented growth restrictions in this portion of their service area due to insufficient distribution capacity.
19. The capacity shortages cannot be addressed by modifications to the existing equipment, increasing the transformer size at the existing Substations, or improvements to the distribution system.
20. No party in this Docket has disputed the need for the proposed transmission line.

Project Description and Cost

21. NPEC is proposing to construct a new 69 kV electrical transmission facilities in Hansford County, Texas to maintain reliable service to its members. The major components of the project are a transmission line and new distribution substation.
22. The basic structure type selected for the proposed transmission line will be wood single pole tangent structures and direct burial pre-stressed concrete structures on all angle, dead-end and switch structures.
23. The project will be constructed on land primarily used for growing crops. Right-of-way will consist of a proposed easement width of 40 feet.

24. The proposed transmission facility will be constructed east / northeast of the city of Spearman in Hansford County, Texas, just outside the Hansford County right-of-way for County Road 28.
25. NPEC proposed two alternative routes in its Application, routes A and B. Both routes begin at the proposed Williams Substation located on the east side of County Road 28 and proceed north. Each route crosses to the west side of County Road 28 at a different location, then proceeds north to an existing 69 kV transmission line.
26. The project will be financed entirely with internally generated funds. The cost is estimated to be \$2,417,050.00. The estimated date to energize the planned facilities is June 15, 2012.

Alternatives to the Project

27. NPEC's 2011-2014 long-range plan to serve 48,317 kW to 62,221 kW suggests alternative voltage regulation and the replacement of several distribution voltage line sections with larger conductor as well as the addition of 12.0 miles of new distribution voltage tie lines, 40.7 miles of conductor replacement in 15 distribution voltage line sections, and 4 new voltage regulator banks and 5 new capacitor installations.
28. NPEC's 2015-2018 long-range plan to serve 62,221 kW to 74,033 kW does not utilize any line voltage regulators. As a result, there is a need for 16 miles of new distribution tie line; 195.1 miles of distribution voltage conductor replacement at 52 locations; and 15 new voltage capacitor banks during this period.
29. Upgrading voltage system-wide from 7.2/12.47 kV to 14.4/24.9 kV would ultimately include rebuilding 12 substations and replacing 12 transformers, replacing approximately 18,000 distribution transformers and re-insulating 60,000 structures.

30. No distributed generation options economically meet the requirements to serve 5.171 kW and the anticipated growth within the footprint of five affected distribution stations. NPEC does not operate generation at any voltage nor has the staff to maintain such facilities. To serve this load, a minimum 5 MW of distributed generation would be required, and the cost of this alternative would be almost twice the cost of the proposed transmission line and substation.
31. Changing the distribution voltage from 12.47 kV to 24.9 kV was considered. The necessary requirements included changing the insulation level at four substations and distribution lines, up to four new substation transformers and over 1,700 distribution transformers. This is the highest cost and most time consuming option considered.
32. The addition of two miles of 69 kV transmission line and the substation proposed furnishes the most load growth potential at the lowest reasonable cost. The strategically located substation furnishes growth potential at a much greater level than the further extension of large conductor out of existing substations.

Routing and Community Values and Environmental Impact

33. The addition of two miles of 69 kV transmission line along the proposed Route A or Route B is the best alternative when weighing the factors set forth in Section 37.056(c) of the Public Utility Regulatory Act ("PURA"), TEX. UTIL. CODE ANN. Sections 11.001-66.016 (Vernon 2007 & Supp. 2011) and P.U.C. SUBST. R. 25.101(b)(3)(B).
34. NPCE's proposed Route A and Route B are approximately two miles in length as filed.
35. The routes proposed by NPEC were acceptable from an environmental perspective.
36. The proposed project will be constructed on new right-of-way consisting of a proposed easement width of 40 feet.

Prudent Avoidance

37. The proposed project complies with the Commission's policy of prudent avoidance.
38. Over the length of NPEC's proposed routes, the proposed project comes within 300 feet of one habitable structure, which is approximately 180 feet from the centerline of both routes. Multiple barns are located around the residence and are a part of that property.
39. Utilization of a 40-foot right-of-way for the proposed project mitigates the impact of the project on the community and landowner.

Informal Disposition and Consideration of P.U.C. SUBST. R. 25.101(b)(3)(C)

40. At least 15 days have passed since the completion of all notice requirements.
41. There are no known engineering constraints along the proposed routes.
42. NPEC's proposed transmission line is uncontested. The Commission Staff has determined that the Application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the Application. The requirements for administrative approval pursuant to P.U.C. SUBST. R. 25.101(b)(3)(C) have been met in this proceeding.
43. The proposed project comes within 300 feet of one habitable structure, which is approximately 180 feet from the centerline of both routes.
44. Since there are less than 25 directly affected landowners along the routes, no public meetings or open house events were held.

45. There are no commercial AM radio transmitters located within 10,000 feet of the centerline of the proposed routes of the proposed transmission line.
46. There are no FM radio transmitters, microwave relay stations or similar electronic installations located within 2,000 feet of the centerline of either route.
47. There are no private airstrips within 10,000 feet of the centerline of either route.
48. The Spearman Municipal Airport, FAA Identifier E42 is located approximately one mile north of Spearman, Texas. The 5,022 foot asphalt runway is a North-South runway at Elevation 3,090 feet. The runway headings are 020 Magnetic, 029 True and 200 Magnetic and 209 True. The distance from the proposed transmission line to the closest point on the runway is approximately 18,480 feet. No structures on either route will cross the 100P:1 horizontal slope line.
49. There are no FAA registered airports with runways less than 3,200 feet within 10,000 feet of the centerline of either route.
50. There are no registered Heliports located within 5,000 feet of the centerline of either route.
51. Both routes traverse just outside of county road right-of-way adjacent to dry land farmland and center pivot irrigated farmland along Hansford County Road 28. The routes are located in a manner that would not impact the center pivot irrigation systems. Dry land from ground adjacent to the routes would have minimal impact from the existence of transmission poles along the edge of the fields.
52. There are no parks or recreational areas owned by a governmental body or an organized group, club or church within 1,000 feet of the centerline of either route.

53. There are no historical or archaeological sites known to be within 1,000 feet of the centerline of either route.
54. Neither of the proposed routes are located, either in whole or in part, within the coastal management program boundary as defined in 31 T.A.C. §503.1 and 31 T.A.C. §19.2(a)(21).
55. A Storm Water Pollution Prevention Plan (“SWPPP”) will be prepared and a Notice of Intent (“NOI”) will be submitted to the Texas Commission of Environmental Quality under the Texas Pollutant Discharge Elimination System program. The SWPPP will be monitored in the field.
56. Permits under Section 404 of the Clean Water Act may be required from the U.S. Army Corps of Engineers if wetlands or waters of the U.S. are disturbed.
57. The Texas Historical Commission approved the line construction since no significant buried cultural deposit sites were found. The approval date was March 30, 2011 and the tracking number given to this project is 201110693.
58. The Texas Department of Parks & Wildlife has been furnished copies of the Environmental Assessment and the Biological Survey Resources Report regarding the endangered and threatened species. The TP&W project number is 15730.
59. U.S. Fish & Wildlife Service was furnished a consultation letter regarding federal-listed endangered and threatened species.
60. USDA Rural Utilities Service, Southern Regional Division director was furnished with design criteria for the proposed 69 kV transmission line by SGS Engineering from Lubbock, Texas.

61. The Environmental Assessment conducted by JGB Consulting, and Marron and Associates, Inc., addressed the requirements of PURA Section 37.056. Considering the factors PURA Section 37.056(c) and P.U.C. Subst. R. 25.101(b)(3)(B), and the input received from parties notified, Route A is the most reasonable and acceptable route.

II. Legal Conclusions

1. NPEC is an electric cooperative as defined in Section 11.003(9) of PURA and an electric utility as that term is defined in PURA Section 37.001(2)
2. The Commission has jurisdiction over these matters pursuant to Sections 14.001, 14.051, 37.051, 37.053, 37.054, and 37.056 of PURA.
3. NPEC provided proper notice of its Application pursuant to Sections 37.053 and 37.054 of PURA and P.U.C. PROC. R. 22.52(a).
4. This docket was processed in accordance with the requirements of PURA and the Administration Procedure Act, Tex. Gov't. Code Ann. §§ 2001.001-902 (Vernon 2008 & Supp. 2010).
5. NPEC is entitled to approval of the Application having demonstrated that the proposed transmission facilities are necessary for the service, accommodation, convenience, or safety of the public within the meaning of 37.056(b) of PURA, taking into consideration the factors set out in 37.056(c) of PURA.
6. NPEC's Application complies with the requirements of P.U.C. SUBST. R. 25.101.
7. NPEC's proposed project complies with the Commission's prudent avoidance policy.
8. This Application is not a major rate proceeding as defined by P.U.C. PROC. R. 22.2.

9. The requirements for administrative approval pursuant to P.U.C. SUBST. R. 25.101(b)(3)(C) have been met in this proceeding.
10. NPEC's proposed transmission line is uncontested. No requests for hearing have been filed and the Commission Staff has determined that the Application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the Application.
11. The requirements for informal disposition pursuant to P.U.C. PROC. R. 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. NPEC's Application is approved.
2. NPEC's CCN No. 30125 is amended to include construction of the 69-kV transmission line in Hansford County, Texas, along Route A. Route A originates at the proposed NPEC Williams substation 716 feet north on CR 28 from FM759 in the southwest corner of Section 71. Block 4T. T&NORR Survey. Hansford County, Texas. From the point of origination, the transmission line goes north a distance of approximately 79 feet; thence going west a distance of approximately 80 feet to the east side of CR 28; thence going north generally along the east side of the right of way for CR 28 a distance of approximately 7121 feet to the mid section line of Section 54. Block 4T. T&NORR Survey; thence going west and crossing over CR 28 a distance of approximately 60 feet; thence north along the west side of the right of way for CR 28 a distance of

approximately 2611 feet to an existing transmission line located along the south right of way for CR T, where the new 69 kV line will be connected.

3. NPEC shall comply with the following measures to mitigate construction impacts:
 - (a) In the event NPEC or its contractors encounter any artifacts or other cultural resources during project construction, work shall cease immediately in the vicinity of the resource and the discovery shall be reported to the THC. In that situation, NPEC shall take action as directed by THC.
 - (b) NPEC shall follow the procedures for raptor protection as outlined by the Avian Power Line Interaction Commission (APLIC). *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (2006); and by the APLIC and USFWS in *Avian Protection Plan Guidelines* (2005).
 - (c) NPEC shall exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the ROW.
 - (d) NPEC shall minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, NPEC shall re-vegetate using native species and shall consider landowner preferences in doing so. Furthermore, to the maximum extent practicable, NPEC shall avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and the United States Fish and Wildlife Service.
 - (e) NPEC shall implement erosion control measures as appropriate. Also, NPEC shall return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner.
 - (f) NPEC shall cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the transmission line. Any minor deviation to the approved route shall only directly affect landowners

who received notice of the transmission line in accordance with P.U.C. PROC. R. 22.52(a)(3) and shall directly affect only those landowners that have agreed to the minor deviation.

4. NPEC shall comply with the reporting requirements of P.U.C. SUBST. R. 25.83.

5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted, are denied.

DATED: November ____, 2011.