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Addendum StartPage: 0

**PUC DOCKET NO. 50812**  
**SOAH DOCKET NO. 473-20-4592**

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**APPLICATION OF RAYBURN  
COUNTRY ELECTRIC  
COOPERATIVE, INC. TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR THE NEW  
HOPE 138-KV TRANSMISSION LINE  
IN COLLIN COUNTY**

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**PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS**

**ORDER**

This Order addresses the application of Rayburn Country Electric Cooperative, Inc. to amend its certificate of convenience and necessity (CCN) for the proposed 138-kilovolt (kV) transmission facilities in Collin County, Texas. The State Office of Administrative Hearings (SOAH) administrative law judges (ALJs) issued a proposal for decision on April 23, 2021. The SOAH ALJs recommend the Commission approve route West C, using segments W1, W3, W6, W14, W22a, W22b, and tap point A. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, and the SOAH ALJ's corrections to same, to the extent provided in this Order.

**I. Discussion**

In this proceeding, Rayburn requested Commission approval to construct a new, radial transmission line in Collin County. Rayburn asserted the proposed transmission facilities are necessary to address general load growth in the project area and a highly concentrated load to be demanded by the Sister Grove Regional Water Resource Recovery Facility beginning October 1, 2022. At its June 24, 2021 open meeting the Commission determined Rayburn had failed to present sufficient evidence to support need for the proposed transmission facilities.

On June 29, 2021, the Commission remanded this proceeding to Docket Management to allow Rayburn to file additional evidence supporting need. Rayburn filed detailed briefing and extensive testimony supporting need for the proposed transmission facilities. Rayburn also filed data and maps previously unknown to the Commission to support its testimony. Based on this

supplemental evidence and testimony, the Commission concluded at its July 15, 2021 open meeting that Rayburn had established need for the proposed transmission facilities.

The Commission adds findings of fact 74A through 74G to provide the procedural history of this proceeding following its return from SOAH. These findings are necessary to support a conclusion that the proposed transmission facilities are necessary for the service, accommodation, convenience, and safety of the public. Lastly, the Commission makes other non-substantive changes to the Order for such matters as capitalization, spelling, grammar, punctuation, style, and readability.

## **II. Findings of Fact**

The Commission adopts the following findings of fact.

### **Applicant**

1. Rayburn Electric Cooperative, Inc. (Rayburn) is a Texas electric cooperative corporation.
2. Rayburn owns or operates for compensation facilities to generate and transmit electricity in Texas.
3. Rayburn holds certificate of convenience and necessity (CCN) number 30188 and provides transmission service and wholesale electricity to its member distribution cooperatives that in turn supply retail electric service to their retail members in portions of Northeast Texas.

### **Application**

4. On May 22, 2020, Rayburn filed with the Commission an application to amend its CCN to construct new transmission facilities in Collin County, Texas.
5. Rayburn retained Burns & McDonnell Engineering Company, Inc., to prepare an environmental assessment and alternative route analysis that was included as part of the application.
6. Rayburn engaged 1898 & Co., part of Burns & McDonnell Engineering, to prepare a purpose and need study that provides analysis and data supporting the need for the transmission facilities, including load projections, and was included as part of the application.

7. On July 6, 2020, Rayburn filed its first amendment to its application because segments W3 and W6 had to be moved approximately 150 feet further south than originally proposed to avoid a water pipeline under construction.
8. In Order No. 1 filed on June 4, 2020, the Commission administrative law judge (ALJ) set an intervention deadline, directed Rayburn to provide notice of the application and proof of notice, and required Commission Staff to review the application and file a recommendation on the sufficiency of the application.
9. On June 12, 2020, Rayburn filed Rayburn's first response to Order No. 1, addressing Rayburn's provision of and proof of notice, and the need for the transmission facilities.
10. On June 23, 2020, Commission Staff timely filed a recommendation that Rayburn's application be found sufficient.
11. No party challenged the sufficiency of the application.
12. In Order No. 2 filed on June 30, 2020, the Commission ALJ found the application sufficient and materially complete and established a procedural schedule.

**Description of Proposed Transmission Facilities**

13. The proposed transmission facilities consist of a new single-circuit 138-kV electric transmission line that will interconnect the proposed New Hope Substation, centrally located within the routing study area, to a transmission source at one of three potential termination points at either an Oncor Electric Delivery Company, LLC transmission line or a Texas-New Mexico Power Company transmission line.
14. Rayburn will build, own, and operate the new transmission line, including the switching and protection equipment necessary for the protection of Rayburn's transmission facilities where the new transmission facilities will interconnect at a tap point. Oncor or Texas-New Mexico Power will build, own, and operate their respective tap or station facilities at the physical interconnection into their respective transmission facilities consistent with Public Utility Regulatory Act (Texas Utilities Code §§ 11.001–66.016; PURA § 37.056(f)), which are necessary to energize Rayburn's transmission facilities. Rayburn and its distribution-

- service member cooperative, Grayson-Collin Electric Cooperative, will own their respective portions of the New Hope substation.
15. The proposed New Hope substation is located within the certificated service area of Grayson-Collin Electric Cooperative, adjacent to the North Texas Municipal Water District's Sister Grove Regional Water Resource Recovery Facility, a highly concentrated load to be served by the transmission facilities.
  16. The proposed transmission facilities will be constructed with a design-voltage rating and operating voltage of 138-kV. The typical structure will be single-pole steel or concrete structures with typical heights of approximately 70 to 90 feet, although the height could vary depending on terrain, clearance, and span length. The single-pole transmission facilities will require a right-of-way with a typical width of approximately 100 feet, although the width could vary depending upon span length, terrain, and other engineering constraints. No right-of-way has been acquired, although Rayburn has acquired the property where the New Hope substation will be located.
  17. The application included 24 primary alternative routes (12 western and 12 eastern) composed from 75 route segments.
  18. Rayburn identified route West C as the route that best addresses the requirements of PURA<sup>1</sup> and the Commission's substantive rules.
  19. The application routes range in length from 3.19 to 8.25 miles in length.
  20. Rayburn estimated that it would finalize engineering and design by September 2021, acquire all rights-of-way and land by December 2021, procure material and equipment by January 2022, complete construction by June 2022, and energize the proposed transmission facilities by June 2022.

**Public Input**

21. Rayburn hosted a public meeting on October 16, 2019 at the Princeton High School in Princeton, Texas. Rayburn hosted a second public meeting on October 17, 2019 at the First

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code § 11.001–66.016.

Methodist Church Auditorium in McKinney, Texas. One of the purposes of the meetings was to gather the values and concerns of the public and community leaders.

22. On October 1, 2019, Rayburn mailed notice of the two public meetings to each of the persons listed on the then-current county tax rolls as an owner of land within 350 feet of the centerline of any of the proposed transmission facilities.
23. On October 1, 2019, Rayburn also provided written notice of the public meetings to local officials and the Department of Defense Siting Clearinghouse.
24. A total of 117 people signed in as attending the public meetings.
25. Attendees were provided with questionnaires to provide feedback, and Rayburn received a total of 79 completed questionnaires during and after the meetings.
26. Rayburn and Burns & McDonnell Engineering analyzed input, comments, and information received at and following the public meetings and from local, state, and federal agencies to identify any issues warranting modification to the preliminary alternative segments, including whether new segments should be developed that were not presented at the public meetings.
27. Following the public meetings, changes to preliminary alternative segments were made and 75 primary alternative routing segments were designed for the transmission line, which were used to compose 24 primary alternative routes.
28. By letter dated July 30, 2020, the Department of Defense stated that the transmission facilities would have minimal impact on military operations in the area.

**Notice of Application**

29. On May 22, 2020, Rayburn mailed direct written notice of the filing of the application by first-class mail to each owner of land who would be directly affected by the construction of the transmission facilities, as determined by Collin Central Appraisal District tax data. The notice sent to the landowners included a map and a written description of the alternative routing options, the Commission brochure entitled *Landowners and Transmission Line Cases at the PUC*, and forms for submitting comments or a request to intervene.

30. On May 22, 2020, Rayburn mailed written notice of the filing of the application to Collin County officials and municipal authorities for the cities of Anna, Blue Ridge, Farmersville, Lowry Crossing, Lucas, McKinney, Melissa, Princeton, Weston, and the towns of Fairview and New Hope.
31. On May 22, 2020, Rayburn mailed written notice of the filing of the application to the following utilities providing electric utility service within five miles of the requested facilities: Oncor, Texas-New Mexico Power, and Grayson-Collin Electric Cooperative.
32. On May 22, 2020, Rayburn provided written notice of the filing of the application to the Office of Public Utility Counsel and the Department of Defense Siting Clearinghouse and provided a copy of the environmental assessment study to the Texas Parks and Wildlife Department.
33. Rayburn published public notice of the application, within one week after the application was filed, in the *McKinney Courier Gazette* on May 24, 2020 and the *Celina Record* on May 29, 2020, which have general circulation in Collin County.
34. On June 12, 2020, Rayburn filed a response to Order No. 1 and proof of notice, including the affidavit of Thomas Ademski testifying to the provision of notice.
35. As a result of Rayburn's first amendment to the application, one additional parcel owned by a previously notified landowner was crossed by segment W6.
36. On July 6, 2020, Rayburn sent direct mail notice of the first amendment to the application, in the form of a letter, to landowners directly affected by segments W3, W5, W6, W10, and W14 both as originally filed and modified. Rayburn also sent notice of the first amendment to the application by the same letter to the municipalities, utilities, and other entities (Collin County, Department of Defense Siting Clearinghouse, Texas Parks and Wildlife Department, and the Office of Public Utility Counsel), all of which had previously received notice of the application.
37. On July 8, 2020, Rayburn filed proof of notice of the first amendment to the application.
38. On July 31, 2020, Rayburn filed proof of supplemental notice regarding a returned landowner notice.

39. On June 23, 2020, Commission Staff filed a recommendation that Rayburn's notice of the application be found sufficient and compliant with 16 Texas Administrative Code (TAC) § 22.52(a).
40. In Order No. 2 filed on June 30, 2020, the Commission ALJ found Rayburn's notice sufficient and approved Rayburn's notice of the application.

**Intervenors**

41. In Order No. 2 filed on June 30, 2020, the Commission ALJ granted motions to intervene filed by Joseph and Evita Patton; Tayler Long, trustee of the Tayler Hugh and Nikki Iwen Long Family Revocable Trust; William McCallum; Robert Quint; Sidney Goldstein; Venkatesh Yerramsetty; Stan Peterson; and Hari Prasad Myneni.
42. In Order No. 3 filed on July 13, 2020, the Commission ALJ granted motions to intervene filed by Ricky Sullivan; PACCAR, Inc.; James Lacy; the Town of New Hope, Texas; MM Princeton 854, LLC; Hoyt Mains; Lane Mains; Kevin and Holly Norton; Srilakshmi Yeluri; Rick and Denise Chron; Vijay Borra; Barbara Oxford; James Bell; Oncor; George M. Schaeffer on behalf of the George M. Schaeffer Revocable Trust; D.C. Sauter for Bloomdale, LLC; Chris Clayton; Angel Hamm; Atul and Monika Khurana; Crooked Creek, Inc.; Helmuth and Nicole Mayer; McKinney Leased Housing Associates I, LP; and Lezlie Hall.
43. In Order No. 4 filed on August 5, 2020, the Commission ALJ granted motions to intervene filed by Richard and Sherri Eubank; Joseph and Mary Borchard; Margaret O'Neal; Patrick and Jenny O'Neal; Michael Swim and Jennifer Swim; R. E. Aycock, Jr. for REA Capital LP; John Minnis; Mary Minnis, individually, and on behalf of Devsol Holdings II, LLC, Justin and Melissa Brown, Deborah Winford, and Thomas Potter; Keith Pryor; Crooked Creek, Inc.; Thad Helsey for FH Farm Venture, LLC; Michael Shane Lindsey; J. David Thompson; Judy Glazer; Michael Brown; Bridgette Paul; and Jennifer Grace for Lacore Agriculture, LLC.
44. In Order No. 5 filed on August 17, 2020, the Commission ALJ granted Mr. Brown's motion to withdraw as an intervenor, and granted McKinney Leased Housing Associates I, LP's



request to change intervenor identification to McKinney Leased Housing Associates Owner I, LLC due to an ownership change.

45. SOAH Order No. 3 filed on December 17, 2020 confirmed the interventions of Ms. Swim, Mr. and Ms. O'Neal, MM Princeton 854, Mr. McCallum, Mr. Quint, FH Farm Venture, LLC in care of Thad Helsey, and Ms. Paul. SOAH Order No. 3 also dismissed the following intervenors for failing to file direct testimony or a statement of position: Mr. Pryor, Mr. Lindsey, Mr. Thompson, Ms. Glazer, Lacore Agriculture, Mr. Yerramsetty, Mr. and Ms. Chron, Mr. Khurana, Ms. Oxford, Mr. Goldstein, Mr. Sullivan, Mr. Peterson, Mr. Hamm, and Mr. Borra. The SOAH ALJs also denied the late-filed motions to intervene of North Collin 550 Land LLC, GRBK Edgewood LLC, and Griffin Legacy, LP.
46. SOAH Order No. 4 filed on January 11, 2021 denied North Collin 550 Land's and GRBK Edgewood's joint motion for partial reconsideration of SOAH Order No. 3 or, in the alternative, motion for partial stay of SOAH Order No. 3.

**Alignment of Intervenors**

47. On January 11, 2021, the BMWB Coalition filed a voluntary statement of alignment consisting of the following parties: the town of New Hope, Ms. Winford, Mr. and Ms. Minnis, Devsol Holdings, Mr. Potter, Mr. and Ms. Brown, and Mr. Long.
48. On October 22, 2020, the following parties gave notice of their voluntary alignment as a group called the W4-W7 Intervenors: Mr. Swim, Mr. and Ms. Borchard; Mr. and Ms. Mayer, Mr. and Ms. Eubank, and Ms. O'Neal.

**Route Adequacy**

49. Rayburn's application presented 24 geographically diverse alternative routes for the transmission line, using a combination of 75 routing segments.
50. No party filed testimony or a statement challenging the adequacy of the application or whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
51. The application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation.

**Statements of Position and Pre-Filed Testimony**

52. On August 28, 2020, Rayburn filed the direct testimony of Stephen Geiger, P.E.; Joseph Nichols; and Thomas Ademski in support of the application. Rayburn offered errata to the direct testimony of Thomas Ademski and the environmental assessment report on December 28, 2020. These direct testimonies and errata were admitted at the hearing.
53. On October 23, 2020, Mr. Lacy filed a statement of position.
54. On October 27, 2020, the following parties filed direct testimony that was subsequently admitted at the hearing, some with corrections or errata: Mr. and Ms. Patton; the W4-W7 Intervenor; PACCAR; the BMWB Coalition; the Tayler Hugh and Nikky Iwen Long Family Revocable Trust; Crooked Creek; McKinney Leased Housing; Bloomdale; Mr. Bell; the George M. Schaeffer Revocable Trust; Mr. Aycock, for himself and REA Capital; and Mr. Mains, on behalf of himself and Ms. Mains.
55. On October 27, 2020, Oncor filed a statement of position.
56. On October 28, 2020, the following parties filed direct testimony: Ms. Norton, individually, on behalf of Mr. Norton; Mr. Clayton; Mr. Yeluri; Ms. Hall; and Mr. Myneni. These direct testimonies were not admitted at the hearing.
57. On November 23, 2020, Commission Staff filed the direct testimony of John Poole. Commission Staff filed errata to Mr. Poole's testimony on December 1, 2020. This testimony and errata were admitted at hearing.
58. On November 30, 2020, MM Princeton 854 filed a statement of position.
59. On December 4, 2020, Mr. Quint and Mr. McCallum each filed statements of position.
60. On December 8, 2020, FM Farm Venture filed a statement of position.
61. On December 10, 2020, Ms. Paul filed a statement of position.
62. On December 14, 2020, the following parties filed cross-rebuttal testimony, which was subsequently admitted at hearing, some with corrections or errata: PACCAR; Mr. Aycock, individually and on behalf of REA Holdings; the W4-W7 Intervenor; McKinney Leased Housing; and Bloomdale.

63. On December 21, 2020, Rayburn filed the rebuttal testimony of Stephen Geiger and Thomas Ademski, which were admitted at hearing.
64. On December 17, 2020, in SOAH Order No. 3, the SOAH ALJs dismissed the following parties for failing to file direct testimony or a statement of position: Mr. Pryor; Mr. Lindsey; Mr. Thompson; Ms. Glazer; Lacore Agriculture; Mr. Yerramsetty; Mr. and Ms. Chron; Mr. Khurana; Ms. Oxford; Mr. Goldstein; Mr. Sullivan; Mr. Peterson; Mr. Hamm; and Mr. Borra.

**Referral to SOAH for Hearing**

65. On June 26, 2020, Mr. Mains filed a request for hearing on the merits at SOAH. Later, on June 30, 2020, the George M. Schaeffer Revocable Trust filed a request for hearing, and on July 1, 2020, Mr. and Ms. Norton filed a request for hearing.
66. On July 13, 2020, Commission Staff requested that the docket be referred to SOAH for a hearing.
67. On August 18, 2020, in its order of referral and preliminary order, the Commission referred this proceeding to SOAH for assignment of an ALJ to conduct a hearing and identified the issues to be addressed in this proceeding.
68. In SOAH Order No. 1 filed on September 11, 2020, the SOAH ALJs included a statement of the facts asserted in the application, ruled that the Commission has jurisdiction over the application and that SOAH has jurisdiction over all matters related to the hearing on the application, referenced the statutes and rules involved, noticed a prehearing conference, established filing and service requirements, informed parties that they were required to file written testimony or a statement of position, and emphasized that any party that failed to file written testimony or a statement of position would be dismissed from the proceeding and prohibited from participating further.
69. On September 30, 2020, a prehearing conference was held at SOAH via Zoom video conference.

70. In SOAH Order No. 2 filed on October 12, 2020, the SOAH ALJs adopted a procedural schedule and provided notice of the hearing on the merits to be held via a Zoom video conference to begin at 9:00 a.m. on January 19 through January 20, 2020.

**Hearing and Post-Hearing**

71. On January 19, 2021, SOAH ALJs Holly Vandrovec and David DuBose convened a hearing on the merits via Zoom video conference. The hearing on the merits concluded on January 20, 2021.
72. The following parties made appearances, either personally or through legal counsel, and participated in the hearing on the merits: Rayburn; Commission Staff; Bloomdale; the BMWB Coalition; Crooked Creek; McKinney Leased Housing; Mr. and Ms. Mains; MM Princeton 854; Oncor; PACCAR; Mr. Aycock and REA Capital; the W4-W7 Intervenors; Charles F. Booher, Jr. et al.; Mr. Lacy; Ms. Norton; Mr. McCallum; Ms. Patton; the George M. Schaeffer Revocable Trust; and FH Farm Venture.
73. On January 25, 2021, the SOAH ALJs filed SOAH Order No. 5 setting deadlines for initial and reply briefs and a record close date of February 17, 2021.
74. Following the winter storm that disrupted utility services throughout the state the week the reply briefs were due, the SOAH ALJs filed SOAH Order No. 6, accepting all reply briefs filed as of February 22, 2021 as timely and closing the record as of that date.

**Return to the Commission**

- 74A. On April 23, 2021, the SOAH ALJs filed a proposal for decision recommending approval of route West C and remanded the proceeding to the Commission.
- 74B. On May 17 through 18, 2021, Rayburn and Commission Staff jointly filed, Mr. Aycock and REA Capital jointly filed, and the W4-W7 Intervenors, Bloomdale, Mr. McCallum, PACCAR, and Ms. Paul individually filed exceptions to the proposal for decision.
- 74C. On June 29, 2021, the Commission filed an order remanding this proceeding to Docket Management. In its order, the Commission directed Rayburn to file additional evidence supporting need for the proposed transmission facilities and to file a motion to admit the evidence into the record.

- 74D. On July 1, 2021, Rayburn filed a supplemental brief on need, the supplemental testimony of Mr. Geiger, the supplemental testimony of Mr. Nichols with attached confidential exhibits, and proposed supplemental findings of fact. Rayburn also filed a motion to admit the supplemental testimonies and attachments into the evidentiary record.
- 74E. On July 9, 2021, the W4-W7 Intervenors filed a reply brief objecting to Rayburn's proposed supplemental findings of fact and the remand testimony of JD Eubank. The W4-W7 Intervenors also filed a motion to admit Mr. Eubank's remand testimony into the evidentiary record. Rayburn later filed objections to Mr. Eubank's remand testimony.
- 74F. On July 12, 2021, the SOAH ALJ recommended the Commission adopt certain exceptions to the proposal for decision raised by Commission Staff and Rayburn.
- 74G. On July 13, 2021, the Commission ALJ admitted into evidence without modification the supplemental testimony of Mr. Geiger, filed on July 1, 2021; the supplemental testimony of Mr. Nichols with all confidential attachments, filed on July 1, 2021; and the remand testimony of Mr. Eubank, filed on July 9, 2021.

**Adequacy of Existing Service and Need for Additional Service**

75. The transmission facilities are needed to supply power to a delivery point at the proposed New Hope substation.
76. Rayburn engaged Burns & McDonnell Engineering to prepare a study which provides analysis and data supporting the need for the transmission facilities, including load projections for the Grayson-Collin Electric Cooperative system and the Sister Grove Regional Water Resource Recovery Facility. Burns & McDonnell Engineering evaluated existing and forecasted general load currently served or to be served from Grayson-Collin Electric Cooperative's McKinney East metering point, Stony Point substation, and Anna substation. The metering points and substations are located within the study area of the purpose and need study, which is larger than the routing study area.
77. Load exists and is growing throughout the study area of the purpose and need study, both east and west of the proposed New Hope substation site.
78. The New Hope substation will be built with capacity to accommodate future load growth.

79. While a substantial amount of new load is growing in the eastern portion of the routing study area, the purpose and need study evaluated both existing and forecasted general load currently served or to be served from Grayson-Collin Electric Cooperative's McKinney East metering point, Stony Point substation, and Anna substation. Grayson-Collin Electric Cooperative's distribution circuit system emanating from these points serves existing general load that is located both east, west, north, and south of the proposed New Hope substation site.
80. The transmission facilities will serve the area's existing general load; forecasted general loads, such as planned or under construction residential and commercial developments; and the highly concentrated load at the Sister Grove facility.
81. The New Hope substation will be located within Grayson-Collin Electric Cooperative's certificated service area. In addition to Grayson-Collin Electric Cooperative's need to meet the existing and projected load, North Texas Municipal Water District requested service at the Sister Grove facility by October 1, 2022.
82. Grayson-Collin Electric Cooperative is obligated to provide retail electric service to consumers requesting service in its service territory, and Rayburn is contractually obligated to provide wholesale electric power and energy to the locations where its member distribution cooperatives require.
83. Over the next five years, more than 40 megawatts (MW) of general load growth is forecasted in the area currently served from Grayson-Collin Electric Cooperative's New Hope metering point, Stony Point substation, and Anna substation.
84. The load of the Sister Grove facility will develop in four phases over a period of years. The facility's initial projected load requirements are 7.5 MW by 2022. The Sister Grove facility is expected to add 9.6 MW to the existing general load and forecasted general load by December 2025, 15.5 MW by 2030, and a full development load of 17.6 MW by 2035.
85. The forecasted general load, combined with the load from the Sister Grove facility, reflects substantial load growth in the New Hope and McKinney area, a significant proportion of which is highly concentrated near the proposed New Hope substation.

86. Rayburn identified two existing 138-kV transmission sources as the closest options capable of serving the New Hope substation: Oncor's Anna-to-McKinney 138-kV transmission line and Texas-New Mexico Power's Climax-to-Longneck 138-kV transmission line that terminates at Texas-New Mexico Power's Longneck substation.
87. The primary objective of Rayburn's proposal is to provide a transmission connection from the Anna-to-McKinney line or the Climax-to-Longneck line to the proposed New Hope substation, which is needed to serve the existing general load, forecasted general load, and the load from the Sister Grove facility.
88. The purpose and need study evaluated distribution feeder extensions from Grayson-Collin Electric Cooperative facilities capable of serving the New Hope substation, as well as numerous upgrades to distribution facilities, including reconductoring lines, adding capacitors and regulators, increasing line voltage, and replacing and resizing transformers.
89. The purpose and need study studied a total of 15 distribution alternatives, using Grayson-Collin Electric Cooperative's existing McKinney East metering point, Stony Point substation, and Anna substation. Of the 15 distribution alternatives, the purpose and need study evaluated seven express circuits to feed the load from the Sister Grove facility only, and eight modification or upgrade distribution alternatives to feed both area load and the load from the Sister Grove facility.
90. Of the 15 distribution alternatives studied, only two distribution alternatives came within 100% of maximum loading capacity, both of which originate from existing Grayson-Collin Electric Cooperative substation sources, require longer and more constrained circuits with substantial upgrades, and result in significantly inferior reliability to the area. Both of these alternatives failed load flow requirements, are costlier than a transmission alternative, and require significant construction modifications that create reliability risk and could potentially disrupt service to existing customers.
91. The purpose and need study analyzed non-wires distribution alternatives, including distributed generation and battery storage. These alternatives were prohibitively expensive, even excluding land acquisition, taxes, equipment lifecycle replacements, and operations and maintenance costs. When scaled to meet only the 40 MW of forecasted

general load by 2025, the cost of photovoltaic generation is estimated at \$57.6 million. A battery energy storage system scaled to 40 MW is estimated to cost \$57.8 million. Both of these estimates do not account for the additional 9.6 MW of load expected from the Sister Grove facility by 2025.

92. Neither of the non-wires distribution alternatives are viable alternatives.
93. A distribution alternative is insufficient from a service, cost, and reliability perspective. No distribution alternative is capable of serving the forecasted general load and the load from the Sister Grove facility in 2025.
94. The addition of a new 138-kV transmission line and 24.9-kV substation, local to the Sister Grove facility, can reliably meet Grayson-Collin Electric Cooperative's load requirements.
95. The transmission alternative reduces outage exposure and voltage loss by shortening line miles to the load, avoids violations of load flow planning criteria presented by the distribution alternatives studied, and further alleviates loading on the existing Anna substation and Stony Point substation that could become overloaded, or highly loaded, with the addition of the forecasted general load and the load from the Sister Grove facility.
96. The transmission facilities will support the reliability and adequacy of the interconnected transmission system by constructing a transmission line to serve significant load at a new substation, strengthening the transmission system service to the broader area and supplying power for anticipated residential and commercial growth on the Grayson-Collin Electric Cooperative system in Collin County.
97. Because the transmission facilities include a radial transmission line that is classified as a Tier 4, neutral project, the transmission facilities were not required to be submitted for ERCOT's Regional Planning Group review.
98. The transmission facilities are the best option to meet the need based on considerations of efficiency, reliability, cost effectiveness, and flexibility for future load growth.



*Community Values*

99. Rayburn made reasonable choices to identify alternative routes, segments, and potential routing modifications to address and account for the interests of the community, while remaining cognizant of other statutory and regulatory criteria.
100. The top three concerns commonly expressed by the public regarding the transmission facilities through the public involvement program include, in descending order of importance: maximizing distance from residences, minimizing loss of trees, and minimizing visibility of the line.
101. Route West H has the least number of habitable structures within 300 feet of the centerline of its right-of-way. Route West H has only one habitable structure within 300 feet of the centerline of the right-of-way. Route West C has two habitable structures within 300 feet of the centerline. Route West K has 10 habitable structures within 300 feet of the centerline, and route East C has 13 habitable structures within 300 feet of the centerline. Route West L has 33 habitable structures within 300 feet of the centerline.
102. Route West H has one single-family residence 162 feet from its centerline. Route West C has one single-family residence and a guest house within 209 and 83 feet of its centerline, respectively. Route West K has a single-family residence 162 feet from its centerline, and three multi-family residence apartment buildings 284, 296, and 305 feet from its centerline, though it is not clear from the record how many individual residences are in the apartment buildings that were counted as a single habitable structure. Route East C has 12 single-family residences and a church ranging from 67 to 295 feet from its centerline. Route West L has 20 single-family residences ranging from 162 to 305 feet from its centerline and nine multi-family apartment buildings ranging from 83 to 245 feet from its centerline.
103. The alternative routes cross between 0.25 miles (route West L) and 2.64 miles (route East I) of upland woodland or brushland. Route West K crosses the second-least at 0.34 miles, and route East C crosses the fourth-least at 0.60 miles. Route West C crosses the seventh-least at 1.06 miles, and route West H crosses the ninth-least at 1.13 miles.

104. The alternative routes cross between 0.06 miles of bottomland, riparian woodland, or brushland (three routes, including routes West K and West L) to 0.38 miles (route East I). Route East C crosses the fourth-least at 0.08 miles, route West H crosses the 11th-least at 0.16 miles, and route West C crosses the 19th-least at 0.19 miles.
105. The crossing of any route through upland woodland or brushland, bottomland, riparian woodland, or brushland would necessitate the cutting and clearing of trees and foliage in those areas.
106. Portions of 14 of the 24 primary alternative routes are located within the foreground visual zone of U.S. and state highways. Ten routes on the east side, including route East C, have no rights-of-way within the foreground visual zone of either a U.S. or state highway. Route West B has the most at 1.83 miles. Route West L has the 13th-least right-of-way within foreground visual zone of either a U.S. or state highway with 1.22 miles. Route West K has the 15th-least right-of-way within the foreground visual zone of either a U.S. or state highway with 1.30 miles, while routes West C and West H have the 16th-least with 1.48 miles.
107. A portion of every primary alternative route is within the foreground visual zone of farm-to-market roads, ranging from route West K with 1.19 miles to route East B with 6.00 miles. Route West L has the 2nd-least with 1.53 miles. Route West H has the 9th-least with 2.61 miles, route West C has the 11th-least with 2.84 miles, and route East C has the 22nd least (third-most) with 5.89 miles.
108. Fifteen of the 24 primary alternative routes (all of the western routes as well as routes East J, East K, and East L) are located within the foreground visual zone of parks or recreational areas, while route East K would have the most at 1.53 miles. Routes West C and West H would have the 11th-least amount of right-of-way located within the foreground visual zone of parks or recreational areas with 0.88 miles, while route West L would have the 15th-least with 1.14 miles, and route West K would have the 20th-least with 1.29 miles.
109. Route West C adequately addresses the expressed community values for the area taken as a whole. If, however, the Commissioners decrease the weight on the value of minimizing the number of trees being cut, Route West H is also a viable option.

**Prudent Avoidance and Habitable Structures**

110. The proposed transmission facilities have been routed in accordance with the Commission's policy on prudent avoidance.
111. Prudent avoidance is defined in 16 TAC § 25.101(a)(6) as the "limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."
112. Rayburn worked with Burns & McDonnell Engineering to identify areas with habitable structures and opportunities to avoid or maximize distances from those areas to the extent feasible.
113. To account for the potential inaccuracies of aerial photography and data utilized, Burns & McDonnell Engineering counted all habitable structures within 310 feet of a route centerline.
114. The number of habitable structures on the routes ranges from a high of 49 to a low of one, and rank in order from least to most as follows with the number of habitable structures in parentheses: West H (1); West C (2); West J (9); West K (10); East A (11); East B (12); East C, East G, and East H (13); East E (15); West I, East D, and East F (16); West F (19); East I and East J (20); East K (21); West G (33); West L (33); East L (35); West B (41); West A (46); West E (47); and West D (48).
115. Each apartment building owned by McKinney Leased Housing was counted as one habitable structure even though each building contains a number of apartment units. If each apartment is counted rather than the apartment building, route West K would have 102 dwelling units within 300 feet of the centerline and route West L would have 224 dwelling units within 300 feet of the centerline.
116. The construction of the transmission facilities along route West C complies with the Commission's policy of prudent avoidance.

**Recreational and Park Areas**

117. There are six parks or recreational areas in the routing study area: Inspiration Park, North Park/Juanita Maxfield Aquatic Center, Pat Fowler Park, Oak Hollow Golf Course,

McKinney Independent School District athletic fields, and Princeton Independent School District recreational and athletic facilities.

118. None of the alternative routes cross parks or recreational land, and only three parks and recreational areas are located within 1,000 feet of the centerline of any alternative route.
119. Thirteen primary alternative routes are located within 1,000 feet of a single park or recreational area. Ten of the 12 western primary alternative routes (with the exception of routes West G and West L) are located within 1,000 feet of the Oak Hollow Golf Course or Inspiration Park. Three of the 12 eastern primary alternative routes (routes East J, East K, and East L) are located within 1,000 feet of Pat Fowler Park.
120. Route East C has no parks or recreational areas within 1,000 feet of its centerline, while the three western routes have that proximity to one such area.
121. It is unlikely that transmission facilities, including Route West C, will have a significant impact on the use or enjoyment of a park or recreational area.

**Texas Parks and Wildlife Department**

122. On July 9, 2020, the Texas Parks and Wildlife Department filed a letter with its comments and recommendations regarding the transmission facilities. The Texas Parks and Wildlife Department concluded that, of the 24 routes evaluated by Rayburn as part of the application, route West L is “the route that causes the least adverse impacts to natural resources.”
123. The Texas Parks and Wildlife Department comment letter addressed issues relating to effects on ecology and the environment but did not consider other factors the Commission and utilities must consider in siting transmission facilities.
124. Route West L has 33 habitable structures within 300 feet of its right-of-way centerline, 20 of which are single-family residences and nine of which are multi-family residences.
125. Route West L’s estimated cost exceeds route West C’s estimated cost.

**Environmental Integrity**

126. The routing study area is situated within the Blackland Prairies physiographic province of Texas. Although Collin County and the routing study area are located in a region

experiencing very high growth rates, the majority of the routing study area is currently rural and devoted to agricultural uses. Residential and commercial development occur throughout the area. Lower density development and large-lot subdivisions surround the Town of New Hope and the unincorporated areas in the northeastern portion of the routing study area. Generally, the landscape has experienced a high degree of alteration due to agricultural use, residential and commercial development, transportation corridors, and existing electrical transmission and distribution facilities.

127. Burns & McDonnell Engineering contacted the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to obtain information regarding the possibility of encountering any endangered or threatened species in the routing study area.
128. Rayburn and Burns & McDonnell Engineering evaluated potential impacts to soil and water resources, ecology (including endangered and threatened vegetation, fish, and wildlife), and land use within the routing study area.
129. Correspondence with the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service indicates five animal species (birds) as federally threatened or endangered in Collin County, and the historical presence of a limited number of animal species that are state-listed threatened or endangered within Collin County.
130. None of the identified routes have any length of right-of-way through known occupied habitats of federally listed endangered or threatened species.
131. It is unlikely that the transmission facilities will significantly adversely affect habitats of federally listed endangered or threatened species.
132. Of the five species currently listed by the United States Fish and Wildlife Service as endangered (least tern and whooping crane), threatened (piping plover and red knot), or proposed threatened (eastern black rail) in Collin County, none are anticipated to occur within the routing study area, except as migrants or vagrants, due to a lack of their characteristic habitat types within the routing study area.
133. Other state-listed threatened species that may potentially be within the routing study area include: fish species (blue sucker and creek chubsucker); rare bird migrants (bald eagle,

- white-faced ibis, and wood stork); reptile species (alligator snapping turtle, Texas horned lizard, and timber rattler); and mollusk species (Louisiana pigtoe and Texas heelsplitter).
134. It is unlikely that the transmission facilities will significantly adversely affect populations of any federally listed endangered or threatened species.
  135. No federally determined critical habitat has been designated in the routing study area for endangered or threatened species.
  136. The transmission facilities will cause only short-term impacts to soil, water, and ecological resources.
  137. No significant impacts to wetland resources, ecological resources, endangered and threatened species, or land use are anticipated as a result of the construction of the proposed transmission facilities.
  138. To protect raptors and migratory birds, it is appropriate that Rayburn follow the procedures outlined in the following publications: *Reducing Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for Rayburn to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
  139. It is appropriate that Rayburn minimize the amount of flora and fauna disturbed during construction of the proposed transmission facilities.
  140. It is appropriate that Rayburn revegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
  141. It is appropriate that Rayburn avoid causing, to the maximum extent possible, adverse environmental consequences to sensitive plant and animal species and their habitats as

identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.

142. It is appropriate that Rayburn implement erosion control measures and return each affected landowner's property to its original contours unless otherwise agreed to by the landowners. It is not appropriate that Rayburn restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission-related structures or the safe operation and maintenance of the transmission facilities.
143. It is appropriate that Rayburn exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way and such herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
144. It is appropriate that Rayburn use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
145. It is unlikely that the presence of transmission facilities along any route will adversely affect the environmental integrity of the surrounding landscape.
146. All of the primary alternative routes are environmentally acceptable.

**Historical and Aesthetic Values**

147. Sixteen previously recorded archaeological sites, six official Texas historical markers, and four historic-age cemeteries were identified within the routing study area. No National Register of Historic Places-listed properties or districts were identified within the routing study area.
148. Route East K crosses two recorded cultural-resource sites. Ten routes (including routes East C, West C, and West H) cross one recorded cultural-resource site. The remaining 13 routes, including route West K, cross zero recorded cultural-resource sites.
149. The number of recorded cultural sites within 1,000 feet of the right-of-way centerline ranges from zero to five sites.

150. Nine of the primary alternative routes (including route East C) have zero recorded cultural sites within 1,000 feet of the right-of-way centerline. Ten of the primary alternative routes have one recorded cultural site within 1,000 feet of the right-of-way centerline (including routes West H and West K). Route West C has four recorded cultural sites within 1,000 feet of the right-of-way centerline.
151. None of the proposed routes cross National Register of Historic Places-listed or determined-eligible sites. No route has National Register of Historic Places-listed or determined-eligible sites within 1,000 feet of the right-of-way centerline.
152. All proposed routes have right-of-way crossing areas of high archaeological or historical site potential, ranging from 2.27 miles (route West E) to 5.83 miles (route East K). Route West K crosses the third-least with 2.46 miles. Route West C crosses the 11th-least with 3.28 miles, followed by route West H with 3.67 miles, and route East C with 3.72 miles.
153. It is unlikely that the presence of transmission facilities along route West C will adversely affect archaeological or historical resources.
154. Aesthetic effects of the proposed transmission facilities have been minimized to the extent possible.
155. It is unlikely that the presence of transmission facilities along route West C will adversely affect the aesthetic quality of the surrounding area.

**Probable Improvement of Service or Lowering of Cost to Area Consumers**

156. The addition of a new 138-kV transmission line and a 24.9-kV substation, local to the Sister Grove facility, will improve reliability for all loads. It will also reduce outage exposure and voltage loss.
157. This transmission facilities are the best option to meet the need presented by the existing general load, forecasted general load and the load from the Sister Grove facility, based on considerations of efficiency, reliability, cost effectiveness, and flexibility for future growth.



**Effect on the State's Renewable Energy Goal**

158. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 MW of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
159. The proposed transmission facilities cannot adversely affect the goal for renewable energy development established by PURA § 39.904(a).

**Engineering Constraints**

160. There are no significant engineering constraints along any of the alternative routes that cannot be adequately addressed by using design and construction practices and techniques that are usual and customary in the electric utility industry.
161. All alternative routes are viable, feasible, and reasonable from an engineering perspective.

**Other Comparisons of Land Uses and Land Types**

**a. Radio Towers and Other Electronic Installations**

162. An array of five AM radio transmitters is located within 10,000 feet of the right-of-way centerline of 16 of the 24 primary alternative routes.
163. Eight of the 24 primary alternative routes have no AM radio transmitters located within 10,000 feet of the right-of-way centerline (routes West H, West I, West J, West K, West L, East J, East K, and East L).
164. Eighteen of the 24 primary alternative routes have at least one communication tower located within 2,000 feet of their right-of-way centerlines, and of those, routes West B and West G have two such towers.
165. Construction of the transmission facilities will have no significant impact on electronic communications in the area.
166. It is unlikely that the presence of transmission facilities along route West C will adversely affect any communication operations in the proximity of that route.

**b. Airstrips and Airports**

167. There are no Federal Aviation Administration-registered airports with runways less than 3,200 feet within 10,000 feet of the right-of-way centerline of any proposed route.

168. There is one Federal Aviation Administration-registered airfield with a runway greater than 3,200 feet within 20,000 feet of the right-of-way centerline of all proposed routes (the McKinney National Airport).
169. There are no heliports within 5,000 feet of the right-of-way centerline of any route.
170. One private airstrip, the Square Air Airport, is within 10,000 feet of the right-of-way of each primary alternative route.
171. The distance between the nearest point of McKinney National Airport and the nearest segment along routes West D, West E, West F, and West G is 16,036 feet. Based on these distances, the typical height of the proposed structures would not exceed the 100 to one slope that the Federal Aviation Administration uses to require notification.
172. Following Commission approval of a route for the transmission facilities, Rayburn will make a final determination of the need for Federal Aviation Administration notification, based on specific route location and structure design.
173. If required, Rayburn will complete and submit a notice of proposed construction or alteration, form 7460-1 to the Federal Aviation Administration southwest regional office located in Fort Worth, Texas.
174. There are no significant effects on aviation operations within the routing study area anticipated from construction of any routes proposed for the transmission facilities.
175. It is unlikely that the presence of transmission facilities along route West C will adversely affect any airports, airstrips, or heliports.

**Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries**

176. The use and paralleling of existing compatible right-of-way (existing transmission lines and their rights-of-way, roadways, apparent property lines, and natural or cultural features) was taken into account in the development of the primary alternative routes.
177. No primary alternative route utilizes existing transmission line right-of-way.
178. Three of the primary alternative routes parallel existing transmission line right-of-way for some distance, with routes West A, West D, and West E paralleling 0.18 miles of existing transmission line right-of-way.

179. All of the proposed routes parallel other existing compatible right-of-way, such as roads and highways, for some distance.
180. Route East C parallels compatible rights-of-way for 4.14 miles.
181. Route West K parallels compatible rights-of-way for 1.49 miles.
182. Route West C parallels compatible rights-of-way for 0.19 miles.
183. Route East E parallels the greatest length of property lines for 4.82 miles. Route East C parallels the second-least amount with 0.32 miles. Routes West A and West C do not parallel property lines.
184. The environmental assessment report included data on alternative routes that parallel water pipeline right-of-way. Burns & McDonnell Engineering considered the North Texas Municipal Water District water pipeline right-of-way as an appropriate feature to parallel in this proceeding, as it helps to mitigate fragmentation.
185. The water pipelines to be paralleled by the transmission facilities will use cathodic protection or corrosion surveillance, which is North Texas Municipal Water District's standard practice. This practice removes the risk of alternating-current interference. The expected distance of at least 100 feet between the water pipeline and transmission line centerline reduces the risk of alternating-current interference, even in the absence of cathodic protection.
186. Routes West A, West B, and West C are all tied for paralleling the most water pipeline right-of-way at 1.77 miles. None of the eastern routes parallel water pipeline right-of-way.
187. Route West C parallels compatible rights-of-way, property boundaries, and water pipeline right-of-way for 46.7% of its distance.
188. Route West K parallels compatible rights-of-way, property boundaries, and water pipeline right-of-way for 75.5% of its distance.
189. Route East C parallels compatible rights-of-way, property boundaries, and water pipeline right-of-way for 67.3% of its distance.

190. Where route West C does not parallel compatible rights-of-way, much of route West C crosses property situated within mapped 100-year floodplains.
191. Transmission line poles can be safely designed and installed within mapped 100-year floodplain.

**Estimated Costs**

192. The total estimated cost of the proposed transmission facilities, including the tap point facilities and the substation, range from \$17.5 million to \$23.4 million, depending on the route selected.
193. The New Hope substation has an estimated cost of \$7,896,918.
194. Tap point A has an estimated cost of \$4,259,720.75; tap point B has an estimated cost of \$4,374,094.00; and tap point C has an estimated cost of \$3,869,368.20.
195. To calculate right-of-way cost estimates, Rayburn used the Collin Central Appraisal District's market value for each parcel to be crossed by a routing segment to develop an average value per acre.
196. Rayburn used Collin Central Appraisal District market values in arriving at estimated right-of-way acquisition costs, not separately listed assessed values that reflect agricultural or other exemptions.
197. The average value per acre was multiplied by the number of acres expected to be encumbered by a right-of-way easement for that parcel. This is a common and reasonable method to estimate land acquisition costs in CCN proceedings, as the information is publicly available and provides uniform data across the routing study area.
198. The total cost of each route (including the tap option and substation cost) in ascending order is:

Route	Estimated Cost
West H	\$17,523,781.13
West C	\$17,531,577.75
West I	\$18,234,318.68
West F	\$18,267,199.89
West L	\$18,563,675.97
West E	\$18,587,281.72
West A	\$18,659,878.46
West K	\$18,705,158.95
West D	\$18,801,093.17
West G	\$19,452,342.89
East G	\$19,502,059.59
West B	\$19,516,548.20
East F	\$19,568,139.33
West J	\$19,850,437.44
East C	\$19,976,187.50
East I	\$20,258,120.50
East H	\$20,390,218.15
East E	\$20,595,052.02
East J	\$20,738,964.52
East D	\$20,800,975.85
East B	\$21,761,082.18
East A	\$22,112,834.37
East L	\$23,130,527.95
East K	\$23,456,028.11

199. Rayburn's cost estimates include right-of-way and land acquisition, engineering and design, procurement of materials and equipment, construction of facilities, and other related costs.
200. The cost of route West C is reasonable considering the range of cost estimates for the routes.

**Alternative Routes, their Incremental Costs, and Landowner Contributions or Accommodations**

201. Intervenor Joseph and Evita Patton oppose any route that crosses their property; however, if the Commission approves a route over their property, the Pattons request that the line be moved to a field east of their home and along the back of their property.
202. The Pattons' requested change to segment E11b (modified segment E11b) would not impact any other landowners, would cost about the same as segment E11b as noticed because it is approximately the same length and would not require additional angle structures, does not implicate any additional engineering constraints, and would not diminish the electric efficiency or reliability of the line.
203. Modified segment E11b is an appropriate accommodation to the landowner.

**Summary of Routing Criteria and ALJs Recommendation**

204. Route West C is comprised of segments W1, W3, W6, W14, W22a, W22b, and tap point A.
205. Based on the evidence presented, route West C best meets the regulatory and statutory criteria based on the following considerations:
  - second cheapest route (estimated cost \$17,531,577.75);
  - tenth shortest route (4.20 miles);
  - second fewest habitable structures within 300 feet of right-of-way centerline (2);
  - greatest length of right-of-way parallel to existing water pipeline right-of-way (1.77 miles);

- almost half its length (46.7% or 1.96 miles) parallels existing compatible right-of-way, water pipeline right-of-way, or property lines;
  - fourth greatest distance across 100-year floodplain, which floodplain areas are otherwise difficult to develop for commercial or residential purposes;
  - no transmission line crossings;
  - only one U.S. and state highway crossing; and
  - no AM radio transmitters, microwave towers, etc., within 2,000 feet of right-of-way centerline.
206. Consistent with all the other routes evaluated, route West C also has the following advantages:
- no length of right-of-way crossing parks or recreational areas;
  - no oil and gas pipeline crossings;
  - no length of right-of-way crossing cropland or pastureland with mobile irrigation systems;
  - no Federal Aviation Administration-registered airfields within 10,000 feet of right-of-way centerline (with runway less than 3,200 feet);
  - no heliports within 5,000 feet of right-of-way centerline;
  - no length of right-of-way through known occupied habitat of federally listed endangered or threatened species;
  - no National Register of Historic Places-listed or determined-eligible sites crossed by right-of-way; and
  - no National Register of Historic Places-listed or determined-eligible sites within 1,000 feet of right-of-way centerline.

**Limitation of Authority**

207. It is reasonable and appropriate for a CCN order not to be valid indefinitely, because it is issued based on the facts known at the time of issuance.

208. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order for Rayburn to construct the transmission facilities.

**Oncor Electric Delivery Company LLC**

209. Oncor is an investor-owned electric utility providing service under CCN number 30043.
210. In the application, Rayburn identified Oncor as an electric utility potentially affected by the transmission facilities if certain proposed routing alternatives are selected.
211. Rayburn's application designated three proposed endpoints for the transmission line: tap point A, tap point B, and tap point C.
212. Tap point A and tap point B terminate through Oncor's existing Anna-to-McKinney 138-kV transmission line.
213. Route West C utilizes tap point A and therefore impacts Oncor's existing transmission line facilities.
214. The construction of the transmission facilities along route West C will create the first interconnection between Rayburn's proposed, load-serving New Hope substation and an existing transmission facility: Oncor's Anna-to-McKinney 138-kV transmission line.
215. Oncor, as the interconnecting utility will build a station or tap facility to provide the point of interconnection for the transmission facilities, and Oncor's interconnection facilities are required to energize the transmission facilities. Rayburn will build the distinct switching and protection equipment necessary for the protection of Rayburn's new transmission line.

**III. Conclusions of Law**

The Commission adopts the following conclusions of law.

1. Rayburn is an electric cooperative as defined in PURA § 11.003(9) and an electric utility as defined in PURA § 37.001(2).
2. The Commission has jurisdiction and authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
3. Rayburn must obtain approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.



4. SOAH exercised jurisdiction over this proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
5. Rayburn has the burden of proof in this proceeding under 16 TAC § 155.427.
6. The application is sufficient under 16 TAC § 22.75(d).
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act, and Commission rules.<sup>2</sup>
8. Rayburn provided proper notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
9. Additional notice of the approved route is not required under 16 TAC § 22.52(a)(2) because it is wholly composed of properly noticed segments contained in the original CCN application or modifications agreed to by all affected landowners.
10. Rayburn provided notice of the public meetings in compliance with 16 TAC § 22.52(a)(4).
11. The hearing on the merits was set, and notice of the hearing was given, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.
12. The transmission facilities using route West C are necessary for the service, accommodation, convenience, and safety of the public within the meaning of PURA § 37.056(a), taking into consideration the factors set out in PURA § 37.056.
13. Route West C best meets the routing criteria set out in PURA § 37.056(c) and 16 TAC § 22.52(a).
14. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to Rayburn's application.
15. Oncor is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).

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<sup>2</sup> Administrative Procedure Act, Tex. Gov't Code §§ 2001.001--902.

16. PURA § 37.056(f) applies to the transmission facilities because route West C terminates through Oncor's existing Anna-to-McKinney 138-kV transmission line, creating the first interconnection between that existing line and Rayburn's proposed New Hope substation.
17. Under PURA § 37.056(f), Oncor, as the owner of the existing Anna-to-McKinney 138-kV transmission line, is certificated to build, own, and operate the station or tap facility at this existing line to provide the necessary interconnection for the transmission facilities unless after a reasonable period of time Oncor is unwilling to build, and then Rayburn is certificated to build the interconnection facility. Rayburn is certificated to build, own, and operate its distinct switching and protection equipment necessary for the protection of Rayburn's new transmission line.

#### **IV. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, except as discussed in this Order.
2. The Commission amends Rayburn's CCN number 30188 to include the construction and operation of the proposed transmission facilities along route West C, consisting of the New Hope substation site proposed in the application and segments W1, W3, W6, W14, W22a, W22b, and tap point A.
3. Rayburn must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing natural gas pipelines paralleled by the electric transmission facilities approved by this Order.
4. Rayburn must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.

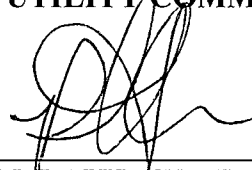
5. Rayburn must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the proposed transmission facilities, and if Rayburn fails to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.
6. Rayburn must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and the United States Fish and Wildlife Service) obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
7. If Rayburn encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Rayburn must report the discovery to, and act as directed by, the Texas Historical Commission.
8. Before beginning construction, Rayburn must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
9. Rayburn must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
10. Rayburn must follow the procedures to protect raptors and migratory birds as outlined in the publications: Reducing Avian Collisions with Power Lines: The State of the Art in 2012, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and Avian Protection Plan Guidelines, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. Rayburn must take precautions to avoid disturbing occupied nests and take steps to minimize the impact of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

11. Rayburn must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way, and must ensure that such herbicide use complies with rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with the Texas Department of Agriculture regulations.
12. Rayburn must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission lines. In addition, Rayburn must revegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Rayburn must avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
13. Rayburn must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. Rayburn must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or landowner's representative. However, the Commission does not require Rayburn to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the transmission facilities' structures or the safe operation and maintenance of the transmission facilities.
14. Rayburn must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the transmission facilities. Any minor deviation to the approved route must only directly affect landowners who were sent notice of the transmission facilities in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
15. Rayburn is not authorized to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without further amending its CCN.

16. If possible, and subject to the provisions of this Order, Rayburn must prudently implement appropriate final design for the transmission lines so as to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Rayburn must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. Rayburn is not authorized to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to comply with the Federal Aviation Administration's recommendations or requirements, then Rayburn must file an application to amend its CCN as necessary.
17. Rayburn must report the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Rayburn must provide final construction costs, with any necessary explanation for cost variance, after completion of construction and when all charges have been identified.
18. The Commission limits the authority granted by this Order to a period of seven years from the date this Order is signed unless the transmission facilities are commercially energized before that time.
19. The Commission denies all other motions and any other requests for general or specific relief that have not been granted.

Signed at Austin, Texas the 20<sup>th</sup> day of July 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



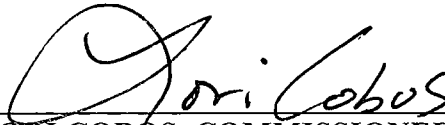
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PETER M. LAKE, CHAIRMAN



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WILL MCADAMS, COMMISSIONER



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LORI COBOS, COMMISSIONER