

interventions, and input from local, state, and federal agencies.

99. The foregoing findings of fact demonstrate consistency with the applicable policies of the Texas CMP as enumerated in CCC rule T.A.C. § 501.16 (4):
- Route 32 parallels existing ranch roads and previously disturbed areas to the greatest extent practicable.
 - Route 32 is not located in Gulf beaches, critical dunes, or washovers.
 - Route 32 crosses the least amount of coastal wetlands of the routes evaluated. Joint Applicants will attempt to span coastal wetlands to the greatest extent practicable.
 - Route 32 crosses 26.8 miles of 100-year floodplains. Route 32 should not have a significant impact on the function of the floodplain where structures may be located. Any transmission structures located within the floodplains would be designed and constructed such that they would not impede flow of any waterway or create hazards during a flood event.
 - None of the coastal historic areas are located within 1,000 feet of the centerline of Route 32.
100. The Project will not have any direct and significant impacts on any of the applicable CNRAs specified in CCC rule 31 T.A.C. § 501.3(b).

Estimated Costs

101. Including substation costs and costs associated with resolving potential mutual coupling issues, and Allowance for Funds Used During Construction (AFUDC), the estimated costs for the alternative routes filed in the Application range from \$313,894,000 (Route 22) to \$405,453,000 (Route 12). The estimated costs for the supplemental routes filed in the October 28, 2013 amended application range from \$277,264,000 (Route 9S) to \$339,347,000 (Route 5S).
102. Route 32 has an estimated cost of \$352,229,000, including the costs to upgrade the existing substations, the estimated additional costs needed to address mutual coupling issues, and AFUDC.

TPWD's Comments and Recommendations

103. TPWD filed comments and recommendations on September 17, 2013 and direct testimony of Russell Hooten on November 8, 2013.
104. No modifications to the Project are required as a result of the recommendations and comments made by TPWD.
105. The letter and testimony primarily addressed mitigation of potential impacts to wildlife and natural resources. This Order addresses only those TPWD recommendations and comments for which there is record evidence.
106. Joint Applicants have agreed to comply with TPWD's recommendations where reasonable and possible, consistent with the need to complete the Project in a timely and cost-effective manner.
107. TPWD's September 17, 2013 letter recommends the Commission review and consider recommendations in previous TPWD correspondence dated March 31, 2013. Joint Applicants followed many of TPWD's recommendations relating to the use of existing right-of-way, revegetation of distributed areas, avoiding impacts to water resources, erosion controls, and avoiding potential impacts to endangered species.
108. TPWD's September 17, 2013, letter recommends that the Commission avoid considering the absence of data in the Texas Natural Diversity Database (TXNDD) as an indication of absence of rare/endangered species on the landscape and recommends surveying for rare/endangered species at the appropriate time of year along the selected routes.
109. Utilities do not gain access to private property until after a route is approved by the Commission. As a result, Joint Applicants identified known/occupied areas of endangered or threatened species habitat based on information in the TXNDD database and other available information. Once a route is approved by the Commission, Joint Applicants can undertake on-the-ground measures to identify potential endangered or threatened species habitat and respond appropriately.
110. TPWD recommends the use or paralleling of existing disturbed corridors wherever possible to minimize habitat fragmentation. It also recommends the Commission select

routes that would minimize adverse impacts to natural resources, such as Route 29 or Route 9S.

111. Route 32 reasonably balances the variety of factors that the Commission must consider in selecting transmission line routes, some of which favor the use of previously disturbed areas (*e.g.*, paralleling existing linear corridors) and some of which do not (*e.g.*, avoiding habitable structures).
112. Joint Applicants will implement TPWD recommendations that state-listed threatened species observed during construction be allowed to leave the site or be relocated to a suitable nearby area; that, with landowner approval, rare species occurrence information discovered by Joint Applicants be submitted to the TXNDD; that disturbed habitat of such species be revegetated with suitable vegetation; and that cleared trees be used to construct brush piles and sparse clumps of low-growing shrubs be allowed to encroach the right-of-way to provide cover for wildlife, consistent with the need to complete the project in a timely and cost-effective manner.
113. TPWD's recommendation that Joint Applicants prepare a mitigation plan with a 1:1 replacement ratio for impacted habitats could significantly increase the cost of the Project. The Commission has not typically imposed such a requirement in previous transmission line CCN cases. Joint Applicants will revegetate impacted areas with native species, in accordance with Ordering Paragraph 5 of this Order.
114. Implementation of the measures set forth in the ordering paragraphs in this Order to minimize the impact of line construction on wildlife, including following certain procedures for protecting raptors, using extreme care in the application of chemical herbicides, minimizing disruption of flora and fauna, and revegetating with native species following completion of construction, combined Joint Applicants' mitigation practices set out in the Application and its testimony and with Joint Applicants' agreement to adopt TPWD's recommendations set forth in Finding of Fact 112, will sufficiently address the concerns expressed by TPWD in its recommendations and comments.
115. The following TPWD recommendations or comments are not adopted for the issuance of a final order in this docket because they are not necessary or are not operationally practicable: (a) that impacts associated with habitat loss and fragmentation be examined

further before a route is selected; (b) that Joint Applicants have a biological monitor on hand during clearing and construction activities to protect state-listed reptile species; and (c) that any route selected be surveyed by a qualified botanist familiar with rare plants of South Texas prior to construction.

II. CONCLUSIONS OF LAW

1. ETT and Sharyland are electric utilities as defined in §§ 11.004 and 31.002(6) of the Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.016 (PURA).
2. The Commission has jurisdiction over this matter pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
3. SOAH had jurisdiction over this proceeding pursuant to PURA § 14.053 and TEX. GOV'T CODE ANN. § 2003.049.
4. Joint Applicants provided proper notice of the Application in compliance with PURA § 37.054 and P.U.C. PROC. R. 22.52(a).
5. The Application is sufficient and notice was adequate.
6. This docket was processed in accordance with the requirements of PURA, the Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001 and the Commission's rules.
7. Joint Applicants are entitled to approval of the Application as described in the findings of fact, taking into consideration the factors set out in PURA § 37.056(c)(4)(A)-(D) and (F).
8. Route 32 complies with the routing factors in PURA § 37.056 and P.U.C. SUBST. R. 25.101, including the Commission's policy of prudent avoidance.
9. The Project is necessary for the service, accommodation, convenience or safety of the public within the meaning of PURA § 37.056(a), taking into consideration the applicable factors set out in PURA § 37.056(c) and P.U.C. SUBST. R. 25.101.
10. Consistent with ERCOT's determination that the Project is critical to the reliability of the ERCOT System pursuant to P.U.C. SUBST. R. 25.101(b)(3)(D), the Project is necessary for the service, accommodation, convenience, or safety of the public, consistent with PURA § 37.056(a).

11. The requirements for informal disposition under P.U.C. PROC. R. 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

In accordance with these fact statements and legal conclusions, the Commission issues the following order:

1. Joint Applicants' application to amend their certificates of convenience and necessity for the proposed Project along Route 32 is approved.
2. In the event Joint Applicants or their contractors encounter any archeological 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 Texas Historical Commission (THC). In that situation, Joint Applicants shall take action as directed by the THC.
3. Joint Applicants shall follow the procedures described in the following publications for protecting raptors: *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Avian Power Line Interaction Committee (APLIC) (2006), and the *Avian Protection Plan Guidelines* published by APLIC and USFWS in April, 2005. Joint Applicants shall take precautions to avoid disturbing occupied nests and will take steps to minimize the impact of construction on migratory birds during nesting season of the migratory bird species identified in the area of construction.
4. Joint Applicants shall exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way, and shall ensure that such herbicide use complies with rules and guidelines established in the *Federal Insecticide, Fungicide and Rodenticide Act* and with Texas Department of Agriculture regulations.
5. Joint Applicants 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, Joint Applicants shall revegetate using native species and shall consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Joint

Applicants shall avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and the USFWS.

6. Joint Applicants shall implement erosion control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. Joint Applicants will also exercise care when clearing near waterways and will take reasonable steps to minimize adverse impacts on vegetation. Joint Applicants shall return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or landowner's representative. Joint Applicants shall not be required to restore original contours and grades where different contour or grade is necessary to ensure the safety or stability of the Project's structures or the safe operation and maintenance of the line.
7. Joint Applicants shall use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
8. Joint Applicants shall construct the transmission line at least ten feet off the toe and outside the easement of any irrigation canals or water pipelines.
9. Joint Applicants 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 were sent notice of the transmission line under P.U.C. PROC. R. 22.52(a)(3) and shall directly affect only those landowners that have agreed to the minor deviation, excluding public rights-of-ways.
10. Joint Applicants shall be permitted to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, but only if the following two conditions are met. First, Joint Applicants shall receive consent from all landowners who would be affected by the deviation regardless of whether the affected landowner received notice of or participated in this proceeding. Second, the deviation shall result in a reasonably direct path towards the terminus of the line and not cause an unreasonable increase in cost or delay the project. Unless these two conditions are met, this paragraph

does not authorize Joint Applicants to deviate from the approved route except as allowed by the other ordering paragraphs in this Order.

11. Joint Applicants shall update the reporting of this project on their monthly construction progress reports prior to the start of construction to reflect final estimated cost and schedule in accordance with P.U.C. SUBST. R. 25.83(b).
12. 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 herein, are denied.