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

**CITY OF McALLEN'S
STATEMENT OF POSITION CHALLENGING ROUTE ADEQUACY**

The City of McAllen ("McAllen") files this Statement of Position Challenging Route Adequacy pursuant to SOAH Order No. 4. In this proceeding, McAllen's position on route adequacy of Electric Transmission Texas, LLC's and Sharyland Utilities, L.P.'s ("ETT/Sharyland" or "Joint Applicants") application to amend their certificates of convenience and necessity ("CCN") is as follows:

I. ROUTE ADEQUACY

Joint Applicants have not presented an adequate number of reasonably differentiated routes. The Order of Referral and Preliminary Order in this proceeding provides as a question to be addressed: "[d]oes the application contain an adequate number of alternative routes to conduct a proper evaluation? If not the ALJ shall allow Joint Applicants to amend the application and to provide proper notice to affected landowners; if Joint Applicants chooses not to amend the application, the ALJ may dismiss the case without prejudice."¹ The application, on its face, does not present an adequate number of alternative routes to conduct a proper evaluation.

¹ Order of Referral and Preliminary Order at 3 (July 8, 2013).

The Commission has previously provided guidance as to what it considers to be an adequate number of routes. “The Commission requires that a CCN application contain an adequate number of reasonably differentiated routes that allows a reasoned choice of route considering all the facts and circumstances presented.”² Furthermore, such analysis is not “simply a counting exercise... Rather, the inquiry must touch on the quality of choice between the proposed routes: whether an adequate number of reasonably differentiated routes has been proposed in the application to allow a reasoned choice of route considering all the facts and circumstances presented.”³

Joint Applicants failed to present an adequate number of reasonably differentiated routes to allow the Commission a reasoned choice of routes. All of the 32 filed routes pass through one of two “chokepoints:” link 84b or link 137b. This configuration presents the Commission with essentially only two route options: routes using link 84b or routes using link 137b. By routing the proposed transmission line through these two “chokepoints,” the Joint Applicants have significantly constrained the choice of the Commission in this regard—offering the Commission only two choices. Accordingly, the routes are by no means “reasonably differentiated.” Rather, the Joint Applicants have filed 32 routes that are merely variations on two options. There is no quality of choice to speak of in the Joint Applicants’ application.

Further constraining the Administrative Law Judges’ and the Commission’s “choice” in this proceeding is the fact that all of the Joint Applicants’ 32 filed routes pass through the proximity circle drawn around the South McAllen substation as shown on Exhibit MEC-2 to

² *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) (emphasis added).

³ *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 5 (Nov. 1, 2006).

Mark Caskey's testimony. Joint Applicants have unilaterally created this constraint. Despite the fact that the project is designed to connect the North Edinburg and Loma Alta substations, the constraint circle forces all routes to pass in proximity (but not connect to) the South McAllen substation. The evidence in this case is insufficient to establish a need for all routes to pass in proximity to the South McAllen substation. The Joint Applicants' decision to route all filed routes in proximity to the South McAllen substation unreasonably and unnecessarily constrains the means by which the North Edinburg and Loma Alta substations are to be connected. Joint Applicants have filed no routes that even roughly resemble a "straight-line" between the two substations. Due to the unnecessary constraint of routing "near to" the South McAllen substation, all filed routes must take substantial detours away from the Loma Alta substation in order to pass within Joint Applicants' proximity circle to the South McAllen substation. There exists no quality of choice between Joint Applicants' filed routes.

Joint Applicants' application in this proceeding does not contain an adequate number of routes and does not present sufficiently differentiated routes so that the Commission has any meaningful choices in this proceeding. Therefore, the Honorable Administrative Law Judges in this proceeding should direct Joint Applicants to restudy the area and to amend their application to contain an adequate number of reasonably differentiated routes and if Joint Applicants choose not to amend the application, the ALJ should dismiss this proceeding.

WHEREFORE, PREMISES CONSIDERED, McAllen respectfully prays that the Honorable Administrative Law Judges find Joint Applicants' application lacks an adequate number of reasonably differentiated routes. McAllen further requests any and all other relief to which it is justly entitled.

Respectfully submitted,

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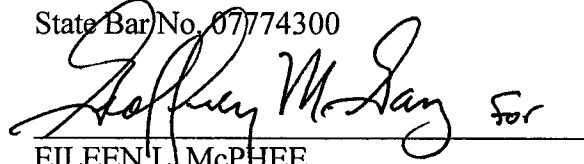
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GEOFFREY M. GAY

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A handwritten signature in cursive script, reading "Geoffrey M. Gay", followed by the word "for" in a smaller, less legible script.

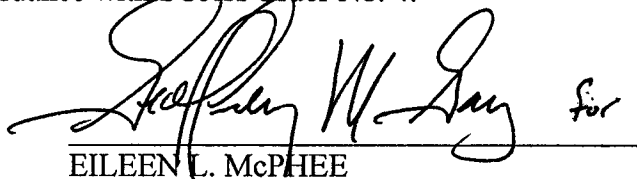
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ATTORNEYS FOR CITY OF McALLEN

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2013, a true and correct copy of the foregoing document was served in accordance with SOAH Order No. 4.

A handwritten signature in cursive script, reading "Geoffrey M. Gay", followed by the word "for" in a smaller, less legible script.

EILEEN L. McPHEE