

Control Number: 48724



Item Number: 12

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RECEIVED

APPLICATION OF SOUTHWESTERN  
PUBLIC SERVICE TO AMEND A CCN  
FOR A 115-KV TRANSMISSION LINE  
WITHIN YOAKUM AND GAINES  
COUNTIES (MUSTANG TO  
SEMINOLE)

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PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON APPLICATION, NOTICE, AND  
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Staff's Recommendation on Application, Notice, and Proposed Procedural Schedule. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 23, 2018, Southwestern Public Service (SPS) filed an application to amend its certificate of convenience and necessity to construct a 115-kilovolt (kV) transmission line located in Yoakum and Gaines Counties (Application). The transmission line will be constructed using primarily single-circuit, single-pole steel structures and the proposed ten routes range between 17 to 22 miles in length at an estimated cost of approximately \$15.9 to 18.1 million.

On October 24, 2018, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file recommendations regarding any deficiencies with the Application, compliance with notice requirements, and to propose a procedural schedule by November 21, 2018. This pleading is therefore timely filed.

**II. APPLICATION SUFFICIENCY**

Staff has reviewed SPS's application and, as is outlined by the attached memorandum from David Smithson, Infrastructure and Reliability Division, no deficiencies were found. Therefore, Staff recommends that the application be found sufficient for processing. This recommendation does not address the merits of the application.

### III. NOTICE SUFFICIENCY

SPS included proof of notice in the application on October 23, 2018,<sup>1</sup> as well as an Affidavit and Proof of Publication on November 8, 2018.<sup>2</sup> Staff has reviewed this notice and proof of published notice and recommends that SPS's text and provision of notice be found to satisfy the requirements of 16 Tex. Admin. Code § 22.52(a) (TAC). Therefore, Staff recommends that SPS's notice be deemed sufficient.

### IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

<b>Event:</b>	<b>Date:</b>
Application Filed	October 23, 2018
Intervention Deadline	December 7, 2018
Deadline for Intervenors to request a hearing on the merits; deadline for Intervenor comments if no hearing is requested	December 7, 2018
<i><b>If qualified for informal disposition:</b></i>	
Deadline for Commission Staff to request a hearing on the merits; deadline for Commission Staff's recommendation on final disposition if no hearing on the merits requested	December 14, 2018
Deadline for SPS to request a hearing or respond to Intervenor comments and Staff recommendation on final disposition; or, deadline for Parties to file a joint proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs	December 21, 2018
If applicable, administrative review completed — 80 days from date of filing	January 11, 2019

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<sup>1</sup>Application of Southwestern Public Service Company to Amend a CCN For a 115-kV Transmission Line Within Yoakum and Gaines Counties (Mustang to Seminole) at Attachments 10, 12, 13, and 15 (October 23, 2018).

<sup>2</sup>Affidavit and Proof of Publication (November 8, 2018).

## V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that SPS's application be deemed administratively complete for further processing on the merits, that SPS's provision of notice be found sufficient, and that the above proposed procedural schedule be adopted.


Dated: November 19, 2018

Respectfully Submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen Hubbard  
Managing Attorney

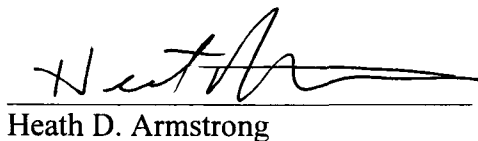


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**DOCKET NO. 48724**

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 19, 2018, in accordance with 16 TAC § 22.74.



Heath D. Armstrong

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Heath Armstrong, Legal Division

**FROM:** <sup>DBS</sup> David Smithson, Infrastructure and Reliability Division

**DATE:** November 19, 2018

**RE:** STAFF RECOMMENDATION  
Sufficiency of Application and Compliance with Notice Requirements  
Docket No. 48724, *Application of Southwestern Public Service Company to Amend its Certificate of Convenience and Necessity for a Proposed 115-kV Transmission Line within Yoakum and Gaines Counties*

Southwest Public Service Company (SPS) filed a CCN application on October 23, 2018 (PUC Docket No. 48724) for a new single circuit 115-kV transmission line to connect the existing Mustang Substation, located in Yoakum County and the existing Seminole Substation, located in Gaines County (“Application”). I reviewed the Application for deficiencies and the affidavits of notice for compliance with the notice requirements.

### **I. Application Sufficiency**

- A. I have reviewed the Application including all attachments filed by SPS on October 23, 2018, in this docket for deficiencies. My review revealed no deficiencies. Therefore, I find that the Application should be deemed sufficient.

### **II. Compliance of Notice**

- A. I have reviewed the notices provided to landowners, other electric utilities, county authorities, municipalities, and the DOD Siting Clearinghouse that were included with the Application as Attachments 8, 9, 10, and 14 as well as the affidavits of proof of notice and publication submitted on November 8, 2018. No material deficiencies were found. Therefore, I find that they comply with the requirements of 16 Tex. Admin. Code § 22.52(a)(2)-(3) (TAC).
- B. I have reviewed the notices provided to the Texas Parks and Wildlife Department (TPWD) and to the Office of Public Utility Council (OPUC) that were included with the Application as Attachments 12 and 13. No material deficiencies were found. Therefore, I find that they comply with the requirements of 16 TAC § 22.52(a)(1)(E) and (2).
- C. I have reviewed the published notice included with the Application as Attachment 11 as well as the affidavit of proof of notice submitted on November 8, 2018. No material deficiencies were found. Therefore, I find that they comply with the requirements of 16 TAC § 22.52(a)(1).