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

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**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 §**

**BEFORE THE**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S REPLY EXCEPTIONS TO PROPOSAL FOR DECISION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (PUC or Commission), representing the public interest, and files these reply exceptions to the January 30, 2014 Proposal for Decision (PFD) in this proceeding, and would show the following:

**I. INTRODUCTION**

In addition to Staff, only Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) (together, Joint Applicants) filed exceptions to the PFD. Although the Joint Applicants did not expressly oppose the PFD, their exceptions contained a number of additions, corrections, and clarifications to the PFD.

**II. JOINT APPLICANTS' EXCEPTIONS**

For ease of reference, Staff will use the Joint Applicants' titles and numeration of additions, corrections, and clarifications in its response below. Staff does not address the remaining sections, but has a level of concern that Joint Applicants' exceptions go beyond merely clarifying the PFD.

**1. Include Finding on ERCOT's Determination of Long-Term Need:** Joint Applicants propose to add an additional finding of fact (*i.e.*, Finding of Fact 35A) that will "fully describe the purpose behind ERCOT's proximity recommendation."<sup>1</sup> Staff opposes this additional finding of fact because such a finding is not necessary for the ultimate finding of need for this project. Moreover, the factual assertion concerning ERCOT's recommendation was

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<sup>1</sup> Joint Applicants' Exceptions to the Proposal for Decision at 2 (Feb. 13, 2014) (JA Exceptions).

extensively contested throughout this proceeding.<sup>2</sup> Accordingly, Staff believes Joint Applicants' proposed Finding of Fact 35A should not be adopted.

**2. Include Ordering Paragraph Regarding Irrigation Canals and Water Pipelines:**

Staff opposes the addition of Ordering Paragraph 11A concerning the placement of transmission structures "outside and near the edge of the easement of any irrigation canals or water pipelines."<sup>3</sup> Staff believes such language to be outside the record. In support of this ordering paragraph, Joint Applicants cite to the Rebuttal Testimony of Teresa B. Trotman. However, the cited testimony, in relevant part, states:

Joint Applicants agree to use their best efforts to not encroach on any irrigation district property (either in fee simple or in easement) containing a canal and/or pipeline. In addition, Joint Applicants agree to maximize the height of the conductors where the transmission line crosses a canal and/or pipeline, to the extent practicable, by either modifying structure design or placement near the edge of canals or pipeline easements.<sup>4</sup>

Staff believes this is materially different from the language the Joint Applicants proposed to be included as an ordering paragraph. Therefore, Staff recommends that Joint Applicants' proposed ordering paragraph not be adopted.

**8. Clarification of Connection Diagram:** Staff agrees with the Joint Applicants that the second figure on page 15 of the PFD should be relabeled as the Agreed Parties' interpretation of a potential future interconnection, rather than as a Joint Applicant Proposal. Staff believes the record demonstrates that the configuration shown in this figure should not be labeled as the Joint Applicant Proposal.

**14. Correction to Route Name:** Staff supports the typographical correction of "1A" to "1S" on page 47 of the PFD.

### **III. CONCLUSION**

Staff continues to believe that Route 1S Modified best meets the criteria of PURA § 37.056(c)(4) and P.U.C. SUBST. R. 25.101(b)(3)(B). Staff respectfully requests that the

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<sup>2</sup> See, for e.g., Joint Landowners' Brief Challenging Adequacy of Routes (Oct. 11, 2013) ; Tr. (Caskey) at 125-141 (Dec. 4, 2013).

<sup>3</sup> JA Exceptions at 2.

<sup>4</sup> Joint Applicants Ex. 18 at 4-5.

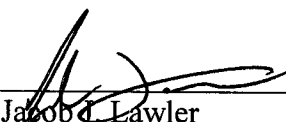
Commission reject the PFD's recommendation and instead approve Route 1S Modified for all the reasons discussed in its briefs and exceptions.

**Dated: February 20, 2014**

Respectfully Submitted,

Joseph P. Younger  
Division Director  
Legal Division

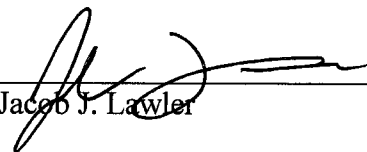
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all applicable parties of record in accordance with SOAH Order No. 4 on February 20, 2014.

  
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Jacob J. Lawler