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

**EIA/DOUGHERTY/VERDE PARTIES RESPONSE TO EXCEPTIONS**

EIA Properties, Ltd., Stag Holdings, Ltd. ("EIA/Stag"); 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 ("Dougherty Trusts"); and, Verde Mission, LP and Verde 5801 George McVay, LP ("Verde") (collectively "EIA/Dougherty/Verde Parties") files this response to exceptions filed by the staff ("Staff") of the Public Utility Commission of Texas ("PUC") and Electric Transmission Texas, LLC and Sharyland Utilities LP (collectively "Joint Applicants").

EIA/Dougherty/Verde Parties support the Proposal for Decision ("PFD") issued by the Administrative Law Judge ("ALJ") on January 30, 2014 recommending the approval of Route 3S Modified ("Agreed Route"), and advocate for a Commission Order adopting the PFD. EIA/Stag is directly affected by the Agreed Route and although they would prefer not to have a 345-kV transmission line routed across their property, they are willing to accept it as part of the Agreed Route. EIA/Dougherty/Verde Parties would like to thank the ALJ for her hard work and the detailed evaluation of the issues presented in this case.

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## **I. Response to Exceptions**

### **Joint Applicants Exceptions**

EIA/Dougherty/Verde Parties appreciate the Joint Applicants' willingness to not oppose the PFD's approval of the Agreed Route, and do not take issue with the majority of the clarifications filed by the Joint Applicants in their exceptions. However, EIA/Dougherty/Verde Parties do not support the Joint Applicants' clarification No. 5. Whether or not the routes originally filed by Joint Applicants would be forward progressing if the routes were required to pass through the Routing Circle is irrelevant at this point. The ALJ determined that the Routing Circle was not required and therefore under the current criteria of the case, the originally proposed routes are not forward progressing.

### **Staff Exceptions**

In their exceptions, Staff continues to advocate for Route 1S Modified. EIA/Dougherty/Verde Parties will specifically respond to two of Staff's issues. Staff's exceptions state that less than half of the intervenors remaining in the proceeding were signatories to the Joint Stipulation, and that is not a definitive showing of community values. However, Staff neglects to mention that of the parties in the proceeding that are directly affected by the settlement route, all but two signed the Joint Stipulation. The two parties that did not sign did not file testimony (only statements of position) and did not attend the hearing. Additionally those parties did not file exceptions to the PFD. The other parties that did not sign the Joint Stipulation were not affected by the Agreed Route and have no reason to oppose it's approval. Further, several parties affected by Route 1S filed testimony opposing it, including: B.G.S. Naraindas, Inc., Francis L. Phillipp, Leonard Simmons and the Simmons Family, Carl Zeitler and Mary F. Zeitler, John Randall Jr., Barreda Gardens Partnership, L.P, Barreda Park L.P.,

Cardenas Realty Co., et.al., MCMD L.P. and 85 Jacaranda L.P., Diana Inez Santiso Del Rio, Renaldo Santiso and EIA/Dougherty/Verde Parties.

Next, Staff argues that Route 1S Modified is superior because its costs are considerably less than the Agreed Route. Staff ignores the fact that the Agreed Route is significantly less expensive than all of the routes initially proposed by Joint Applicants and that the "S" routes would not be available as options were it not for the landowners successful route adequacy challenge.

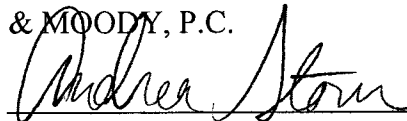
## **II. CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, EIA/Dougherty/Verde Parties respectfully request that the PUC adopt the ALJ's PFD finding that the Agreed Route, Route 3S Modified is the route that best represents the community values of the study area and best complies with the routing factors of PURA and the PUC's rules. EIA/Dougherty/Verde Parties further request any relief to which they are entitled.

[Signature block on next page.]

Respectfully submitted,

GRAVES DOUGHERTY HEARON  
& MOODY, P.C.



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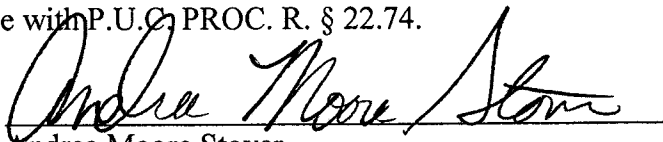
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**ATTORNEYS FOR  
EIA/DOUGHERTY/VERDE PARTIES**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served in accordance with Order Nos. 3-5 in this case on February 20, 2014, in accordance with P.U.C. PROC. R. § 22.74.



Andrea Moore Stover