



Control Number: 45624



Item Number: 11

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DOCKET NO. 45624
SOAH DOCKET NO. 473-16-2751

2016 MAR -2 AM 9:18
PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF THE CITY OF GARLAND TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RUSK TO PANOLA DOUBLE-CIRCUIT 345-KV TRANSMISSION LINE IN RUSK AND PANOLA COUNTIES	§ § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF'S LIST OF ISSUES

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this List of Issues. In support thereof, Staff shows the following:

I. BACKGROUND

On February 25, 2016, the City of Garland (Garland), doing business as Garland Power & Light, filed an application to amend its certificate of convenience and necessity for the Rusk to Panola double-circuit 345-kV transmission line in Rusk and Panola Counties (Proposed Project). Garland filed its application pursuant to PURA § 37.051(c-1), (c-2), (g) and (i), as enacted during the last session of the Texas Legislature. On the same day, Southern Cross Transmission LLC (Southern Cross) filed a request to intervene and direct testimony in support of Garland's application.

On February 29, 2016, the Commission issued an Order Requesting List of Issues. The Commission requested that Staff and interested parties file with the Commission by March 2, 2016, a list of issues to be addressed in this proceeding along with identifying any issues which should not be addressed in this docket and any threshold legal and/or policy issues that should be briefed in this docket. Therefore, this List of Issues is timely filed.

II. LIST OF ISSUES

Application

1. Is Garland's application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration must be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated

proposed facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under consideration, and to any analysis and reasoned justification presented for a limited number of alternative routes.¹ A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ shall allow Garland to amend the application and to provide proper notice to affected landowners; if Garland chooses not to amend the application, the ALJ may dismiss the case without prejudice.

2. Did the notice provided by Garland comply with 16 TAC § 22.52(a)?
3. Because the Proposed Project is a DC tie-line that can import and export generation into and out of the ERCOT grid, should the Commission review the Proposed Project as a new transmission line or new generator?

PURA § 37.051(c-2)

4. Does the application meet the requirements set forth in PURA §§ 37.051(c-1) and (c-2)?
5. What criteria should the Commission consider to identify “reasonable conditions” consistent with PURA § 37.051?
6. Is Southern Cross subject to the requirements of PURA § 37.051(c-2) and to the Commission’s imposition of reasonable conditions?

ERCOT

7. Should Southern Cross be required to execute the Market Participant Agreement with ERCOT? If so, then what type of market participant would be appropriate as applied to Southern Cross?
8. Should ERCOT be required to perform any reliability and/or economic studies to determine whether there is a need for the Proposed Project?

¹ See *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 6 (Nov. 1, 2006).

9. Should ERCOT be required to undertake an independent review of the Proposed Project to determine whether interconnecting the Proposed Project would result in any reliability violations on the ERCOT system?
10. Should the reliability and interconnection studies performed by Oncor Electric Delivery Company be updated?
11. Should the Commission require Southern Cross and ERCOT to negotiate and execute an agreement addressing coordination issues? If so, which regulatory authority would have the authority to decide any disputes between Southern Cross and ERCOT?
12. Would approving the Proposed Project subject ERCOT to the Federal Energy Regulatory Commission's jurisdiction?

Need

13. Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a) taking into account the factors set out in PURA § 37.056(c)?
 - a. How does the proposed facility support the reliability and adequacy of the interconnected transmission system?
 - b. Does the proposed facility facilitate robust wholesale competition?
 - c. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility?
 - d. Is the proposed facility needed to interconnect a new transmission service customer?

PURA § 37.051(c-1) states that the "commission must determine that the application is consistent with the public interest before granting the certificate."

14. What reasonable conditions are necessary to protect the public interest that are consistent with the final order of the Federal Energy Commission?

This language is pursuant to PURA § 37.051(c-2) and (i) as a component of approval of the application.

15. Is the transmission project the better option to meet this need when compared to employing distribution facilities? If Garland is not subject to the unbundling

requirements of PURA § 39.051, is the project the better option to meet the need when compared to a combination of distributed generation and energy efficiency?

Route

16. Which proposed transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)?
17. Are there alternative routes or facilities configurations that would have a less negative impact on landowners? What would be the incremental cost of those routes?
18. If alternative routes or facility configurations are considered due to individual landowner preference:
 - a. Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?
 - b. Have the accommodations to landowners diminished the electric efficiency of the line or reliability?

Texas Parks and Wildlife Department

19. On or after September 1, 2009, did the Texas Park and Wildlife Department provide any recommendation or informational comments regarding this application pursuant to section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:
 - a. What modifications, if any, should be made to the proposed project as a result of any recommendations or comments?
 - b. What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?
 - c. What other disposition, if any, should be made of any recommendations or comments?
 - d. If any recommendation or comment should not be incorporated in this project or the final order, or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.

Parks and Wildlife Code Chapter 26

20. Was notice of the hearing provided in accordance with § 26.002 of the Parks and Wildlife Code?
21. Is there no feasible and prudent alternative to the use of public land designated and used as a park, recreation area, scientific area, wildlife refuge, or historic site?
22. Does the proposed transmission line include all reasonable planning to minimize harm to the land as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from its use for the proposed transmission line?

III. ISSUES NOT TO BE ADDRESSED

Staff recommends that the following issues should not be addressed in this proceeding for the reasons stated:

1. What is the appropriate compensation for right-of-way or condemnation of property?

The Commission does not have the authority to adjudicate or set the amount of compensation for rights of way or for condemnation.

IV. CONCLUSION

Staff requests that its proposed list of issues be considered in this proceeding. This list is not intended to be exhaustive, and Staff reserves the right to address additional issues in this proceeding.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 2, 2016, in accordance with 16 TAC § 22.74.


Christina R. Switzer