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SOAH DOCKET NO. 473-14-2252
PUC DOCKET NO. 42087

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APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY, LLC TO	§	
AMEND A CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF
A PROPOSED 138-KV TRANSMISSION	§	
LINE IN DENTON, TARRANT, AND	§	
WISE COUNTIES (HICKS-ELIZABETH	§	
CREEK CCN)	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 4
OVERRULING OBJECTIONS AND GRANTING INTERVENTION REQUESTS,
ADOPTING PROCEDURAL SCHEDULE, ISSUING NOTICES OF HEARING,
DENYING VANN CATTLE'S MOTION FOR NOTICE TO ADDITIONAL
LANDOWNERS, AND SETTING OUT ADDITIONAL HEARING MATTERS

1. Hillwood Group's Objections to Intervention Requests

On February 26, 2014, the Hillwood Group filed objections to several motions to intervene, alleging that the intervenors are not affected persons because the line will not cross their property and the intervenors' addresses are not located within 300 feet of the centerline of any proposed route. The ALJs required responses to Hillwood Group's objections from Oncor Electric Delivery Company, LLC (Oncor), the Staff of the Public Utility Commission of Texas (Commission), and the intervenors who are the subject of the Hillwood Group's objections.

On March 11, 2014, Gregory Williams filed a response on behalf of the residents of the Fairways of Champions Circle (FOCC). He also filed a "statement of position" on March 12, 2014, on behalf of "HH1 Group" of intervenors¹ and explained the residents' justiciable interest in this proceeding. Staff and Oncor filed a response, arguing that the Commission has indicated that administrative law judges are to liberally construe intervention requests.

¹ The ALJs assume that the term "HH1 Group" refers to landowners on the HH1 link.

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For the reasons set out in Mr. Williams's March 11 and 12, 2014 filings and in the responses filed by Staff and Oncor, the ALJs overrule Hillwood Group's objections. Therefore, the intervention requests of the following parties are **granted**:

NAME	FILING DATE
Breann Douglas	February 14, 2104
Todd Iglow	February 14, 2104
Chris Crowley	February 14, 2104
Brenda Shepherd	February 14, 2104
Patty Hardt	February 14, 2104
Doreen Burdick	February 14, 2104
Maria E. Kennedy	February 14, 2104
Jane Williford	February 14, 2104
Troy Pigrenet	February 14, 2104
Sandra Knight	February 18, 2104
Joe and Diane Jones	February 18, 2104
David Hull	February 18, 2104
Thomas Smith	February 18, 2104
James Gibson	February 18, 2104
Gary Baldwin	February 18, 2104
Jayne Smith	February 18, 2104
Julie Bridges	February 18, 2104
Mary Lambeth	February 18, 2104
Tiffany Mitchell	February 18, 2104
Cheryl Payne	February 18, 2104
Christophe Lydia	February 18, 2104
David Trinkman	February 18, 2104
Christopher Thomas	February 18, 2104
Karen Clark	February 18, 2104
Jennifer Wantz	February 18, 2104
Jeffrey Marshall	February 18, 2104
Christopher Phelps	February 18, 2104
Jennie Robinson	February 18, 2104
Lori Pickett	February 18, 2104
Jehchy Wang	February 18, 2104
Tommy Walling	February 20, 2104
Martha Snow	February 20, 2104
Anna Sadler	February 20, 2104
Raymond Snow	February 20, 2104
Robert and Brenda Granger	February 24, 2104
Lisa Arrasmith	February 24, 2104

For purposes of representation, the ALJs assume that the residents of FOCC and the members of the "HH1 Group" are the same and that Mr. Williams will represent those intervenors listed in both his March 11 and 12, 2014 filings. Therefore, those persons will no longer receive orders issued by the ALJs, although all filings in this case can be accessed through the Commission's Interchange. If the parties listed in Mr. Williams's filing do not wish to be represented by Mr. Williams, they must respond to this Order by **April 4, 2014**.

3. Granting Requests for Intervention

In addition to those requests already granted above and in previous orders, the following persons filed requests for intervention in this case:

NAME	DATE FILED
H35 Alliance 40, Ltd.	February 27, 2014
Harry P. and Frieda Wilt	March 4, 2014
Timothy Long	March 12, 2014
Eric and Melissa Bovee	March 12, 2014

No objections were raised to the above referenced motions. Accordingly, these motions to intervene are **granted**.

4. Adopting Procedural Schedule

On March 14, 2014, several parties submitted a proposed procedural schedule, and this is the only procedural schedule submitted as required by SOAH Order No. 3. Therefore, the ALJs adopt the following schedule as proposed by the parties:

EVENT	DEADLINE
Applicant's Direct Testimony	March 28, 2014
Statement on Route Adequacy and Request for Route Adequacy Hearing (if necessary)	April 10, 2014
Objections to Applicant's Direct Testimony	April 11, 2014
Replies to Statement on Route Adequacy	April 17, 2014

EVENT	DEADLINE
Hearing on Route Adequacy (if necessary) (live testimony)	April 24-25, 2014
Replies to Objections to Applicant's Direct	April 29, 2014
Settlement Conference	April 30, 2014
Deadline for Sending Discovery on Applicant's Direct Case	June 17, 2014
Intervenors' Direct Testimony or Statement of Position	June 17, 2014
Objections to Intervenors' Direct Testimony	July 1, 2014
Staff's Direct Testimony	July 8, 2014
Replies to Objections to Intervenors' Direct Testimony	July 18, 2014
Deadline for Sending Discovery on Intervenors' Direct Testimony	July 18, 2014
Objections to Staff's Direct Testimony	July 22, 2014
Intervenors' Cross-Rebuttal Testimony	July 22, 2014
Applicant's Rebuttal Testimony	July 22, 2014
Deadline for Sending Discovery on Staff's Direct Testimony	August 1, 2014
Replies to Objections to Staff's Direct Testimony	August 5, 2014
Objections to Intervenors' Cross-Rebuttal and Applicant's Rebuttal Testimony	August 5, 2014
Deadline for Depositions	August 8, 2014
Deadline for Parties to Identify Intervenor Witnesses They Wish to Cross-Examine	August 11, 2014
Deadline for Discovery on Intervenors' Cross-Rebuttal and Applicant's Rebuttal Testimony	August 15, 2014
Replies to Objections to Intervenors' Cross-Rebuttal and Applicant's Rebuttal Testimony	Live at Hearing
Hearing on the Merits (start immediately after pre-hearing conference)	August 18-22, 2014
Initial Briefs	September 10, 2014
Reply Briefs	September 29, 2014
Proposal for Decision	Mid-November 2014
One-Year Deadline	January 7, 2015

The parties could not agree on a specific period of time to respond to discovery on Applicant Rebuttal and Intervenor Cross-Rebuttal Testimony. The Intervenor and Staff requested a discovery deadline on Applicant Rebuttal and Intervenor Cross-Rebuttal Testimony of 10 calendar days. Oncor requested a discovery deadline on Applicant Rebuttal and Intervenor Cross-Rebuttal Testimony of 10 working days. Given the number of parties, the ALJs conclude that parties must respond to discovery on Applicant Rebuttal and Intervenor Cross-Rebuttal Testimony within **10 working days**.

5. Notice of Hearing

A prehearing conference will convene on:

August 18, 2014, at 9:00 a.m.
State Office of Administrative Hearings
305 W. 15th Street, 4th Floor
Austin, Texas

The hearing on the merits will convene on:

August 18-22, 2014, at 10:00 a.m.
State Office of Administrative Hearings
305 W. 15th Street, 4th Floor
Austin, Texas

6. Denying Vann Cattle Yards, Inc.'s Motion for Notice to Additional Landowners

On March 5, 2014, Vann Cattle Yards, Inc. (Vann Cattle) requested the ALJs order Oncor to provide additional notice to landowners to the east of the BNSF railroad. According to Vann Cattle, Oncor's application proposes that segment F-K would create a "C" around a pond on its property, instead of running parallel to the BNSF railroad. Therefore, Vann Cattle argues that Oncor should provide notice to landowners east of the BNSF railroad so that the parties would have the flexibility to negotiate a settlement that would re-route that segment to track the

railroad. Vann Cattle asserts that this would meet the Commission's directive that the ALJs determine the best alternative line route and consider whether there are alternative routes that would have a less negative impact on landowners.

Oncor and Staff responded to Vann Cattle's request, arguing that the request is essentially a challenge to the adequacy of the proposed routes. Oncor asserts that the parties have agreed to a procedural schedule that considers route adequacy issues and will address Vann Cattle's assertions in that context. Staff asserts Vann Cattle did not characterize its motion as a challenge to route adequacy and all landowners directly affected by any currently-proposed links have already received notice. Therefore, according to Staff, no additional notice is appropriate.

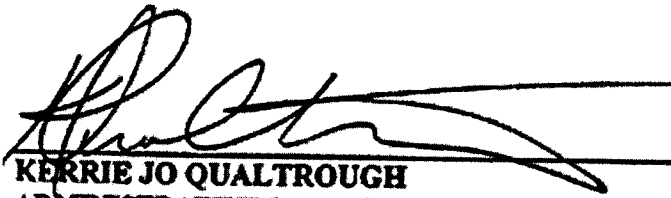
The ALJs understand that Vann Cattle is not arguing that Oncor's proposed routes are inadequate, but that additional notice to landowners east of the BNSF railroad would give flexibility to the ultimate placement of the transmission line. However, in the absence of challenges to the adequacy of the proposed routes or to the sufficiency of notice, the ALJs are unaware of any authority that would allow the ALJs to compel Oncor to provide notice to additional landowners so that additional links can be considered. Further, many of Vann Cattle's arguments challenge the adequacy of the proposed routes or go to the merits of Oncor's application, and it is not timely to consider either of these two issues at this stage of the proceeding. Therefore, the ALJs **deny** Vann Cattle's motion for additional notice, and it may raise this issue during the proper phase of the proceeding.

7. Hearing Matters


Parties submitting testimony and/or exhibits, and particularly those parties intending to participate in cross-examination, should arrive early to the hearing to allow the court reporter to mark exhibits and get contact information. Parties shall bring **four copies** of all prefiled exhibits (two for the court reporter/record; two copies for appeals). If a party intends to introduce an exhibit through cross-examination that has not been pre-filed, the party must bring **six copies** of the exhibit to the hearing (two of those copies are for the judges).

It is anticipated that most of the hearing will be spent by parties cross-examining Oncor's witnesses on their direct and rebuttal testimony. To speed this process, the ALJs will require Oncor to present its witnesses in a panel format. Oncor's witnesses will testify at the same time and all parties intending to cross-examine those witnesses shall be prepared to conduct cross-examination of all witnesses on the first hearing day. Oncor's rebuttal witnesses will also be presented as a panel on rebuttal.

SIGNED March 20, 2014.



**KERRIE JO QUALTROUGH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



**TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Phone: (512) 475-4993

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AGENCY: PUBLIC UTILITY COMMISSION

STYLE/CASE: *APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A PROPOSED 138KV TRANSMISSION LINE IN DENTON, TARRANT AND WISE COUNTIES (HICKS-ELIZABETH CREEK CCN)*

SOAH DOCKET NO.: 473-14-2252

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BARRY WALDRE	BARRY WALDRE 1336 REALOAKS DR FT WORTH TX 76131 817-538-2530 NO FAX
AL WATSON	AL WATSON 1228 REALOAKS DR FT WORTH TX 76131 682-224-6299 NO FAX
SHELLY AND SHARON WYRE	SHELLY AND SHARON WYRE 1209 REALOAKS DR FT WORTH TX 76131 817-471-3013 NO FAX

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KEITH AND KARI MALINAK	KEITH AND KARI MALINAK 321 ASH LANE HASLET TX 76052 843-437-1783 NO FAX
CHARLES AND MARILYN BROYLES	CHARLES AND MARILYN BROYLES 1406 NETTLE LANE HASLET TX 76052 817-689-9860 NO FAX
CHAPEL HILL VENTURE LLLP	RICHARD MYERS 909 LAKE CAROLYN PARKWAY #150 IRVING TX 75039 469-533-4100 469-533-4150 FAX

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PINNACLE BANK	RONNY KORB REGIONAL PRESIDENT PINNACLE BANK 316 NW PARKWAY AZLE TX 76020 817-270-1580 NO FAX
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LENNAR HOME OF TEXAS LAND AND CONSTRUCTION LTD	CURT COVINGTON SARAH A CARDWELL MUNSCH HARDT KOPF & HARR PC 3800 LINCOLN PLAZA 500 N AKARD ST DALLAS TX 75201-6659 214-855-7500 214-855-7584 FAX ccovington@munsch.com scardwell@munsch.com
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GA HASLET DEVELOPMENT INC 287/156 PARTNERS LP	JAMES MELINO 8235 DOUGLAS AVE STE 650 LB-65 DALLAS TX 75225 214-691-2556 214-691-0682 FAX
XIA REALTY LLC	SAMIR AND KAUSHAL LAPSIWALA 312 OLDENWOOD CT COLLEYVILLE TX 76034 817-879-1789 NO FAX
MARGARET SPENCER	MARGARET SPENCER 8733 DEVONSHIRE DR FT WORTH TX 76131 817-372-9955 NO FAX

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H35 ALLIANCE 40 LTD	KENNETH A. WRIGHT WARREN P. WRIGHT JOHN A. WRIGHT THE LAW OFFICE OF KENNETH A WRIGHT 2711 LBJ FREEWAY STE 1032 DALLAS TX 75234 972-484-1800 972-484-1840 FAX kwright@wrightatty.com wwright@wrightatty.com jwright@wrightatty.com
HARRY AND FRIEDA WILT	HARRY AND FRIEDA WILT 1508 POPPY DR HASLET TX 76052