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SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023



APPLICATION OF THE CITY OF SAN § BEFORE THE STATE OFFICE
ANTONIO TO AMEND ITS §
CERTIFICATE OF CONVENIENCE § OF
AND NECESSITY FOR THE §
SCENIC LOOP 138-KV TRANSMISSION § ADMINISTRATIVE HEARINGS
LINE IN BEXAR COUNTY §

DIRECT TESTIMONY AND EXHIBITS

OF

ADAM R. MARIN, PE

ON BEHALF OF

APPLICANT
CPS ENERGY

November 6, 2020

**SOAH DOCKET NO. 473-21-0247
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DIRECT TESTIMONY AND EXHIBITS OF ADAM R. MARIN, PE**

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EXHIBITS

- Exhibit ARM-1: Resume of Adam R. Marin
- Exhibit ARM-2: PURA § 37.056
- Exhibit ARM-3: PUC Substantive Rule § 25.101
- Exhibit ARM-4: PUC Procedural Rule § 22.52
- Exhibit ARM-5: Overview of Application Sponsorship

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I. INTRODUCTION

1
2 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A. My name is Adam R. Marin. My business address is: 500 McCullough Ave, San Antonio,
4 Texas 78215.

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

6 A. I am employed by the City of San Antonio (City), acting by and through the City Public
7 Service Board (CPS Energy) as Regulatory Case Manager (RCM), and am providing
8 testimony in this docket on behalf of CPS Energy.

9 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL
10 QUALIFICATIONS AND BUSINESS EXPERIENCE.**

11 A. I am a licensed Professional Engineer by the Texas Board of Professional Engineers. I have
12 a Bachelor of Science degree in Electrical Engineering and a Master of Science degree in
13 Management of Technology from the University of Texas, San Antonio. I began my career
14 with CPS Energy in January of 2001 where I was hired into the Substation Design group.
15 Shortly after I was hired, I volunteered to implement SAP as part of the Business
16 Information System (BIS) Project. My responsibilities included developing the estimation
17 and project structure to be used by future substation and transmission projects. My next
18 assignment came as a founding member of CPS Energy's first project management area.
19 While working in Project Management I worked with senior engineers and a project
20 management professor/PhD to develop the initial project management framework based on
21 Project Management Institute (PMI) standards. From Project Management, I moved to
22 Transmission Engineering and spent the next 8+ years designing and managing the
23 construction of transmission lines. In addition to engineering and construction of the
24 transmission lines, I was responsible for working with the CPS Energy Right of Way
25 (ROW) department to obtain new easements, resolving land owner issues,
26 evaluating/procuring professional and non-professional contracts and bids, analyzing
27 existing facilities for National Electrical Safety Code (NESC) compliance, and
28 participating in routing and siting teams for transmission projects. After Transmission

1 Engineering, I moved to Standards and Specifications in the Distribution Engineering
2 Department. There I worked on specifications for various transmission and distribution
3 materials and worked on updating the Overhead Distribution Design Standards for CPS
4 Energy. Following Standards and Specifications, I became manager of Overhead
5 Engineering. I was manager of Overhead Engineering for nearly five years. Some of my
6 responsibilities included: project/work order delivery, coordinating and communicating
7 with the City and other government agencies, customer conflict resolution, teambuilding,
8 problem solving, legal services requests/coordination, contract development, and
9 code/standards compliance. Today, I am CPS Energy's Regulatory Case Manager (RCM)
10 with the responsibilities described below. My resume is attached as Exhibit ARM-1.

11 **Q. PLEASE DESCRIBE YOUR JOB RESPONSIBILITIES, PARTICULARLY AS**
12 **THEY APPLY TO THIS PROJECT.**

13 A. As the RCM for the proposed Scenic Loop 138-kilovolt (kV) Transmission Line Project
14 (Project), I am responsible for managing and coordinating the preparation of CPS Energy's
15 Application to Amend its Certificate of Convenience and Necessity (CCN) (Application).
16 My involvement in the Project includes:

- 17 • Oversight of the public involvement process, including meetings with landowners
18 and local officials;
- 19 • Overseeing the preparation by Power Engineers, Inc. (POWER) of the *Scenic Loop*
20 *138 kV Transmission Line and Substation Project Environmental Assessment and*
21 *Alternative Route Analysis Bexar County, Texas* (EA);
- 22 • Managing the overall preparation of the Application, including coordinating with
23 specialists from CPS Energy and POWER, and developing a suite of routes that
24 address the applicable requirements of the Public Utility Regulatory Act (PURA)
25 (see Exhibit ARM-2) and PUC Substantive Rules (see Exhibit ARM-3);
- 26 • Providing notice of the Application in accordance with all applicable PUC rules
27 (see Exhibit ARM-4); and
- 28 • Providing testimony in support of the Application at the Commission.

29 **Q. HAVE YOU TESTIFIED BEFORE THE COMMISSION PREVIOUSLY?**

30 A. No, I have not.

1 **II. PURPOSE OF TESTIMONY**

2 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS DOCKET?**

3 A. My testimony addresses the following:

- 4 • A description of CPS Energy and an introduction of the witnesses providing
5 testimony on behalf of CPS Energy in this proceeding;
- 6 • CPS Energy's compliance with the PURA and the Commission's rules, including
7 compliance with requirements relating to the public participation process and the
8 provision of notice; and
- 9 • The manner in which CPS Energy identified and evaluated a number of
10 geographically diverse alternative transmission line routes and alternative
11 substation locations for the Project in compliance with the rules and policies of the
12 Commission.

13 **Q. PLEASE BRIEFLY DESCRIBE THE TESTIMONY OF THE OTHER**
14 **WITNESSES WHO PROVIDE DIRECT TESTIMONY ON BEHALF OF CPS**
15 **ENERGY IN THIS DOCKET.**

16 A. Mr. George Tamez, P.E., Director Grid Transformation & Planning, testifies regarding the
17 purpose and need for the Project. Mr. Scott Lyssy, P.E., Manager Civil Engineering,
18 testifies regarding the schedule, cost, design and operation of the new proposed
19 transmission line and substation facilities. Ms. Lisa Meaux, Senior Project Manager for
20 POWER, sponsors the EA and testifies regarding the preparation of the EA. Each witness
21 also sponsors portions of the Application that correspond to his or her respective discipline.

22 **Q. WHAT PORTIONS OF CPS ENERGY'S APPLICATION DO YOU SPONSOR?**

23 A. I sponsor the responses to Questions 1, 2, 3, 9, 10, 12, 25, and 30 of the Application. I co-
24 sponsor the response to Questions 4 and 7 with Mr. Lyssy and Mr. Tamez, the response to
25 Question 6 with Mr. Lyssy and Ms. Meaux, the response to Question 11 with Mr. Tamez,
26 the response to Question 17 with Mr. Lyssy, Ms. Meaux, and Mr. Tamez, and the responses
27 to Questions 18, 19, and 29 with Ms. Meaux. I also co-sponsor with Mr. Lyssy, Ms. Meaux,
28 and Mr. Tamez Section 1 of the EA, prepared by POWER, which is included as Attachment
29 1 to the Application. Additionally, I sponsor Attachments 7, 8, 9, 10, 11, and 12, co-sponsor
30 with Mr. Tamez Attachment 2, and co-sponsor with Ms. Meaux Attachments 5 and 6 to
31 the Application. A complete list of sponsorship is attached to my testimony as Exhibit
32 ARM-5.

1 **Q. WERE YOUR TESTIMONY AND THE PORTIONS OF THE APPLICATION**
2 **YOU SPONSOR PREPARED BY YOU OR BY KNOWLEDGEABLE PERSONS**
3 **UPON WHOSE EXPERTISE, JUDGMENT, AND OPINIONS YOU RELY IN**
4 **PERFORMING YOUR DUTIES?**

5 A. Yes.

6 **Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY AND IN THE**
7 **PORTIONS OF THE APPLICATION YOU SPONSOR TRUE AND CORRECT TO**
8 **THE BEST OF YOUR KNOWLEDGE AND BELIEF?**

9 A. Yes.

10 **III. DESCRIPTION OF CPS ENERGY AND THE PROJECT**

11 **Q. PLEASE DESCRIBE CPS ENERGY.**

12 A CPS Energy is the largest municipally owned energy company in the nation. CPS Energy
13 is independently governed by its own Board of Trustees, which has authority under statute
14 and ordinance to operate and manage the electric system for the City and nearby areas.

15 **Q. PLEASE DESCRIBE CPS ENERGY'S EXISTING TRANSMISSION FACILITIES.**

16 A. Presently, CPS Energy owns and operates approximately 1,536 circuit miles of high
17 voltage transmission lines in Central Texas within the Electric Reliability Council of Texas
18 (ERCOT) region. In addition, CPS Energy owns or operates facilities at approximately 94
19 substations.

20 **Q. PLEASE DESCRIBE THE PROJECT.**

21 A. CPS Energy proposes to design and construct a new double-circuit 138 kV transmission
22 line that will loop into and out of a new Scenic Loop Substation. The Project will connect
23 the new proposed Scenic Loop Substation, located in the area of the intersection of Scenic
24 Loop Road and Toutant Beauregard Road, to the existing electric grid from CPS Energy's
25 existing Ranchtown to Menger Creek 138 kV transmission line, which is located
26 approximately five miles to the west of the area where the new alternative Scenic Loop
27 Substation sites have been identified.

1 CPS Energy is proposing the Project to provide substation infrastructure needed to
2 reliably serve the continued electric load growth in the northwest area of Bexar County.
3 Mr. Tamez' testimony provides detailed information on why CPS Energy is undertaking
4 the Project and an associated discussion on the specific purpose of, and need for, the
5 Project.

6 **IV. IDENTIFICATION OF DIRECTLY AFFECTED PROPERTIES AND NOTICE**

7 **Q. PLEASE DESCRIBE CPS ENERGY'S PROCESS FOR IDENTIFYING**
8 **LANDOWNERS THAT ARE DIRECTLY AFFECTED BY THE PROJECT.**

9 A. CPS Energy follows the process established in PUC Procedural Rule 22.52, which requires
10 it to notify directly affected landowners as identified on the current county tax rolls.
11 According to the Commission's rule, land is directly affected if an easement or other
12 property interest would be obtained over all or any portion of it, or if it contains a habitable
13 structure that would be within 300 feet of the centerline of a transmission line of 230-kV
14 or less. In addition to directly affected landowners, for this case CPS Energy also identified
15 all parcels within 300 feet of the centerline of all routes included in the Application based
16 on data from the Bexar County Appraisal District.

17 **Q. PLEASE DESCRIBE THE NOTICE CPS ENERGY PROVIDED IN**
18 **ASSOCIATION WITH THE APPLICATION FILING.**

19 A. In accordance with PUC Procedural Rule 22.52, CPS Energy provided the following notice
20 in association with the filing of the Application in this docket:

21 Landowner Notice: CPS Energy sent via first-class mail notice of the Application to all
22 directly affected landowners. The notice included a description of the Project, a detailed
23 map of the alternative routes, narrative segment descriptions, information about how to
24 participate in the proceeding, and my name and phone number as a primary point of contact
25 for interested persons to obtain additional information about the Project. The mailed notice
26 also included the PUC Landowner Brochure and blank comment and intervention forms.
27 A complete list of the landowners who were sent notice is included as Attachment 8 to the
28 Application.

1 Published Notice: CPS Energy published a public notice in the *San Antonio Express News*
2 on July 28, 2020, the week after the Application was filed with the PUC. A publishers'
3 affidavit was filed with the Commission on August 11, 2020, showing proof of notice as
4 required by Order No. 1. The *San Antonio Express News* is a newspaper of general
5 circulation in Bexar County.

6 Notice to Counties and Municipalities: Concurrent with the filing of the Application,
7 written notice was mailed by first-class mail to Bexar County officials and municipal
8 authorities for the City of San Antonio, the City of Fair Oaks Ranch, the City of Grey
9 Forest, and the City of Helotes.

10 Notice to Neighboring Utilities: Concurrent with the filing of the Application, written
11 notice was mailed by first-class mail to Bandera Electric Cooperative and Pedernales
12 Electric Cooperative, which are neighboring utilities providing electric utility service
13 within five miles of the requested facility. CPS Energy also sent notice of the Application
14 to LCRA Transmission Services Corporation.

15 Notice to Other Public Officials, Organizations, and Interested Parties: Concurrent with the
16 filing of the Application, written notice was hand delivered or mailed by first-class mail to
17 state and federal representatives and senators in whose districts the Project is proposed; the
18 Northside Independent School District; the Office of Public Utility Counsel; and the Texas
19 Department of Transportation. A complete list of the notices hand delivered or mailed to
20 public officials, organizations, and other interested parties is included as Attachment 10 to
21 the Application.

22 Notice to Department of Defense Siting Clearinghouse: Concurrent with the filing of the
23 Application, written notice was mailed by first-class mail to the Department of Defense
24 Siting Clearinghouse (DOD).

25 An affidavit attesting to the provision of mailed notice in compliance with the
26 Commission's rules was filed with the Commission on August 11, 2020. The Commission
27 issued Order No. 5 in this docket, finding CPS Energy's provision of notice to be sufficient.

1 **Q. DID CPS ENERGY HOLD A PUBLIC OPEN HOUSE MEETING ABOUT THE**
2 **PROJECT PRIOR TO FILING THE APPLICATION?**

3 A. Yes. CPS Energy held a public open house meeting for the Project prior to filing this CCN
4 Application on October 3, 2019, at the Cross Mountain Church, 24891 Boerne Stage Road
5 in San Antonio, Texas.

6 **Q. WHAT WAS THE PURPOSE OF THE PUBLIC OPEN HOUSE MEETING ?**

7 A. The purpose of the public open house meeting was to solicit comments and input from
8 landowners, residents, public officials, and other interested parties concerning the Project,
9 the route, and the CCN process for transmission lines. Further, CPS Energy used the public
10 open house meeting to provide information about the Project, including the need for the
11 Project and the certification process.

12 **Q. DID CPS ENERGY PROVIDE NOTICE OF THE PUBLIC OPEN HOUSE**
13 **MEETING PURSUANT TO PUC PROCEDURAL RULE 22.52?**

14 A. Yes. CPS Energy mailed invitation letters to the open house meeting to landowners who
15 owned property within 300 feet of a preliminary alternative route segment. Each landowner
16 that received an invitation letter also received a map of the study area depicting the
17 preliminary alternative route segments as well as a map showing the location of the public
18 open house meeting. An advertisement for the open house was also published in the *San*
19 *Antonio Express News* on September 22 and 29, 2019.

20 The notice CPS Energy provided in association with the public open house meeting
21 is more fully described in response to Question 18 of the Application, Section 6.0 and
22 Appendix B of the EA, and Section VII of my direct testimony below.

23 **V. ROUTING IN COMPLIANCE WITH PURA AND THE**
24 **COMMISSION'S RULES**

25 **Q. ARE YOU FAMILIAR WITH THE ROUTING CRITERIA IDENTIFIED IN PUC**
26 **SUBSTANTIVE RULE 25.101(b)(3)(B)?**

27 A. Yes. The routing criteria referenced in this part of the PUC's Substantive Rules are attached
28 to my testimony as Exhibit ARM-3.

1 **Q. BRIEFLY DESCRIBE THE ROUTING CRITERIA CONTAINED IN PUC**
2 **SUBSTANTIVE RULE 25.101(b)(3)(B).**

3 A. PUC Substantive Rule 25.101(b)(3)(B) requires that, to the extent reasonable without
4 compromising reliability and safety and considering the requirements of PURA § 37.056
5 (attached as Exhibit ARM-2), engineering constraints, and costs, proposed electric
6 transmission lines should be routed in such a manner as to:

- 7 1. Parallel or utilize existing compatible right-of-way (ROW) for electric facilities,
8 including the use of vacant positions on existing multiple-circuit transmission lines;
- 9 2. Parallel or utilize other existing compatible ROW; including roads, highways,
10 railroads, or telephone utility ROW;
- 11 3. Parallel property lines or other natural or cultural features; and
- 12 4. Conform to the PUC's policy of prudent avoidance.

13 **Q. WERE THE ROUTES AND SEGMENTS INCLUDED IN THE APPLICATION**
14 **IDENTIFIED IN ACCORDANCE WITH THE COMMISSION'S ROUTING**
15 **CRITERIA?**

16 A. Yes. Considering PURA Section 37.056 and PUC Substantive Rule 25.101(b)(3)(B),
17 including the PUC's policy of prudent avoidance, CPS Energy has reasonably routed the
18 Project's alternative routes to moderate the impact on the affected community and directly
19 affected landowners. CPS Energy has done so by paralleling road and highway ROW,
20 paralleling property lines where reasonable, and by paralleling other existing compatible
21 natural or cultural routing features.

22 **Q. ARE THE ROUTES IN THE APPLICATION CONSISTENT WITH THE PUC'S**
23 **POLICY OF PRUDENT AVOIDANCE?**

24 A. Yes. The proposed alternative routes and segments for the Project have been identified in
25 accordance with the PUC's prudent avoidance policy. All of the proposed alternative routes
26 and segments composing such routes reflect reasonable investments of money and effort
27 in order to limit exposure to electric and magnetic fields.

1 **Q. DO YOU HAVE AN OPINION REGARDING THE ELECTRIC AND MAGNETIC**
2 **FIELDS (EMF) THAT MAY BE EMITTED FROM THE PROPOSED**
3 **TRANSMISSION LINE FACILITIES?**

4 A. Yes, I do. I know that members of the public can at times feel concerned regarding EMF
5 associated with electric transmission line facilities. As I described at the start of my
6 testimony, I have spent most of the last 20 years working for CPS Energy in the distribution
7 and transmission engineering groups. I am familiar with the concepts of EMF associated
8 with both distribution and transmission lines. The levels of EMF that will be associated
9 with the Project proposed in this proceeding are similar to those associated with CPS
10 Energy's double circuit 138 kV facilities throughout Central Texas and consistent with
11 levels emitted from similarly designed and loaded double circuit 138 kV transmission
12 facilities owned and operated by other utilities throughout Texas.

13 **Q. PLEASE EXPLAIN THE STEPS TAKEN BY CPS ENERGY TO REDUCE THE**
14 **IMPACTS TO LANDOWNERS THAT MAY RESULT FROM CONSTRUCTION**
15 **OF THE PROJECT.**

16 A. CPS Energy has proposed alternative routes that parallel and/or utilize existing compatible
17 ROW (such as roads), follow compatible natural or cultural routing features, and parallel
18 apparent property lines where reasonable. Additionally, CPS Energy made routing
19 adjustments (as described in the EA in Section 6.1) in part based on input from the public
20 where reasonable and practical.

21 **Q. DOES THE APPLICATION CONTAIN AN ADEQUATE NUMBER OF**
22 **ALTERNATIVE ROUTES TO CONDUCT A PROPER EVALUATION?**

23 A. Yes. As proposed, the Project includes alternative routes to the seven proposed Scenic
24 Loop Substation sites from six possible tap points off the existing Ranchtown to Menger
25 Creek 138 kV transmission line. In her testimony, Ms. Meaux addresses in greater detail
26 the diversity of alternative routing options included in the Application that result from the
27 combination of segments, six alternative end points, and the seven alternative sites
28 identified for the new Scenic Loop Substation.

1 **Q. IS CPS ENERGY REQUIRED TO IDENTIFY AN ALTERNATIVE ROUTE IN**
2 **THE APPLICATION THAT IT BELIEVES BEST ADDRESSES THE**
3 **REQUIREMENTS OF PURA AND THE COMMISSION SUBSTANTIVE RULES?**

4 A. Yes. Question 17 of the Commission’s CCN application form requires an applicant to
5 identify the “alternative route the applicant believes best addresses the requirements of
6 PURA and PUC Substantive Rules.” CPS Energy identified Route Z as the route that best
7 addresses the requirements of PURA and the Commission’s Substantive Rules. However,
8 while CPS Energy identified Route Z as the route that best addresses the requirements of
9 PURA and the Commission’s Substantive Rules at the time of the filing of the Application,
10 all 29 routes in the Application, and any reasonably forward-progressing route that can be
11 delineated from the 48 individual route segments that serve to connect any of the six
12 proposed tap points on the existing Ranchtown to Menger Creek 138 kV transmission line
13 to one of the seven Scenic Loop Substation alternatives are viable options available for
14 approval by the Commission.

15 **Q. IS ROUTE Z CPS ENERGY’S PREFERRED OR RECOMMENDED ROUTE?**

16 A. No, neither Route Z, nor any other route, is CPS Energy’s “preferred” or “recommended”
17 route. PUC Procedural Rule 22.52(a)(4) states that “[i]n the notice for the public meeting,
18 at the public meeting, and in other communications with a potentially affected person, the
19 utility shall not describe routes as preferred routes or otherwise suggest that a particular
20 route is more or less likely to be selected than one of the other routes.”

21 Thus, Route Z is simply the route CPS Energy identified at the time of the filing of
22 the Application as the route it believes best addresses the requirements of PURA and the
23 PUC’s Substantive Rules.

1 **VI. PROPOSED SUBSTATION LOCATIONS**

2 **Q. WHAT CRITERIA DID CPS ENERGY AND POWER CONSIDER IN**
3 **IDENTIFYING POSSIBLE ALTERNATIVE SUBSTATION SITES FOR THE**
4 **NEW SCENIC LOOP SUBSTATION?**

5 A. CPS Energy and POWER considered the following guidelines in identifying possible
6 alternative sites for the Scenic Loop Substation:

- 7 • Capability to meet the need for the Project;
- 8 • Approximately five acres in size;
- 9 • Generally level terrain;
- 10 • Ease of access and proximity to paved roads;
- 11 • Consideration of habitat, floodplain, and potentially impacted environmental
12 features and land uses;
- 13 • Proximity to existing CPS Energy electric distribution facilities;
- 14 • Avoidance of buried utility infrastructure (e.g., pipelines) on the site; and
- 15 • Single parcel/tract rather than multiple parcels/tracts.

16 **Q. HAS CPS ENERGY IDENTIFIED ALTERNATIVE SITES FOR THE NEW**
17 **SCENIC LOOP SUBSTATION THAT ADDRESS THESE CRITERIA?**

18 A. Yes. With the assistance of POWER, CPS Energy identified, evaluated, and submitted
19 seven possible alternative sites for the new Scenic Loop Substation.

20 **VII. PUBLIC INVOLVEMENT**

21 **Q. PLEASE DESCRIBE CPS ENERGY'S PUBLIC INVOLVEMENT ACTIVITIES**
22 **FOR THE PROJECT.**

23 A. CPS Energy held an open house meeting for the Project on October 3, 2019, from 5:30
24 p.m. to 7:30 p.m. at the Cross Mountain Church Student Center in San Antonio, Texas.
25 CPS Energy mailed 592 written notices of the meeting to all owners of property within 300
26 feet of each preliminary alternative route segment centerline. Additional letters were sent
27 to elected officials, the DOD, and other interested parties. In addition, a public notice was
28 published in the *San Antonio Express News*, a newspaper having circulation within Bexar
29 County, on September 22 and 29, 2019. The mailed and published notices announced the

1 location, time, and purpose of the meetings. A representative copy of the mailed and
2 published newspaper notice is located in Appendix B of the EA.

3 The meetings had the following objectives:

- 4 • Promote a better understanding of the Project, including its purpose, need,
5 potential benefits, and impacts, and of the PUC certification process;
- 6 • Inform the public with regard to the routing procedure, schedule, and route
7 approval process; and
- 8 • Gather the values and concerns of the public and community leaders.

9 The meetings were configured in an informal information station format with each
10 station assigned to a particular aspect of the project or routing process and staffed with CPS
11 Energy or POWER personnel. These stations included maps, illustrations, photographs,
12 and text explaining each topic. In addition, POWER provided GIS computer stations to
13 show the extent of the project, the proposed preliminary alternative route segments, Bexar
14 County Appraisal District parcel boundaries, and recent aerial photography of the project
15 area. GIS-trained staff members were available to answer detailed questions regarding the
16 proposed location of the transmission line segments and other features of interest to the
17 public. Attendees were encouraged to visit each station so that the entire process could be
18 explained in the sequence of project development. The information station format is
19 typically advantageous because it allows attendees to process information in a more relaxed
20 manner, to focus on their particular area of interest, and to ask specific questions.
21 Furthermore, the one-to-one discussions with CPS Energy or POWER personnel
22 encouraged more interaction from those attendees who might be hesitant to participate in
23 a more formal speaker-audience format.

24 A total of 172 people signed in at the open house meeting. In some cases, only one
25 spouse or family member signed in when more than one may have been present. The
26 following documents were made available at the open house and on CPS Energy's project
27 website: a brochure providing an overview of the Project, a questionnaire, a preliminary
28 route segment map, and a frequently asked questions document (see Appendix B of the
29 EA). The State of Texas Landowner's Bill of Rights and the PUC's brochure entitled
30 "Landowners and Transmission Line Cases at the PUC" were also available at the open
31 house. Some attendees handed in completed questionnaires at or shortly after the meeting
32 (totaling 146), while others took questionnaires with them, acquired questionnaires from

1 neighbors, or accessed questionnaires from CPS Energy’s Scenic Loop Project website. A
2 total of 40 additional completed questionnaires were sent to CPS Energy following the
3 open house meeting. Thus, a total of 186 questionnaires were received by CPS Energy at
4 or following the public open house meeting. Additionally, CPS Energy received public
5 comments in the form of letters or emails.

6 Additional information concerning the public involvement program and
7 summarizing the questionnaire results is located in Section 6.0, pages 6-1 through 6-4, of
8 the EA. A representative copy of the questionnaires provided for the Project is included in
9 Appendix B of the EA.

10 **Q. HAS CPS ENERGY COMMUNICATED WITH THE PUBLIC IN ADDITION TO**
11 **THE OPEN HOUSE MEETINGS?**

12 A. Yes. Following the open house meetings, CPS Energy received questionnaires and other
13 input from landowners located within the study area. CPS Energy also maintains a Project
14 website to provide the public with updates about the Project.

15 **VIII. SUMMARY AND CONCLUSION**

16 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

17 A. Each of the proposed alternative routes presented in the Application complies with the
18 factors in PURA Section 37.056 and Commission Substantive Rule 25.101(b)(3)(B),
19 including the policy on prudent avoidance. CPS Energy is willing to build any of the 29
20 routes contained in the Application or any other reasonably forward-progressing route
21 composed of the route segments contained in the Application that meet the need for the
22 Project.

23 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

24 A. Yes.

Adam R. Marin, PE

Profile

I am a native San Antonioian and a licensed Professional Engineering in the state of Texas with nearly 20 years experience in Transmission and Distribution. I am a motivated, personable engineering professional with a Master of Science in Management of Technology and successful track record in project delivery, leadership, customer service and team management. My skills also include: diplomacy with professionals and non-professionals, leading cross functional teams, contract development, delivery of large/small scale construction projects, vendor alliances, professional services, corporate initiatives and stand-alone projects.

Licensed by the Texas Board of Professional Engineers (License# 114412)

Education

UNIVERSITY OF TEXAS AT SAN ANTONIO – SAN ANTONIO, TX
Bachelor of Science, Electrical Engineering 2000

UNIVERSITY OF TEXAS AT SAN ANTONIO – SAN ANTONIO, TX
Master of Science, Management of Technology 2006

Skills Summary

- ◆ Project Management
- ◆ Report Preparation
- ◆ Written Correspondence
- ◆ Negotiation
- ◆ Fostering Trust
- ◆ Teamwork
- ◆ Customer Service
- ◆ Scheduling
- ◆ Listening
- ◆ Coaching People
- ◆ Analytical Thinking
- ◆ Decision Making
- ◆ Budgeting
- ◆ Professional Presentations

Employment History

CPS ENERGY – San Antonio, TX

Substation Engineering, Engineer (January 2001 to March 2001)

BIS Project, Engineer (April 2001 to May 2002)

EDS Project Management, Engineer (May 2002 to February 2004)

Transmission Engineering, Sr. Engineer (February 2004 to September 2012)

EDS Standards and Specifications, Sr. Engineer (September 2012 to March 2015)

Overhead Engineering, Manager (March 2015 to November 2019)

Regulatory Case Manager (December 2019 to Present)

Professional Experience

CORPORATE INITIATIVES

- ◆ Represented EDS in multiple cross disciplinary teams
 - Manage Information Resources Process Improvement – A corporate process improvement team intended to oversee and initiate improvements corporate wide for CPS Energy’s information technology infrastructure.
 - Outage Management System (OMS)/Geographic Information System (GIS) Project – Subject matter expert (SME) responsible for conversion of all transmission map data over to the new GIS system.
 - VIRSA Project – SME/Role Custodian responsible for SAP Project Systems roles and security.

Adam R. Marin, PE

- Materials Management Process Improvement – SME for corporate process improvement team intended to oversee and initiate improvements corporate wide for CPS’s stock and non-stock materials.

BUSINESS INFORMATION SYSTEM (BIS) PROJECT

- ◆ Analyzed, designed and made recommendations for new Configurable Standard Networks (CSNs). CSNs are planning and construction macros used for the construction and planning of capital substation and transmission projects at CPS Energy.
- ◆ Developed one hundred thirteen CSNs for the launch of SAP
- ◆ Provided technical support on Project Systems for “Go Live” (SAP official launch)

EDS PROJECT MANAGEMENT

- ◆ Analyzed and mapped CPS Energy substation and transmission construction practices
 - Analysis of substation and transmission line projects included a full life cycle analysis of project execution, including process mapping of the entire project life cycle, starting in the initiation/acquisition phase, and then proceeding through the planning/design phase, construction phase, and finally ending in the closing phase.
- ◆ Provided recommendations on new processes for funding, designing, planning and constructing of large capital projects.
- ◆ Developed training materials and classes for engineering staff.
- ◆ Assisted in the development of risks (technical, social, political and environment) used in project prioritization matrix
- ◆ Analyzed and updated approximately 35 CSNs with new functionality to cover a wider array of engineering designs. The updates also provided new estimates for construction crew/labor used in planning projects

TRANSMISSION ENGINEERING

- ◆ Designed high voltage transmission lines (138kV & 345kV) based on analysis of customer needs, schedule, budget, and surveys. This includes meeting National Electric Safety Code (NESC) for transmission lines, local, state, and federal regulations/ordinances and CPS Energy standards for transmission line design and construction. Exercised due diligence in obtaining all the necessary materials, permits, funding, construction personnel and equipment to complete designs
- ◆ Initiated, developed, evaluated, and managed a variety of professional, construction and service contracts
 - Engineering Design Consultants
 - Professional Land Surveyors
 - Aerial Surveyors (LIDAR)
 - Subsurface Utility Engineering
 - Transmission Construction
 - Material Alliances
 - Lightning Data Services
 - Design Software (ex. PLS-CADD©)
- ◆ Transmission/Substation Root Cause Team - Conduct analyses on lightning performance of the transmission system using the Fault Analysis and Lightning Location Software (FALLS). Determine if line operations were caused by lightning, the magnitude of any lightning strokes causing the operation, and recommend action to prevent future line operations and increase reliability.
- ◆ Reviewed survey plats and subdivision plans for possible conflicts with transmission facilities based on National Electric Safety Code & CPS Energy standards for safety.
- ◆ Acquired training courses for Professional Development Units for other Professional Engineers at CPS Energy.
- ◆ Electric Power Research Institute (EPRI) – represented CPS Energy on two EPRI task forces: Lightning and Grounding, and Insulators. Reviewed and provided feedback on the development of Polymer Insulator Standard. Provided feedback and assistance in the development of new products.
- ◆ Primary engineer for Transmission Line Rating Project – Responsible for managing preliminary engineering analysis of entire CPS Energy transmission system to meet North American Electric Reliability Corporation (NERC) requirements.

Adam R. Marin, PE

STANDARDS AND SPECIFICATIONS

- ◆ Edit, review and approve EDS specifications, focusing on Transmission, Civil and Substation Engineering.
- ◆ Reviewing proposed Distribution Design Standards.
- ◆ Collaborating and leading division initiatives
 - Leading review and implementation of changes to distribution Compatible Units (CUs) for Distribution performance and efficiency improvement plans.
 - Collaborating with various areas for implementation of Transmission/Substation performance and efficiency improvement plans
 - Provided data management support for LED Streetlight Initiative
- ◆ Meet with manufactures and vendors to evaluate new and existing products for use in the CPS Energy Electric System.

OVERHEAD ENGINEERING

- ◆ Lead team of professional and non-professional staff in the design of CPS Energy Overhead Distribution System
- ◆ Primary engineer of record ensuring technical review, sign and seal of overhead designs
- ◆ Participated in cross functional team to develop and long-term supply of new LED street lighting
 - Included economic development
- ◆ Managed various major streetlight initiatives providing technical support, estimates, reporting, invoicing and future planning
 - City of San Antonio (COSA) District 5 (Streetlight) Infill Project
 - COSA Eastpoint (Streetlight) Project
 - 30k Residential LED Deployment
- ◆ Participated in development, evaluation, and execution on multi-year engineering contracts to support Overhead, Underground and Customer Engineering (\$49 million)
- ◆ Consistently improved employee engagement scores
- ◆ Professional development of new engineers and designers
- ◆ Active member/presenter on Southwest Electric Distribution Exchange (SWEDE) Design Committee
- ◆ Manage over 50 design consultants working within CPS Energy across multiple engineering firms
- ◆ Responsible for managing over \$65 million annually in design projects

REGULATORY CASE MANAGER

- ◆ Provide oversight and guidance to the Routing & Siting Project Team to ensure management of activities are in compliance with PURA and the Public Utility Commission (PUC) rules
- ◆ Provide expert testimony in any proceedings with regards to routing and siting of new transmission lines
- ◆ Communicate with all levels of leadership at CPS Energy with regarding regulations and legislation
- ◆ Interact and communicate with public regarding transmission projects
- ◆ Work with environmental staff and consultants in preparation of transmission line routing studies and environmental assessments for new electric transmission lines and system upgrades
- ◆ Monitor and manage project schedules
- ◆ Prepare and review filing packages

PUBLIC UTILITY REGULATORY ACT

Title II, Texas Utilities Code

(As Amended)

Effective as of September 1, 2019

PUBLIC UTILITY COMMISSION
OF TEXAS

Sec. 37.054. NOTICE AND HEARING ON APPLICATION.

- (a) When an application for a certificate is filed, the commission shall:
- (1) give notice of the application to interested parties and to the office; and
 - (2) if requested:
 - (A) set a time and place for a hearing; and
 - (B) give notice of the hearing.

(b) A person or electric cooperative interested in the application may intervene at the hearing.

(V.A.C.S. art. 1446c-0, sec. 2.255(a).) (Amended by Acts 1999, 76th Leg., R.S., ch. 405 (SB 7), § 31 (amended subsec. (b)); Acts 2011, 82nd Leg., R.S., ch. 416 (SB 855), § 2 (amended subd (a)(1)).)

Sec. 37.0541. CONSOLIDATION OF CERTAIN PROCEEDINGS.

The commission shall consolidate the proceeding on an application to obtain or amend a certificate of convenience and necessity for the construction of a transmission line with the proceeding on another application to obtain or amend a certificate of convenience and necessity for the construction of a transmission line if it is apparent from the applications or a motion to intervene in either proceeding that the transmission lines that are the subject of the separate proceedings share a common point of interconnection. This section does not apply to a proceeding on an application for a certificate of convenience and necessity for a transmission line to serve a competitive renewable energy zone as part of a plan developed by the commission under Section 39.904(g)(2).

(Added by Acts 2009, 81th Leg., R.S., ch. 1170 (HB 3309), § 1.)

Sec. 37.055. REQUEST FOR PRELIMINARY ORDER.

(a) An electric utility that wants to exercise a right or privilege under a franchise or permit that the utility anticipates obtaining but has not been granted may apply to the commission for a preliminary order under this section.

(b) The commission may issue a preliminary order declaring that the commission, on application and under commission rules, will grant the requested certificate on terms the commission designates, after the electric utility obtains the franchise or permit.

(c) The commission shall grant the certificate on presentation of evidence satisfactory to the commission that the electric utility has obtained the franchise or permit.

(V.A.C.S. art. 1446c-0, sec. 2.258.) (Amended by Acts 2009, 81st Leg., R.S., ch. 1170 (HB 3309), § 4 (amended subsecs. (a), (b), and (c)), Acts 2019, 86th Leg. R.S., ch. 44 (SB 1938), § 3 (amended subsecs (a), (b), and (c)).)

Sec. 37.056. GRANT OR DENIAL OF CERTIFICATE.

(a) The commission may approve an application and grant a certificate only if the commission finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public.

(b) The commission may:

- (1) grant the certificate as requested;
- (2) grant the certificate for the construction of a portion of the requested system, facility, or extension or the partial exercise of the requested right or privilege; or
- (3) refuse to grant the certificate.

(c) The commission shall grant each certificate on a nondiscriminatory basis after considering:

- (1) the adequacy of existing service;
- (2) the need for additional service;

(3) the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and

(4) other factors, such as:

(A) community values;

(B) recreational and park areas;

(C) historical and aesthetic values;

(D) environmental integrity;

(E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted; and

(F) to the extent applicable, the effect of granting the certificate on the ability of this state to meet the goal established by Section 39.904(a) of this title.

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal reliability standards, and that does not serve a competitive renewable energy zone. The criteria must include a comparison of the estimated cost of the transmission project and the estimated cost savings that may result from the transmission project. The commission shall include with its decision on an application for a certificate to which this subsection applies findings on the criteria.

(e) A certificate to build, own, or operate a new transmission facility that directly interconnects with an existing electric utility facility or municipally owned utility facility may be granted only to the owner of that existing facility. If a new transmission facility will directly interconnect with facilities owned by different electric utilities or municipally owned utilities, each entity shall be certificated to build, own, or operate the new facility in separate and discrete equal parts unless they agree otherwise.

(f) Notwithstanding Subsection (e), if a new transmission line, whether single or double circuit, will create the first interconnection between a load-serving station and an existing transmission facility, the entity with a load-serving responsibility or an electric cooperative that has a member with a load-serving responsibility at the load-serving station shall be certificated to build, own, or operate the new transmission line and the load-serving station. The owner of the existing transmission facility shall be certificated to build, own, or operate the station or tap at the existing transmission facility to provide the interconnection, unless after a reasonable period of time the owner of the existing transmission facility is unwilling to build, and then the entity with the load-serving responsibility or an electric cooperative that has a member with a load-serving responsibility may be certificated to build the interconnection facility.

(g) Notwithstanding any other provision of this section, an electric utility or municipally owned utility that is authorized to build, own, or operate a new transmission facility under Subsection (e) or (f) may designate another electric utility that is currently certificated by the commission within the same electric power region, coordinating council, independent system operator, or power pool or a municipally owned utility to build, own, or operate a portion or all of such new transmission facility, subject to any requirements adopted by the commission by rule.

(h) The division of any required certification of facilities described in this section shall apply unless each entity agrees otherwise. Nothing in this section is intended to require a certificate for facilities that the commission has determined by rule do not require certification to build, own, or operate.

(i) Notwithstanding any other provision of this section, an electric cooperative may be certificated to build, own, or operate a new facility in place of any other electric cooperative if both cooperatives agree.

(V.A.C.S. art. 1446c-0, secs. 2.255(b), (c).) (Amended by Acts 2003, 78th Leg., R.S., ch. 295 (HB 2548), § 2 (added subd. (c)(4)(F)); Acts 2011, 82nd Leg., R.S., ch. 949 (HB 971), § 2(a) (added subsec. (d)); Acts 2019, 86th Leg. R.S., ch. 44 (SB 1938), § 4 (added subsecs. (e), (f), (g), (h), and (i)).)

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.

§25.101. Certification Criteria.

- (a) **Definitions.** The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:
- (1) **Construction and/or extension** -- Shall not include the purchase or condemnation of real property for use as facility sites or right-of-way. Acquisition of right-of-way shall not be deemed to entitle an electric utility to the grant of a certificate of convenience and necessity without showing that the construction and/or extension is necessary for the service, accommodation, convenience, or safety of the public.
 - (2) **Generating unit** -- Any electric generating facility. This section does not apply to any generating unit that is less than ten megawatts and is built for experimental purposes only
 - (3) **Habitable structures** -- Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to: single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools.
 - (4) **Municipal Power Agency (MPA)** -- Agency or group created under Texas Utilities Code, Chapter 163 – Joint Powers Agencies
 - (5) **Municipal Public Entity (MPE)** -- A municipally owned utility (MOU) or a municipal power agency.
 - (6) **Prudent avoidance** -- The limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.
 - (7) **Tie line** -- A facility to be interconnected to the Electric Reliability Council of Texas (ERCOT) transmission grid by a person, including an electric utility or MPE, that would enable additional power to be imported into or exported out of the ERCOT power grid
- (b) **Certificates of convenience and necessity for new service areas and facilities.** Except for certificates granted under subsection (e) of this section, the commission may grant an application and issue a certificate only if it finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public, and complies with the statutory requirements in the Public Utility Regulatory Act (PURA) §37.056. The commission may issue a certificate as applied for, or refuse to issue it, or issue it for the construction of a portion of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege. The commission shall render a decision approving or denying an application for a certificate within one year of the date of filing of a complete application for such a certificate, unless good cause is shown for exceeding that period. A certificate, or certificate amendment, is required for the following:
- (1) **Change in service area.** Any certificate granted under this section shall not be construed to vest exclusive service or property rights in and to the area certificated.
 - (A) **Uncontested applications:** An application for a certificate under this paragraph shall be approved administratively within 80 days from the date of filing a complete application if:
 - (i) no motion to intervene has been filed or the application is uncontested,
 - (ii) all owners of land that is affected by the change in service area and all customers in the service area being changed have been given direct mail notice of the application; and
 - (iii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.
 - (B) **Minor boundary changes or service area exceptions:** Applications for minor boundary changes or service area exceptions shall be approved administratively within 45 days of the filing of the application provided that:

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

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- (i) every utility whose certificated service area is affected agrees to the change;
 - (ii) all customers within the affected area have given prior consent; and
 - (iii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.
- (2) **Generation facility.**
 - (A) In a proceeding involving the purchase of an existing electric generating facility by an electric utility that operates solely outside of ERCOT, the commission shall issue a final order on a certificate for the facility not later than the 181st day after the date a request for the certificate is filed with the commission under PURA §37.058(b).
 - (B) In a proceeding involving a newly constructed generating facility by an electric utility that operates solely outside of ERCOT, the commission shall issue a final order on a certificate for the facility not later than the 366th day after the date a request for the certificate is filed with the commission under PURA §37.058(b).
- (3) **Electric transmission line.** All new electric transmission lines shall be reported to the commission in accordance with §25.83 of this title (relating to Transmission Construction Reports) This reporting requirement is also applicable to new electric transmission lines to be constructed by an MPE seeking to directly or indirectly construct, install, or extend a transmission facility outside of its applicable boundaries. For an MOU, the applicable boundaries are the municipal boundaries of the municipality that owns the MOU. For an MPA, the applicable boundaries are the municipal boundaries of the public entities participating in the MPA.
 - (A) Need:
 - (i) Except as stated below, the following must be met for a transmission line in the ERCOT power region. The applicant must present an economic cost-benefit study that includes an analysis that shows that the levelized ERCOT-wide annual production cost savings attributable to the proposed project are equal to or greater than the first-year annual revenue requirement of the proposed project of which the transmission line is a part. Indirect costs and benefits to the transmission system may be included in the cost-benefit study. The commission shall give great weight to such a study if it is conducted by the ERCOT independent system operator. This requirement also does not apply to an application for a transmission line that is necessary to meet state or federal reliability standards, including: a transmission line needed to interconnect a transmission service customer or end-use customer, or needed due to the requirements of any federal, state, county, or municipal government body or agency for purposes including, but not limited to, highway transportation, airport construction, public safety, or air or water quality.
 - (ii) For a transmission line not addressed by clause (i) of this subparagraph, the commission shall consider among other factors, the needs of the interconnected transmission systems to support a reliable and adequate network and to facilitate robust wholesale competition. The commission shall give great weight to:
 - (I) the recommendation of an organization that meets the requirement of PURA §39.151; and/or
 - (II) written documentation that the transmission line is needed to interconnect a transmission service customer or an end-use customer.

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

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- (B) **Routing:** An application for a new transmission line shall address the criteria in PURA §37.056(c) and considering those criteria, engineering constraints, and costs, the line shall be routed to the extent reasonable to moderate the impact on the affected community and landowners unless grid reliability and security dictate otherwise. The following factors shall be considered in the selection of the utility's alternative routes unless a route is agreed to by the utility, the landowners whose property is crossed by the proposed line, and owners of land that contains a habitable structure within 300 feet of the centerline of a transmission project of 230 kV or less, or within 500 feet of the centerline of a transmission project greater than 230 kV, and otherwise conforms to the criteria in PURA §37.056(c):
- (i) whether the routes parallel or utilize existing compatible rights-of-way for electric facilities, including the use of vacant positions on existing multiple-circuit transmission lines;
 - (ii) whether the routes parallel or utilize other existing compatible rights-of-way, including roads, highways, railroads, or telephone utility rights-of-way;
 - (iii) whether the routes parallel property lines or other natural or cultural features; and
 - (iv) whether the routes conform with the policy of prudent avoidance
- (C) Uncontested transmission lines: An application for a certificate for a transmission line shall be approved administratively within 80 days from the date of filing a complete application if:
- (i) no motion to intervene has been filed or the application is uncontested; and
 - (ii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.
- (D) Projects deemed critical to reliability. Applications for transmission lines which have been formally designated by a PURA §39 151 organization as critical to the reliability of the system shall be considered by the commission on an expedited basis. The commission shall render a decision approving or denying an application for a certificate under this subparagraph within 180 days of the date of filing a complete application for such a certificate unless good cause is shown for extending that period.
- (4) **Tie line.** An application for a tie line must include a study of the tie line by the ERCOT independent system operator. The study shall include, at a minimum, an ERCOT-approved reliability assessment of the proposed tie line. If an independent system operator intends to conduct a study to evaluate a proposed tie line or intends to provide confidential information to another entity to permit the study of a proposed tie line, the independent system operator shall file notice with the commission at least 45 days prior to the commencement of such a study or the provision of such information. This paragraph does not apply to a facility that is in service on December 31, 2014.
- (c) **Projects or activities not requiring a certificate.** A certificate, or certificate amendment, is not required for the following:
- (1) A contiguous extension of those facilities described in PURA §37.052;
 - (2) A new electric high voltage switching station, or substation;
 - (3) The repair or reconstruction of a transmission facility due to emergencies. The repair or reconstruction of a transmission facility due to emergencies shall proceed without delay or prior approval of the commission and shall be reported to the commission in accordance with §25.83 of this title;
 - (4) The construction or upgrading of distribution facilities within the electric utility's service area;

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.

- (5) Routine activities associated with transmission facilities that are conducted by transmission service providers. Nothing contained in the following subparagraphs should be construed as a limitation of the commission's authority as set forth in PURA. Any activity described in the following subparagraphs shall be reported to the commission in accordance with §25.83 of this title. The commission may require additional facts or call a public hearing thereon to determine whether a certificate of convenience and necessity is required. Routine activities are defined as follows:
- (A) The modification or extension of an existing transmission line solely to provide service to a substation or metering point provided that:
 - (i) an extension to a substation or metering point does not exceed one mile; and
 - (ii) all landowners whose property is crossed by the transmission facilities have given prior written consent.
 - (B) The rebuilding, replacement, or respacing of structures along an existing route of the transmission line; upgrading to a higher voltage not greater than 230 kV; bundling of conductors or reconductoring of an existing transmission facility, provided that:
 - (i) no additional right-of-way is required; or
 - (ii) if additional right-of-way is required, all landowners of property crossed by the electric facilities have given prior written consent
 - (C) The installation, on an existing transmission line, of an additional circuit not previously certificated, provided that:
 - (i) the additional circuit is not greater than 230 kV; and
 - (ii) all landowners whose property is crossed by the transmission facilities have given prior written consent.
 - (D) The relocation of all or part of an existing transmission facility due to a request for relocation, provided that:
 - (i) the relocation is to be done at the expense of the requesting party; and
 - (ii) the relocation is solely on a right-of-way provided by the requesting party
 - (E) The relocation or alteration of all or part of an existing transmission facility to avoid or eliminate existing or impending encroachments, provided that all landowners of property crossed by the electric facilities have given prior written consent
 - (F) The relocation, alteration, or reconstruction of a transmission facility due to the requirements of any federal, state, county, or municipal governmental body or agency for purposes including, but not limited to, highway transportation, airport construction, public safety, or air and water quality, provided that:
 - (i) all landowners of property crossed by the electric facilities have given prior written consent; and
 - (ii) the relocation, alteration, or reconstruction is responsive to the governmental request.
- (6) Upgrades to an existing transmission line by an MPE that do not require any additional land, right-of-way, easement, or other property not owned by the MOU;
- (7) The construction, installation, or extension of a transmission facility by an MPE that is entirely located not more than 10 miles outside of an MOU's certificated service area that occurs before September 1, 2021; or
- (8) A transmission facility by an MOU placed in service after September 1, 2015, that is developed to interconnect a new natural gas generation facility to the ERCOT transmission grid and for which, on or before January 1, 2015, an MOU was contractually obligated to purchase at least 190 megawatts of capacity.

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.

- (d) **Standards of construction and operation.** In determining standard practice, the commission shall be guided by the provisions of the American National Standards Institute, Incorporated, the National Electrical Safety Code, and such other codes and standards that are generally accepted by the industry, except as modified by this commission or by municipal regulations within their jurisdiction. Each electric utility shall construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with these standards, and in such manner to best accommodate the public, and to prevent interference with service furnished by other public utilities insofar as practical.
- (1) The standards of construction shall apply to, but are not limited to, the construction of any new electric transmission facilities, rebuilding, upgrading, or relocation of existing electric transmission facilities.
 - (2) For electric transmission line construction requiring the acquisition of new rights-of-way, electric utilities must include in the easement agreement, at a minimum, a provision prohibiting the new construction of any above-ground structures within the right-of-way. New construction of structures shall not include necessary repairs to existing structures, farm or livestock facilities, storage barns, hunting structures, small personal storage sheds, or similar structures. Utilities may negotiate appropriate exceptions in instances where the electric utility is subject to a restrictive agreement being granted by a governmental agency or within the constraints of an industrial site. Any exception to this paragraph must meet all applicable requirements of the National Electrical Safety Code.
 - (3) Measures shall be applied when appropriate to mitigate the adverse impacts of the construction of any new electric transmission facilities, and the rebuilding, upgrading, or relocation of existing electric transmission facilities. Mitigation measures shall be adapted to the specifics of each project and may include such requirements as:
 - (A) selective clearing of the right-of-way to minimize the amount of flora and fauna disturbed;
 - (B) implementation of erosion control measures;
 - (C) reclamation of construction sites with native species of grasses, forbs, and shrubs; and
 - (D) returning site to its original contours and grades.
- (e) **Certificates of convenience and necessity for existing service areas and facilities.** For purposes of granting these certificates for those facilities and areas in which an electric utility was providing service on September 1, 1975, or was actively engaged in the construction, installation, extension, improvement of, or addition to any facility actually used or to be used in providing electric utility service on September 1, 1975, unless found by the commission to be otherwise, the following provisions shall prevail for certification purposes.
- (1) The electrical generation facilities and service area boundary of an electric utility having such facilities in place or being actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, shall be limited, unless otherwise provided, to the facilities and real property on which the facilities were actually located, used, or dedicated as of September 1, 1975.
 - (2) The transmission facilities and service area boundary of an electric utility having such facilities in place or being actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, shall be, unless otherwise provided, the facilities and a corridor extending 100 feet on either side of said transmission facilities in place, used or dedicated as of September 1, 1975.
 - (3) The facilities and service area boundary for the following types of electric utilities providing distribution or collection service to any area, or actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, shall be limited, unless otherwise found by the commission, to the facilities and the area which lie within 200 feet of any point along a distribution line, which is specifically deemed to include service drop lines, for electrical utilities.

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.**Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.**

- (f) **Transferability of certificates.** Any certificate granted under this section is not transferable without approval of the commission and shall continue in force until further order of the commission
- (g) **Certification forms.** All applications for certificates of convenience and necessity shall be filed on commission-prescribed forms so that the granting of certificates, both contested and uncontested, may be expedited. Forms may be obtained from Central Records.
- (h) **Commission authority.** Nothing in this section is intended to limit the commission's authority to recommend or direct the construction of transmission under PURA §§35.005, 36.008, or 39.203(e).

Subchapter D. NOTICE.

§22.52. Notice in Licensing Proceedings.

- (a) **Notice in electric licensing proceedings.** In all electric licensing proceedings except minor boundary changes, the applicant shall give notice in the following ways:
- (1) Applicant shall publish notice once of the applicant's intent to secure a certificate of convenience and necessity in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, no later than the week after the application is filed with the commission. This notice shall identify the commission's docket number and the style assigned to the case by Central Records. In electric transmission line cases, the applicant shall obtain the docket number and style no earlier than 25 days prior to making the application by filing a preliminary pleading requesting a docket assignment. The notice shall identify in general terms the type of facility if applicable, and the estimated expense associated with the project. The notice shall describe all routes without designating a preferred route or otherwise suggesting that a particular route is more or less likely to be selected than one of the other routes.
 - (A) The notice shall include all the information required by the standard format established by the commission for published notice in electric licensing proceedings. The notice shall state the date established for the deadline for intervention in the proceeding (date 45 days after the date the formal application was filed with the commission, or date 30 days after the date the formal application was filed with the commission for an application for certificate of convenience and necessity filed under PURA §39.203(e)) and that a letter requesting intervention should be received by the commission by that date.
 - (B) The notice shall describe in clear, precise language the geographic area for which the certificate is being requested and the location of all alternative routes of the proposed facility. This description shall refer to area landmarks, including but not limited to geographic landmarks, municipal and county boundary lines, streets, roads, highways, railroad tracks, and any other readily identifiable points of reference, unless no such references exist for the geographic area. In addition, the notice shall include a map that identifies all of the alternative locations of the proposed routes and all major roads, transmission lines, and other features of significance to the areas that are used in the utility's written notice description.
 - (C) The notice shall state a location where a detailed routing map may be reviewed. The map shall clearly and conspicuously illustrate the location of the area for which the certificate is being requested including all the alternative locations of the proposed routes, and shall reflect area landmarks, including but not limited to geographic landmarks, municipal and county boundary lines, streets, roads, highways, railroad tracks, and any other readily identifiable points of reference, unless no such references exist for the geographic area.
 - (D) Proof of publication of notice shall be in the form of a publisher's affidavit which shall specify the newspaper(s) in which the notice was published, the county or counties in which the newspaper(s) is or are of general circulation, the dates upon which the notice was published, and a copy of the notice as published. Proof of publication shall be submitted to the commission as soon as available.
 - (E) The applicant shall provide a copy of each environmental impact study and/or assessment for the project to the Texas Parks and Wildlife Department (TPWD) for its review within seven days of filing the application. Proof of submission of the information to TPWD shall be provided in the form of an affidavit to the commission, which shall specify the date the information was mailed or otherwise provided to TPWD, and shall provide a copy of the cover letter or other documentation that confirms that the information was provided to TPWD.
 - (2) Applicant shall, upon filing an application, also mail notice of its application to municipalities within five miles of the requested territory or facility, neighboring utilities providing the same utility service within five miles of the requested territory or facility, the county government(s)

Subchapter D. NOTICE.

of all counties in which any portion of the proposed facility or requested territory is located, and the Department of Defense Siting Clearinghouse. In addition, the applicant shall, upon filing the application, serve the notice on the Office of Public Utility Counsel using a method specified in §22.74(b) of this title (relating to Service of Pleadings and Documents). The notice shall contain the information as set out in paragraph (1) of this subsection and a map as described in paragraph (1)(C) of this subsection. An affidavit attesting to the provision of notice to municipalities, utilities, counties, the Department of Defense Siting Clearinghouse, and the Office of Public Utility Counsel shall specify the dates of the provision of notice and the identity of the individual municipalities, utilities, and counties to which such notice was provided. Before final approval of any modification in the applicant's proposed route(s), applicant shall provide notice as required under this paragraph to municipalities, utilities, and counties affected by the modification which have not previously received notice. The notice of modification shall state such entities will have 20 days to intervene.

- (3) Applicant shall, on the date it files an application, mail notice of its application to the owners of land, as stated on the current county tax roll(s), who would be directly affected by the requested certificate. For purposes of this paragraph, land is directly affected if an easement or other property interest would be obtained over all or any portion of it, or if it contains a habitable structure that would be within 300 feet of the centerline of a transmission project of 230kV or less, or within 500 feet of the centerline of a transmission project greater than 230kV.
 - (A) The notice must contain all information required in paragraph (1) of this subsection and shall include all the information required by the standard notice letter to landowners prescribed by the commission. The commission's docket number pertaining to the application must be stated in all notices. The notice must also include a copy of the "Landowners and Transmission Line Cases at the PUC" brochure prescribed by the commission.
 - (B) The notice must include a map as described in paragraph (1)(C) of this subsection.
 - (C) Before final approval of any modification in the applicant's proposed route(s), applicant shall provide notice as required under subparagraphs (A) and (B) of this paragraph to all directly affected landowners who have not already received such notice.
 - (D) Proof of notice may be established by an affidavit affirming that the applicant sent notice by first-class mail to each of the persons listed as an owner of directly affected land on the current county tax roll(s). The proof of notice shall include a list of all landowners to whom notice was sent and a statement of whether any formal contact related to the proceeding between the utility and the landowner other than the notice has occurred. This proof of notice shall be filed with the commission no later than 20 days after the filing of the application.
 - (E) Upon the filing of proof of notice as described in subparagraph (D) of this paragraph, the lack of actual notice to any individual landowner will not in and of itself support a finding that the requirements of this paragraph have not been satisfied. If, however, the utility finds that an owner of directly affected land has not received notice, it shall immediately advise the commission by written pleading and shall provide notice to such landowner(s) by priority mail, with delivery confirmation, in the same form described in subparagraphs (A) and (B) of this paragraph, except that the notice shall state that the person has fifteen days from the date of delivery to intervene. The utility shall immediately file a supplemental affidavit of notice with the commission.
- (4) The utility shall hold at least one public meeting prior to the filing of its licensing application if 25 or more persons would be entitled to receive direct mail notice of the application. Direct mail notice of the public meeting shall be sent by first-class mail to each of the persons listed on the current county tax rolls as an owner of land within 300 feet of the centerline of a transmission project of 230kV or less, or within 500 feet of the centerline of a transmission project greater than 230kV. The utility shall also provide written notice to the Department of Defense Siting Clearinghouse of the public meeting. In the notice for the public meeting, at the public meeting, and in other communications with a potentially affected person, the utility

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shall not describe routes as preferred routes or otherwise suggest that a particular route is more or less likely to be selected than one of the other routes. In the event that no public meeting is held, the utility shall provide written notice to the Department of Defense Siting Clearinghouse of the planned filing of an application prior to completion of the routing study

- (5) Failure to provide notice in accordance with this section shall be cause for day-for-day extension of deadlines for intervention and for commission action on the application.
 - (6) Upon entry of a final, appealable order by the commission approving an application, the utility shall provide notice to all owners of land who previously received direct notice. Proof of notice under this subsection shall be provided to the commission's staff.
 - (A) If the owner's land is directly affected by the approved route, the notice shall consist of a copy of the final order.
 - (B) If the owner's land is not directly affected by the approved route, the notice shall consist of a brief statement that the land is no longer the subject of a pending proceeding and will not be directly affected by the facility.
 - (7) All notices of an applicant's intent to secure a certificate of convenience and necessity whether provided by publication or direct mail shall include the following language: "All routes and route segments included in this notice are available for selection and approval by the Public Utility Commission of Texas "
- (b) **Notice in telephone licensing proceedings.** In all telephone licensing proceedings, except minor boundary changes, applications for a certificate of operating authority, or applications for a service provider certificate of operating authority, the applicant shall give notice in the following ways:
- (1) Applicants shall publish in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks, beginning the week after the application is filed, notice of the applicant's intent to secure a certificate of convenience and necessity. This notice shall identify in general terms the types of facilities, if applicable, the area for which the certificate is being requested, and the estimated expense associated with the project. Whenever possible, the notice should state the established intervention deadline. The notice shall also include the following statement. "Persons with questions about this project should contact (name of utility contact) at (utility contact telephone number). Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (date 70 days after the date the application was filed with the commission) and you must send a letter requesting intervention to the commission which is received by that date." Proof of publication of notice shall be in the form of a publisher's affidavit, which shall specify the newspaper or newspapers in which the notice was published, the county or counties in which the newspaper or newspapers is or are of general circulation; the dates upon which the notice was published and a copy of the notice as published. Proof of publication shall be submitted to the commission as soon as available.
 - (2) Applicant shall also mail notice of its application, which shall contain the information as set out in paragraph (1) of this subsection, to cities and to neighboring utilities providing the same service within five miles of the requested territory or facility. Applicant shall also provide notice to the county government of all counties in which any portion of the proposed facility or territory is located. The notice provided to county governments shall be identical to that provided to cities and to neighboring utilities. An affidavit attesting to the provision of notice to counties shall specify the dates of the provision of notice and the identity of the individual counties to which such notice was provided.
 - (3) Failure to provide notice in accordance with this section shall be cause for day-for-day extension of deadlines for intervention.

**CPS Energy Scenic Loop Transmission Line Project
CCN Application Sponsorship**

CCN Question Number	Sponsor(s)
1. Applicant (Utility) Name	Marin
2. Ownership Interest	Marin
3. Person to Contact	Marin
4. Project Description	Lyssy/Marin/Tamez
5. Conductor and Structures	Lyssy
6. Right-of-way	Lyssy/Marin/Meaux
7. Substations or Switching Stations	Lyssy/Marin/Tamez
8. Estimated Schedule	Lyssy/Tamez
9. Counties	Marin
10. Municipalities	Marin
11. Affected Utilities	Marin/Tamez
12. Financing	Marin
13. Estimated Costs	Lyssy
14. Need for Proposed Project	Tamez
15. Alternatives to Project	Tamez
16. Schematic or Diagram	Tamez
17. Routing Study	Lyssy/Marin/Meaux/Tamez
18. Public Meeting or Public Open House	Marin/Meaux
19. Routing Maps	Marin/Meaux
20. Permits	Lyssy/Meaux
21. Habitable Structures	Meaux
22. Electronic Installations	Meaux
23. Airstrips	Lyssy/Meaux
24. Irrigation Systems	Meaux
25. Notice	Marin
26. Parks and Recreation Areas	Meaux
27. Historical and Archeological Sites	Meaux
28. Coastal Management Program	Meaux
29. Environmental Impact	Marin/Meaux
30. Affidavit	Marin
Attachment Number	Sponsor(s)
1. Environmental Assessment (EA)	Lyssy/Marin/Meaux/Tamez
2. LCRA TSC Letter	Marin/Tamez
3. Cost Estimates	Lyssy
4. Existing Area Transmission System	Tamez
5. Overall Property and HS Map	Marin/Meaux
6. Property and Habitable Structure Mapping	Marin/Meaux
7. Landowner Notice Packet	Marin
8. Landowner Notice List	Marin
9. Public Official Notice Packet	Marin
10. Public Official and Agency Contact List	Marin
11. Newspaper Notice	Marin
12. TPWD Letter	Marin
13. Need Assessment	Tamez