



Control Number: 48787



Item Number: 28

Addendum StartPage: 0

**PUC DOCKET NO. 48787
SOAH DOCKET NO. 473-19-1266**

2019 MAY 15 AM 10:24
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**JOINT APPLICATION OF LCRA §
TRANSMISSION SERVICES §
CORPORATION AND AEP TEXAS §
INC. TO AMEND THEIR §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY FOR THE §
PROPOSED BAKERSFIELD TO §
SOLSTICE 345-KV TRANSMISSION §
LINE IN PECOS COUNTY §**

COMMISSION STAFF’S CORRECTIONS TO PROPOSED ORDER

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files these Corrections to Proposed Order in response to a Proposed Order that was filed in this proceeding on April 22, 2019, and would show the following:

I. BACKGROUND

On November 7, LCRA Transmission Services Corporation (LCRA) and AEP Texas Inc. (AEP) filed an application to amend their CCNs for a proposed 345-kV transmission line in Pecos County (the Bakersfield to Solstice Line). On November 14, 2018, the Commission issued an Order of Referral and Preliminary Order, referring the application to the State Office of Administrative Hearings (SOAH). On November 15, 2018, SOAH Order No. 1 was issued, consolidating the application into Docket No. 48785 in response to motions for consolidation that had been filed under PURA¹ § 37.0541. Settlement documents were filed on February 19 and 20, 2019, and SOAH Order No. 10 severed the application out of Docket No. 48785 and remanded the case to the Commission on February 22, 2019.

On April 22, 2019, a Proposed Order was filed in this docket, and a deadline of May 15, 2019, was established for parties to file corrections or exceptions to the Proposed Order. This pleading is therefore timely filed.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001–66.016 (PURA).

78

II. CORRECTIONS

Staff has reviewed the Proposed Order and has no exceptions to the order. However, Staff recommends that certain corrections be made to the Proposed Order, as detailed below in Table 1:

Table 1		
Location of Correction	Redline of Correction	Explanation of Correction
Finding of Fact No. 7	In <u>SOAH</u> Order No. 2 issued on December 10 <u>March 20</u> , 2018, the State Office of Administrative Hearings (SOAH) administrative law judges (ALJs) deemed LCRA and AEP Texas' notice of the application sufficient and established a procedural schedule.	Clarify the order being referred to and correct the date the order was issued.
Finding of Fact No. 14	On route 24, the point of interconnection between the LCRA and AEP Texas facilities will be at a dead-end structure owned by AEP Texas on segment M. The point of interconnection on route 24 will be located 14.4 miles north of Interstate 10 and 2200 feet west of this route's crossing of Farm-to-Market 1053.	Clarify that the point of interconnection is 2200 feet due west of Farm-to-Market 1053, not 2200 feet west of the point where route 24 crosses Farm-to-Market 1053.
Finding of Fact No. 23	Staff recommends the correction proposed by LCRA in its letter of May 1, 2019.	Staff joins the explanation provided by LCRA in support of this correction.
Finding of Fact No. 29	On November 28, 2018, LCRA and AEP Texas filed the affidavit of Ms. Sonya Strambler, an employee of LCRA, attesting that that LCRA and AEP Texas had provided notice of the application as described in finding of fact numbers 23 to 27 <u>24 to 29</u> , and that LCRA's representatives had had some formal and informal contact concerning the proceeding with landowners, other than the notice of application.	Delete an extraneous word, correct cross-references, and clarify which affidavit addressed subsequent contact with landowners.
Finding of Fact No. 30	On December 6, 2018, LCRA and AEP Texas filed the affidavit of Ms. Sonya Strambler, an employee of LCRA, attesting that an additional landowner was mailed notice by next-day air, <u>with delivery occurring on December 5, 2018, and that</u> LCRA's and AEP Texas' representatives had had some formal contact concerning the	Clarify that the additional notice was delivered on December 5, 2018, and clarify which affidavit addressed subsequent contact with landowners and the nature of that contact.

	<u>proceeding with landowners, other than the notice of application.</u>	
Finding of Fact No. 32	In <u>SOAH Order No. 2</u> issued on <u>December 10</u> March 20 , 2018, the SOAH ALJs deemed LCRA and AEP Texas' notice of the application sufficient and established a procedural schedule.	Clarify the order being referred to and correct the date the order was issued.
Finding of Fact No. 33	In <u>SOAH Order No. 4</u> issued on January 24, 2019, the SOAH ALJs deemed LCRA and AEP Texas' supplemental notice sufficient.	Clarify the order to which this finding of fact refers.
Finding of Fact No. 36	In SOAH Order No. 4 issued on January 24, 2019, the SOAH ALJs proposed that the intervenors who did not file either direct testimony or a statement of position by February 1, 2019. would be removed as parties to this docket.	Clarify that February 1 was the deadline for filing comments regarding the proposed removal of intervenors, not a revised deadline for filing direct testimony or a statement of position.
Finding of Fact No. 53	On February 19, 2019, the hearing on the merits concerning routing of the Bakersfield-to-Solstice transmission line was held, at which exhibits were offered by the parties and admitted by the ALJs as follows: (a) the joint application of LCRA and AEP Texas to amend their CCNs for the Bakersfield-to-Solstice 345-kV Transmission Line in Pecos County, Texas and all attachments including the direct testimonies of Sonya Strambler (Miranda), Brent Harris, Lisa Meaux, and Curtis Symank filed on November 7, 2018; (b) LCRA and AEP Texas' mailer's affidavit of notice, filed on November 28, 2018, as supplemented on December 6, 2018, and January 15, 2019; (c) LCRA and AEP Texas' publisher's affidavit of notice, filed on November 28, 2018; (d) the settlement testimony of Sonya Miranda in support of the route stipulation filed on February 19, 2019; (e) the unanimous route agreement and its attachments, including the proposed route findings of fact, conclusions of <u>laweaw</u> , and proposed ordering provisions filed on February 20, 2019; (f) the unanimous agreement and its attachments, including the proposed need findings of fact, conclusions	Correct a typo and insert a missing word.

	<p>of law, and proposed ordering provisions filed on February 19, 2019; (g) the direct testimony of Blake P. Ianni on behalf of Commission Staff filed on January 30, 2019; (h) the direct testimony of Albert Mendoza regarding the Bakersfield-to-Solstice portion (routing phase) on behalf of Oxy filed on January 10, 2019; (i) the direct testimony of Molly McComb Smithfield on behalf of MMSmithfield filed on January 10, 2019; (j) the direct testimony of Margaret Czar on behalf of Pettus Czar Ltd. filed on January 10, 2019; (k) the direct testimony of Mark Turnbough on behalf of MMSmithfield and Pettus Czar Ltd. filed on January 10, 2019; and (l) the direct testimony <u>of</u> Gale and Dorothy Smith filed on January 9, 2019. After the introduction of evidence, LCRA and AEP Texas made an oral motion on the record, jointly requesting that the application be severed and remanded to the Commission.</p>	
<p>Finding of Fact No. 63</p>	<p>ERCOT conducted detailed analyses and tests of four short-listed options and, in June 2017, ERCOT's Board of Directors endorsed construction of, among other things, a new 345-kV transmission line extending from <u>Bakersfield</u> to <u>Solstice</u>Bakersfield to Solstice, to be built by LCRA and AEP Texas on double-circuit-capable 345-kV structures with one 345-kV circuit initially installed, and expansion of the Solstice substation to include the installation of a 345-kV ring-bus arrangement with two 600 megavolt-ampere, 345/138-kV autotransformers.</p>	<p>The term <i>Bakersfield to Solstice</i> is not being used as a phrasal adjective in this instance, and therefore should not be hyphenated.</p>
<p>Finding of Fact No. 83</p>	<p>A review of the landowner <u>questionnaires</u> questionnaire from the public meeting indicated that the factors with the most importance regarding routing of the proposed transmission line project include maintaining reliable electric service (30%), maximizing the distance from residences (22%), and paralleling other existing utility right-of-way (9%).</p>	<p>Clarify that multiple questionnaires were received.</p>

Finding of Fact No. 103	There are 12.6 miles of route 24 located within the foreground-visual foreground visual -zone of farm-to-market roads.	Hyphenate the phrasal adjective and maintain consistency with the prior two findings of fact.
Finding of Fact No. 117	It is appropriate that LCRA and AEP Texas use used best management practices to minimize the potential burdens on migratory birds and threatened or endangered species.	Correct a verb tense error.
Finding of Fact No. 128	LCRA and AEP Texas state that after designing and engineering the alignments, structure locations, and structure heights, LCRA and AEP Texas will make a determination of the need for Federal Aviation Administration notification, based on the final structure locations and designs. If necessary, LCRA and AEP Texas could will -use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate Federal Aviation Administration requirements.	Better match what the Applicants stated in the application.
Finding of Fact No. 137	Staff recommends the correction proposed by LCRA in its letter of May 1, 2019.	Staff joins the explanation provided by LCRA in support of this correction.
Conclusion of Law No. 2	LCRA †SP and AEP Texas must obtain the approval of the Commission to construct the proposed transmission line and provide service to the public using that line.	Maintain consistency with the term used in the rest of the order.
Ordering Paragraph No. 2	The Commission amends AEP Texas' CCN number 30170 to include the construction and operation of the transmission facilities requested along links R, W, X, and Y, as well as the western portion of link M up to and including the Bakersfield-Solstice terminus tower structure.	Clarify that AEP Texas is also receiving authorization to construct the terminus tower structure.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the corrections described in Table 1 be made to the Proposed Order.

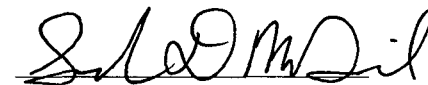
Dated: May 15, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 15th of May, 2019 in accordance with 16 TAC § 22.74.



Sarah D. McDaniel