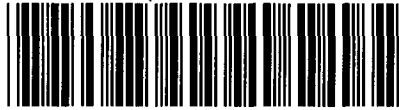




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PUBLIC HEARING BY COMMISSION

OPEN MEETING COVER SHEET

MEETING DATE: May 18, 2017

DATE DELIVERED: May 17, 2017

AGENDA ITEM NO.: 8.

CAPTION: *Application of LCRA Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Round Rock to Leander 138-kV Transmission Line in Williamson County*

ACTION REQUESTED: Commissioner Memo

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Public Utility Commission of Texas

Memorandum

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PUBLIC UTILITY COMMISSION
FILING CLERK

TO: Commissioner Kenneth W. Anderson

FROM: Commissioner Brandy Marty Marquez *BMM
W/P*

DATE: May 17, 2017

RE: Open Meeting of May 18, 2017 – Agenda Item No. 8
Final Order, P.U.C. Docket No. 45866; *Application of LCRA Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Round Rock to Leander 138-kV Transmission Line in Williamson County*

Regardless of the route selected, I recommend modifying, deleting and adding certain findings of fact as indicated below to ensure the order complies with Commission policy for transmission siting in the following areas: (i) prudent avoidance and EMF; (ii) future development; (iii) *newly affected* habitable structures; and (iv) treatment of AC interference mitigation costs.

- **Electro and magnetic fields (EMF):** The proposal for decision contains discussion and a finding concerning EMF that is not supported by testimony from witnesses established as competent to testify to the adverse effects of EMF exposure. Also, the discussion contradicts longstanding Commission policy concerning EMF and prudent avoidance. Accordingly, I would delete finding of fact 114 as follows:

~~114. Based on the current scientific research, there is no reliable scientific basis to conclude that exposure to power frequency EMF from the line will cause or contribute to adverse health effects in people or animals.~~

- **Future development:** Historically, the Commission has been reluctant to consider hypothetical future development in making its transmission line routing decisions. The ALJs admittedly gave weight in this case to prospects for future development, as evidenced in Leander's development plans. In order to reiterate the Commission's policy regarding future development in the context of siting an electric transmission line, I would add the following conclusion of law, which is similar to conclusions of law included in previous transmission line routing cases:
 - While route segments may be modified based on landowner input, alleged future development that has not been initiated will not be granted the same consideration as existing constraints.
- **Newly affected habitable structures:** In the PFD's discussion under the subheading of prudent avoidance, on page 57, the ALJs discuss data presented by LCRA in terms of newly affected habitable structures. While the ALJs acknowledge that newly affected habitable

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structures is not a consideration under Commission rule or statute, they nevertheless discuss it in the context of prudent avoidance. As noted by the Commission in Docket No. 45622, in the absence of evidence that a second (or third, etc.) line will not increase or enhance exposure to electric and magnetic fields, excluding or discounting the number of habitable structures already in proximity to a transmission line for purposes of evaluating the prudent-avoidance performance of a proposed transmission line is contrary to the Commission's prudent avoidance policy.¹ Accordingly, I would modify finding of fact 111 as follows:

111. There are 452 habitable structures ~~and 137 newly affected habitable structures~~ within 300 feet of the right of way centerline of Route CoL-1.

- **Treatment of alternating-current (AC) interference mitigation costs:** Atmos Energy filed exceptions to the PFD to address the limited issue of the treatment of AC interference mitigation costs. Atmos requested that the Commission delete finding of fact 102 and ordering paragraph 9.

- I would adopt finding of fact 102.

- I would delete ordering paragraph 9, as follows:

- ~~9. In coordinating with pipeline owners or operators to assess possible mitigation associated with AC induction impacts of the project on pipeline facilities, LCRA shall not perform mitigation or reimburse pipeline owners or operators for costs relating to assessment or mitigation of possible AC induction ramifications of the project on pipeline facilities.~~

- - Adopting this language would be a departure from the position the Commission has taken in previous CCN proceedings on AC interference mitigation costs.

- I would add the following new ordering paragraph addressing AC interference mitigation:

- LCRA shall conduct surveys to identify pipelines that could be affected by the proposed transmission line, if not already completed, and coordinate with pipeline owners in modeling and analyzing potential hazards because of AC interference affecting pipelines being paralleled.

¹ *Application of Sharyland Utilities, L.P. to Amend Its Certificate of Convenience and Necessity for the CREZ Second Circuit Upgrade Project in Briscoe, Carson, Castro, Deaf Smith, Oldham, Potter, and Swisher Counties*, Order on Rehearing at 1-2 (Sep. 15, 2016).

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- This language recommended by Commission Staff is similar to ordering paragraphs previously adopted by the Commission and is consistent with the position the Commission has taken in previously in CCN proceedings.

I look forward to discussing these issues with you at the open meeting tomorrow.