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SOAH DOCKET NO. 473-15-4342
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PUBLIC UTILITY COMMISSION
BEFORE THE FILING CLERK

PUBLIC UTILITY COMMISSION

OF TEXAS

APPLICATION OF LCRA §
TRANSMISSION SERVICES §
COPORATION TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE ROUND §
ROCK – LEANDER 138 KV §
TRANSMISSION LINE IN §
WILLIAMSONS COUNTY §

COMES NOW, The Texas Municipal League (TML) and files these *amicus curiae* comments in the above-styled docket in support of the City of Cedar Park’s Motion for Rehearing, and would show the following:

The Commission’s order in this docket makes no mention of the cities’ comprehensive plans, and certainly makes no mention of them as being evidence of “community values,” even though they were introduced into evidence as evidence of community values and were addressed at length during the evidentiary hearing before SOAH.

Inherently, a municipality’s comprehensive plan is representative of its community values. The purpose of these *amicus curiae* comments is to explain comprehensive plans and why they represent their communities’ values – by design and by definition. The municipal comprehensive plan is a long-range plan intended to direct the growth and physical development of a city for an extended period of time. It usually contains several components, including items such as transportation systems, parks and recreational services, utilities, housing, and public facilities. It also provides for the relationships between various land uses and often serves as the basis for future land development recommendations. A plan may be in the form of a map, a written description and policy statements, or it may consist of an integrated set of maps and policy statements.

Comprehensive plans are authorized by state law¹, and they are required before a city enacts any zoning regulations -- the foundation of municipal planning.² The process involves considerable public input. For example, the City of Leander adopted their most recent comprehensive plan after holding 5 steering committee meetings (made up of residents of the city and of the extra-territorial jurisdiction), 3 community-wide public meetings, an all-day series of stakeholder meetings, a public hearing, and an open meeting where the plan was revised.³ Furthermore, they had a special virtual-meeting website, used social media, and conducted community surveys.⁴ All in all, the city’s website and the special comprehensive plan website generated close to 9,000 views combined and over 1,200

¹ Tex. Local Gov’t Code § 213.002

² See Tex. Local Gov’t Code § 211.004(a) (“Zoning regulations must be adopted in accordance with a comprehensive plan...”)

³ See City of Leander Ex. 2, Cross-Rebuttal Testimony of Tom Yantis, p. 21, fn. 21 (Comprehensive Plan Adoption Process);

⁴ *Id.*

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individuals participated online contributing hundreds of ideas.⁵ Such an extended and inclusive process ensures that the resulting comprehensive plan is indicative of what the community values

Each of the three cities impacted directly by the two routes primarily evaluated in this docket completed comprehensive plans before the application was filed based on similar types of public input and they adopted those plans at the elected city council level. The public involvement in the process and the plans themselves represent “a shared appreciation of an area or other mutual resource by a national, regional, or local community.”⁶


According to the Census Bureau, seventy-four percent of Texans live in incorporated cities (of which there are 1,215) and 89 percent of Texans live in urban areas. This means almost all Texas residents live in an incorporated city or a city’s ETJ. That makes the municipal comprehensive plan, which applies both to a city and its ETJ, the perfect representation of community values in transmission line dockets.

The number of intervenors supporting or opposing a certain route shouldn’t be dispositive of community values. The municipal comprehensive planning process is crafted by experts and adopted by elected officials after a complex process. The end result is essentially a pre-prepared guidebook that clearly represents a community’s values.

TML urges the Commission to reconsider its order in this docket and use the cities’ comprehensive plans as evidence of community values.

Thank you for your consideration.

Respectfully Submitted,



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ATTORNEY FOR THE TEXAS MUNICIPAL LEAGUE

⁵ *Id.*

⁶ *Application of LCRA Transmission Services Corporation to Amend Its Certificate of Convenience and Necessity for the Zorn-Marion 345-kV Transmission Line Project in Guadalupe County, P.U.C. Docket No. 45601, Order at 9, Finding of Fact No. 53 (Sept. 15, 2016).*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and forgoing *amicus curiae* comments of the Texas Municipal league was electronically filed with the PUC Interchange and the Clerk of the PUC, as well as served electronically on all parties of record via the PUC interchange in accordance with the Administrative Law Judges previous orders on this the 24th day of July, 2017.

By:

A handwritten signature in black ink, appearing to be "JH CV", followed by a horizontal line extending to the right.