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PUC DOCKET NO. 41606

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

JOINT STIPULATION AND AGREEMENT  
REGARDING ORDER NO. 6

**I. AGREEMENT NOT TO APPEAL AND RESERVATION OF CERTAIN RIGHTS**

Electric Transmission Texas, LLC (ETT), Sharyland Utilities, L.P. (Sharyland), Joint Landowners,<sup>1</sup> City of McAllen, and EIA/Dougherty<sup>2</sup> (collectively, the Signatories) agree that Order No. 6 reasonably resolves the issues relating to route adequacy in this docket, specifically that routes formed with noticed links, including Link 169, that do not progress through the Joint Applicants' identified "routing circle" are viable routes that can be considered for approval, and therefore agree not to appeal the order to the Commission. However, the Signatories may have reservations regarding some statements contained within Order No. 6. Therefore the Signatories have reached an agreement that their decision not to appeal Order No. 6 to the Commission does not constitute a waiver of any argument (other than those concerning the adequacy of the routes presented in the application when routes consisting of noticed links that do not pass through the routing circle are also included for consideration as viable routes) with respect to statements, findings, conclusions, and recommendations contained therein, that Order No. 6 is limited to

<sup>1</sup> Paramount Citrus II LLC; Paramount Citrus Packing Company LLC; Michael Rhodes; ML Rhodes, Ltd.; Rhodes Enterprises, Inc.; Jimmie and Barbara Steidinger; Anthony E. Gray; G and M Real Estates Co.; Durango Development, Inc.; Richard L. Gillett; Richard Gillett Family Trust; and Jean D. Strait Family LLC; Fortco Properties, Ltd.; Rio Fresh; Juan Lino Garza and Garza Family Living Trust; Moravia, Inc.; Frank Schuster Farms, Inc.; Frank J. Schuster and Deborah Schuster. The Joint Landowners are aligned for the purpose of challenging the adequacy of the routes presented by the Joint Applicants but may not be aligned at all later stages of this case; the alignment of the Intervenor for purposes of this Statement and Request should not be construed as an alignment for any other purpose.

<sup>2</sup> EIA Properties, Ltd., Stag Holdings, Ltd., Frost Bank and Ben F. Vaughan, III, as Co-Trustees of the Genevieve T. Dougherty Trust #2, Frost Bank as Trustee of the Melissa Dougherty Trust, and Wells Fargo Bank, N.A. as Trustee of the Kevin Dougherty Trust.

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issues concerning route adequacy, and that the Signatories are free to litigate issues discussed in Order No. 6 as they relate to issues in dispute in the final hearing on the merits. Additionally, Commission Staff and the other parties who participated in the route adequacy hearing<sup>3</sup> have authorized Signatories to state that they are not opposed to this stipulation.

## II. CLERICAL CORRECTIONS TO ORDER NO. 6

Additionally, the Signatories have identified the following clerical errors in Order No. 6 that should be corrected to preserve the record and prevent confusion:

- Routes orienting from the North Edinburg substation towards the ~~east-west~~ must pass through Link 84b, which is 0.74 miles long. All routes orienting ~~west-east~~ from the North Edinburg substation must pass through Links 134 and 137b, which ~~is are~~ 1.56 miles and 2.09 miles long, respectively.  
Page 3
- Staff further indicates that the ALJ and Commission should be able to consider routes that use already-proposed links that exit the North Edinburg substation to the east, run in a southern/southeastern direction along the eastern side of the city of McAllen, and then turn to the east towards Loma Alta. ~~This suggestion contemplates eliminating all routes exiting to the west of the City of McAllen.~~  
Page 11
- Rather, it is the ~~north-south-east-west~~ flow from the North Edinburg to the Loma Alta substation that is critical to address short-term power requirements in the Valley.  
Page 16
- Even the route affecting the lowest number of habitable structures, Route ~~26-32~~, affects 465 structures and, of course, the people within them. The proposed route affecting the highest number of affected habitable structures, Route ~~32 26~~, affects 1,818 structures and the people within them.  
Pages 17-18
- Mr. Dauphinais identified ~~three routes~~ one route (BAI-1, BAI-2, and BAI-3) from noticed links that travels east from the North Edinburg substation but does not backtrack to the proximity circle with lower costs and affecting less habitable structures.  
Page 19-20
- Similarly for the lines exiting to the west, there is a 0.74-mile-long chokepoint on Link 84b  
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<sup>3</sup> The Progreso Coop Gin, Inc., Hidalgo County Irrigation District No. 5, Elizabeth Grace (Betty) Perez, Horacio Garza, Ana Garza, and William J. Flowers, individually and on behalf of Vancouver Resources, Inc.

### **III. CONCLUSION**

The Signatories agree that they are free to re-litigate any issue raised in the route adequacy hearing (except for those related to whether the Applicants have presented an adequate number of reasonably differentiated routes). Additionally, the Parties request that the ALJ make the above-listed clarifications to Order No. 6.

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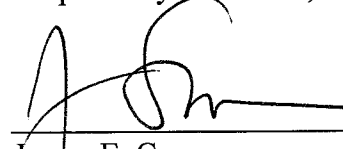
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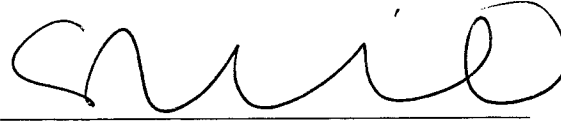
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all parties of record this 28th day of October, 2013 via the Commission's filing interchange, e-mail, or first-class mail in accordance with Order No. 4.

A handwritten signature in black ink, appearing to read 'sm', is written over a horizontal line.

Sarah Merrick