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

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PUBLIC UTILITY COMMISSION
BEFORE THE

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

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STATE OFFICE OF
ADMINISTRATIVE HEARINGS

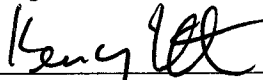
CITY OF GARLAND'S MOTION TO ADMIT ROUTE STIPULATION

Pursuant to SOAH Order No. 8 and 16 Tex. Admin. Code § 22.226(d) (TAC), the City of Garland (Garland) files this Motion to Admit the attached unopposed Stipulation Concerning Transmission Line Route (Route Stipulation) as Garland Exhibit No. 12 in this proceeding.

On June 3, 2016, during the Hearing on the Merits, Garland informed the ALJ that it believed a stipulation on the routing issues was forthcoming. The Route Stipulation was not finalized until June 8, 2016, and therefore was not available to be admitted into the evidentiary record prior to that date.

SOAH Order No. 8 adjourned the hearing, subject to the introduction of any further exhibits; therefore, Garland requests the ALJ admit into evidence Garland Exhibit No. 12.

Respectfully submitted,



Kerry McGrath

State Bar No. 13652200

James A. Nortey, II

State Bar No. 24079063

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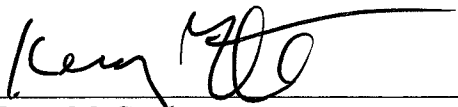
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344

CERTIFICATE OF SERVICE

8 I certify that a true and correct copy of this document was served to all parties on June 8, 2016 via the Public Utility Commission of Texas Interchange website pursuant to SOAH Order No. 3.


Kerry McGrath

**SOAH DOCKET NO. 473-16-2751
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APPLICATION OF THE CITY OF	§	
GARLAND TO AMEND A	§	BEFORE THE
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE RUSK TO	§	STATE OFFICE OF
PANOLA DOUBLE-CIRCUIT 345-KV	§	
TRANSMISSION LINE IN RUSK AND	§	ADMINISTRATIVE HEARINGS
PANOLA COUNTIES	§	

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

This Stipulation and Agreement (Stipulation) is entered into by the parties to this proceeding whose signatures are affixed hereto (collectively, the Signatories). In addition, the following parties have indicated that they do not oppose the Stipulation: Commission Staff, TIEC, CenterPoint Energy, ERCOT, Luminant Generation Company and Luminant Energy Company, SWEPCO, Deep East Texas Electric Cooperative, Panola-Harrison Electric Cooperative, Rusk County Electric Cooperative, NRG Companies, and Texas Competitive Power Advocates.

I. Background

1. On February 25, 2016, the City of Garland (Garland), doing business as Garland Power & Light (GP&L), filed an Application with the Public Utility Commission of Texas (Commission or PUCT) to amend a certificate of convenience and necessity (CCN) for a proposed double-circuit 345-kV Transmission Line in Rusk and Panola Counties (Project). The Project will interconnect the new Rusk Switching Station in Rusk County to the new Panola Switching Station in Panola County.

2. Discussions between parties have resulted in this Stipulation. The Stipulation addresses a transmission line route consisting of a combination of routing segments that were presented in the Application. The route agreed to by the Signatories is identified in Appendix D of the Environmental Assessment and Alternative Route Analysis Report filed with Garland's Application as Route RP9, and has also been referred to as Route 4M.

3. The Signatories desire to capture the benefits of the Stipulation, for which all Signatories express their support, and to resolve the routing issues regarding this Application and, therefore, agree as follows:

II. Agreement

4. The Signatories agree that Route RP9 should be approved by the Commission in this case. Route RP9 consists of a combination of segments 1, 7, 9, 13, 23, 24, 28, 31, 34, 41, and 43, which are described in the Application.

5. Supporting this Stipulation are the following documents:

- a. Garland Exhibit 1, the Application filed on February 25, 2016, including the Environmental Assessment and Alternative Route Analysis (EA);
- b. Garland Exhibits 2, 3, and 4, the Direct Testimony of Darrell W. Cline, Kristi Wise, and Chris McCall;
- c. Garland Exhibits 5, 6 and 7, Proofs of Notice in this case;
- d. Workpaper WP-6 to Staff Exhibit 1, Garland's Response to Commission Staff RFI 3-1, which contains environmental and cost information concerning Route RP9;
- e. Panola Landowner Group Exhibits 1-29, the Direct Testimony of Jeb Stuart James, Justin Wagstaff, Venita Judice on behalf of Weldon and Jane Gray, Joe Beard, Tiffany Hull on behalf of Tiffany and Stephen Hull, Julia H. Greggs, Bobby Milhauser, Jim Holder, Frances Gilbert Barker, Meredith Gautier, Fannie Watson, Ruth Stephens, Jim Hutchinson, Carl Carlswell, Jr., William Mark Wood, Betty Lou Wood, Charles Spears, John P. Carroll, Sandra Stein, Danny Milam, Thomas Patten, Billy Broadaway, Kartreba Denese McDaniel Toler, Jason Heinkel, Craig Gibbs, Joy Gibbs, Jason Spiller, and Johnny Holmes, and the Cross-Rebuttal Testimony of Bobby Muhlhauser; and
- f. This Stipulation.

6. Garland, Southern Cross, and Rusk Interconnection LLC agree that they will not, nor will they cause any of their affiliates to, seek condemnation of any landowner's land in Panola County for the Garland Project as described in the Direct Testimony of Darrell W. Cline, so long as the landowner provides access to the land for surveying and design purposes, until

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such time as Southern Cross provides the Public Utility Commission of Texas with evidence that it has secured the funding to construct the complete interconnection project, including the Garland Project and the Southern Cross Transmission Project as described in the Direct Testimony of David Parquet.

7. The Signatories request that the Commission approve and implement the Stipulation in this docket so that when the order is issued granting Garland's requested amendment to its CCN for the Project, such order approves Route RP9.

III. Other Provisions

8. This Stipulation is binding on each Signatory only for the purpose of settling the issues herein and for no other purpose. The Signatories acknowledge and agree that a Signatory's support of the matters contained in this Stipulation may differ from its position or testimony in dockets and cases not referenced in this Stipulation. To the extent that there is a difference, a Signatory does not waive its position in such other dockets and cases.

9. The Signatories have entered into this Stipulation in the interest and spirit of settlement and therefore agree that the provisions of the Stipulation shall be subject to final approval by the Commission. The Signatories, moreover, agree to entry of a Final Order of the Commission consistent with this Stipulation.

10. This Stipulation represents a compromise, settlement, and accommodation among the Signatories, and all Signatories agree that the terms and conditions herein are interdependent and no Signatory shall be bound by a portion of this Stipulation outside the context of the Stipulation as a whole. If the Commission materially changes the terms of this Stipulation, or issues a final order inconsistent with a material term of this Stipulation (including specifically the routing of the transmission line along Route RP9), the Signatories agree that any Signatory adversely affected by that material alteration has the right to withdraw its consent to this Stipulation, thereby becoming released from its commitments and obligations arising hereunder, and to proceed as otherwise permitted by law to exercise all rights available under law. Such a right to withdraw must be exercised by providing the other Signatories written notice within 20 calendar days of the date the Commission files its order acting on this Stipulation. Failure to provide such notice within the specified time period shall be deemed a waiver of the right to withdraw and, therefore, approval of any material changes to this Stipulation made by the

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Commission. The signatories separately reserve the right to appeal in the event the Commission enters a Final Order that materially deviates from this Stipulation.

11. Pursuant to Texas Rule of Evidence 408, if any Signatory withdraws its consent from this Stipulation in accordance with the preceding paragraph and this matter proceeds to an evidentiary hearing, oral and written statements made during settlement negotiations, including the terms of this Stipulation as it pertains to the withdrawing Signatory, shall not be admissible in evidence in such a hearing.

12. Each person executing this Stipulation warrants that he or she is authorized to sign this Stipulation on behalf of the Signatory represented. Facsimile copies of signatures are valid for purposes of evidencing such execution. The Signatories may sign individual signature pages to facilitate the circulation and filing of the original of this Stipulation.

13. This Stipulation is effective and dated as of the date shown below.

Dated this 8th day of June, 2016.

Respectfully submitted,




Joe Campbell
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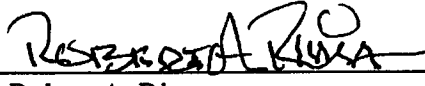
Attorney for Jeb Stuart James, Justin Wagstaff, Venita Judice on behalf of Weldon and Jane Gray, Joe Beard, Tiffany Hull on behalf of Tiffany and Stephen Hull, Julia H. Greggs, Bobby Milhauser, Jim Holder, Frances Gilbert Barker, Meredith Gautier, Fannie Watson, Ruth Stephens, Jim Hutchinson, Carl Carlswell, Jr., William Mark Wood, Betty Lou Wood, Charles Spears, John P. Carroll, Sandra Stein, Danny Milam, Thomas Patten, Billy Broadaway, Kartreba Denese Mcdaniel Toler, Jason Heinkel, Craig Gibbs, Joy Gibbs, Jason Spiller, Johnny Holmes, Tom Williams, Riley Booth, Sharon Kirchner, Vickie Lacy Langford, Mark Langford, David Langford, Billy Langford, Brian Lillibridge, Mary Lillibridge, Michael Lillibridge, Elizabeth Lane, Glorianne Spiller, and James S. Robertson, Jr. on behalf of the East Area Council of the Boy Scouts of America

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bob.rima@rimalaw.com

Attorney for Southern Cross Transmission LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served to all parties on June 8, 2016 via the Public Utility Commission of Texas Interchange website pursuant to SOAH Order No. 3.


Kerry McGrath

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EAST TEXAS AREA COUNCIL
BOY SCOUTS OF AMERICA

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, the EAST TEXAS AREA COUNCIL, BOY SCOUTS OF AMERICA, supports the Stipulation.

EAST TEXAS AREA COUNCIL
BOY SCOUTS OF AMERICA

By:



DEWAYNE STEPHENS
Scout Executive

6/3/2016
[Date]

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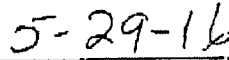
Sherri Waters

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, Sherri Waters supports the Stipulation.



Sherri Waters



5-29-2016

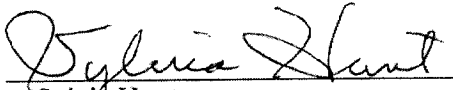
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Sylvia Hunt

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, **Sylvia Hunt** supports the Stipulation.


Sylvia Hunt


5-29-2016

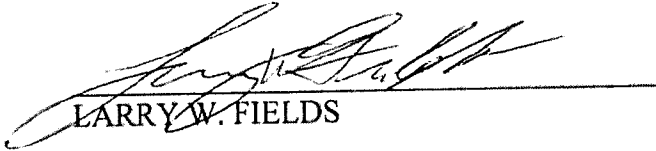
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LARRY W. FIELDS

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, **LARRY W. FIELDS** supports the Stipulation as attached hereto in Exhibit A..


LARRY W. FIELDS

May 31, 2016

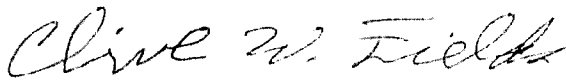
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CLIVE W. FIELDS

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, CLIVE W. FIELDS supports the Stipulation as attached hereto in Exhibit A..



CLIVE W. FIELDS

May 31, 2016

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Jo Ann Orr Miller, Trustee Boyd Gilbert Miller Family Trust

STIPULATION CONCERNING TRANSMISSION LINE ROUTE

By signature below, Jo Ann Orr Miller supports the Stipulation.

Jo Ann Orr Miller
Jo Ann Orr Miller

Trustee Boyd Gilbert
Miller Family Trust

June 8, 2016
[Date]

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