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SOAH DOCKET NO. 473-19-6862
PUC DOCKET NO. 49737

APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY FOR §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY AUTHORIZATION AND § OF
RELATED RELIEF FOR THE §
ACQUISITION OF WIND GENERATION §
FACILITIES § ADMINISTRATIVE HEARINGS

EAST TEXAS ELECTRIC COOPERATIVE, INC. AND
NORTHEAST TEXAS ELECTRIC COOPERATIVE, INC.'S
LIMITED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

NOW COMES East Texas Electric Cooperative, Inc. ("ETEC") and Northeast Texas Electric Cooperative, Inc. ("NTEC") and files these limited proposed Findings of Fact and Conclusions of Law.¹

A. Findings of Fact

Sale, Transfer, Merger Issues

- 133. The Selected Wind Facilities are ~~wholly~~ located in Oklahoma and are connected through an interstate transmission system to Texas. The Selected Wind Facilities are being proposed to serve Texas customers, among others.
- 134. PURA § 14.101 applies in this docket.
- 135. The public interest requirement in PURA § 14.101 is not limited to lowering electricity costs for SWEPCO's retail customers. Instead, the Commission must consider the effect of the proposed transaction on all Texas customers.
- 136. SWEPCO fails to meet its burden of proving that the Selected Wind Facilities are in the public interest under PURA § 14.101.

¹ For efficiency, ETEC and NTEC have not provided a complete redline of all Findings of Fact and Conclusions of Law. As the post-hearing briefing makes clear, ETEC and NTEC do not support many of the Findings of Fact and Conclusions of Law that SWEPCO proposes. In this pleading, however, ETEC and NTEC have narrowed their scope by proposing those Findings of Fact and Conclusions of Law that may not be redundant with other intervenors.

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B. Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Public Utility Regulatory Act, Tex. Util. Code §§ 14.001, § 14.101, 37.051, 37.053, 37.056, and 37.057 (PURA).

[...]

6. PURA § 14.101 applies to the docket. In making a public interest determination under PURA § 14.101, the Commission must consider the effect of the proposed transaction on all Texas customers.

Respectfully submitted,

/s/ Jacob Lawler

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**ATTORNEYS FOR EAST TEXAS ELECTRIC COOPERATIVE, INC.
AND
NORTHEAST TEXAS ELECTRIC COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, electronically emailed and/or mailed this 19th day of March, 2020 by First Class, U.S. Mail, postage pre-paid to all parties of record.

/s/ Jacob Lawler

Jacob J. Lawler