



Control Number: 41606



Item Number: 1030

Addendum StartPage: 0

SOAH DOCKET NO. 473-13-5207
PUC DOCKET NO. 41606

2013 OCT 11 AM 11:29
FILED
FILING CLERK

JOINT APPLICATION OF ELECTRIC §
TRANSMISSION TEXAS, LLC AND §
SHARYLAND UTILITIES, L.P. TO §
AMEND THEIR CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
FOR THE NORTH EDINBURG TO §
LOMA ALTA DOUBLE-CIRCUIT 345- §
KV TRANSMISSION LINE IN §
HIDALGO AND CAMERON §
COUNTIES, TEXAS §

BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

CITY OF McALLEN'S BRIEF ON ROUTE ADEQUACY

COMES NOW, the City of McAllen ("City" or "McAllen") and files this brief on route adequacy pursuant to instructions from the Administrative Law Judge ("ALJ") at the October 8, 2013 hearing on route adequacy. This brief is timely filed.

I. The Chokepoints of Links 137b and 84b Unduly Constrain the Commission's Options and Provide No Quality of Choice Among the Routes

- The application, on its face, does not present an adequate number of alternative routes to conduct a proper evaluation.
- Public Utility Commission ("Commission") precedent requires certificate of convenience and necessity ("CCN") applications to contain an adequate number of reasonably differentiated routes to allow a reasoned choice of route.¹
- If based upon a review of the evidence, the Commission determines that the routing choices put forward by the applicant (in this case, applicants) unduly constrain the Commission in choosing the best route to provide the intended electric service, the Commission will dismiss the CCN application.²
- All of Joint Applicants' 32 filed routes pass through one of two "chokepoints:" links 84b and 137b.³

¹ *Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line Within Denton County*, Docket No. 37616, Order at 1 (Jan. 21, 2011).

² *Id.*

³ Application, Attachment 10c.

- Link 137b is 2.09 miles long and Link 84b is 0.74 miles long.⁴
- The routing of all filed routes through these chokepoints results in choices for the Commission that are not “reasonably differentiated.” Rather, all routes are mere variations of one of two options.
- There is no quality of choice to speak of in Joint Applicants’ application in this proceeding and it should be dismissed to permit applicants to restudy routes that will provide the Commission with an adequate number of reasonably differentiated routes from which to choose.

II. Joint Applicants’ Proximity Circle Is An Unnecessary Constraint

- All of Joint Applicants’ 32 filed routes pass through the arbitrary proximity circle drawn by Joint Applicants around the South McAllen substation.⁵
- It is unnecessary to route the proposed transmission line through the proximity circle, rather than taking a more direct “easternly” approach towards the Loma Alta substation.
- As a result of the proximity circle, none of the Joint Applicants’ 32 filed routes in this proceeding are forward progressing.⁶
- ERCOT did not direct Joint Applicants to construct this proximity circle; Joint Applicants have unilaterally created the constraint.⁷
- Jeff Billo of ERCOT testified that a 345 kV transmission line connecting the North Edinburg and Loma Alta substations corrects the post-contingency overloads of transmission lines in the Brownsville area without being routed in proximity to the South McAllen substation.⁸
- Mr. Billo also testified that no connection to the South McAllen substation is needed in the 2016 timeframe.⁹
- Joint Applicants’ proximity circle is designed to route the transmission line near a future substation that **does not yet exist** and the location of which is as of yet, unknown.¹⁰

⁴ Joint Applicants’ Response to Rhodes’ RFI No. 1-2.

⁵ Joint Applicants’ Exhibit 4, Direct Testimony of Mark Caskey at MEC-2.

⁶ Joint Landowners Exhibit No. 13, Direct Testimony of Rudolph Reinecke at 7.

⁷ Joint Landowners Exhibit No. 10, Joint Applicants’ Response to Fortco’s RFI Nos. 1-32, 1-35.

⁸ Joint Landowners Exhibit No. 10, Joint Applicants’ Response to Fortco’s RFI No. 1-22.

⁹ Joint Landowners’ Exhibit No. 10, Joint Applicants’ Response to Fortco’s RFI No. 1-40.

¹⁰ Joint Applicants’ Exhibit No. 5, Route Adequacy Testimony of Mark E. Caskey at 11, lines 8-11.

- A number of more direct, easternly routes that do not pass through the proximity circle are possible, as evidenced by the fact that such routes were proposed at Open House meetings presented by Joint Applicants in October of 2012¹¹—ten months after ERCOT endorsed the project.¹²
- Additionally, the independent review of Mr. Reinecke substantiated the conclusion that it is possible to present additional routing options of more forward progressing routes using additional links located in the eastern portion of Hidalgo County and the western portion of Cameron County, such as the Canal Link.¹³
- Joint Applicants have not provided reasoned justification¹⁴ as to why the proposed project must be routed within the proximity circle drawn around the South McAllen substation, especially considering that a connection point within the proximity circle is speculative and uncertain.
- Accordingly, Joint Applicants' application in this proceeding does not present the Commission with an adequate number of alternative routes to conduct a proper evaluation. Indeed, all routes needlessly pass through the unnecessary proximity circle.
- The Joint Applicants should be directed to amend their application to include routes that are forward progressing and are not routed through the arbitrary proximity circle drawn around the South McAllen substation.

III. Conclusion and Requested Relief

- McAllen requests that Joint Applicants be directed to study additional routes that provide alternatives to the "chokepoints" of links 84b and 137b.
- McAllen requests that Joint Applicants be directed to study additional routes using links in eastern Hidalgo County/western Cameron County that are forward progressing and do not pass through the arbitrary proximity circle.
- McAllen respectfully requests any and all other relief to which it is justly entitled.

¹¹ Joint Landowners Exhibit No. 2.

¹² Application, Attachment 6.

¹³ Joint Landowners Exhibit No. 13, Direct Testimony of Rudolph Reinecke at 7 ("If routing through the routing circle is deemed unnecessary, many eastern routes using links described in the EA could be created that would have improved routing factors, as they would not have increased length and negative impacts associated with the loop. Further, without the constraint of the routing circle many other eastward-progressing links could be created beyond those presented in the EA that would give the ALJ and Commission many additional choices when determining the route of the North Edinburg to Loma Alta transmission line.")

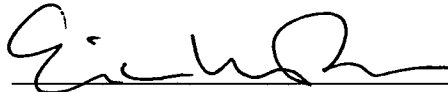
¹⁴ See *Application of Wood County Electric Cooperative, Inc. for a Certificate of Convenience and Necessity for a Proposed Transmission Line in Wood County, Texas*, Docket No. 32070, Order on Appeal of Order No. 8 at 6 (Nov. 1, 2006).

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)
ggay@lglawfirm.com
emcphée@lglawfirm.com

GEOFFREY M. GAY
State Bar No. 07774300




EILEEN McPHEE
State Bar No. 24060273

ATTORNEYS FOR THE CITY OF McALLEN

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2013, a true and correct copy of the foregoing document was served in accordance with SOAH Order Nos. 4 and 5. Pursuant to verbal instruction from the ALJ at the October 8, 2013 route adequacy hearing, a Word version of this document has been directly emailed to the ALJ.



EILEEN L. McPHEE