



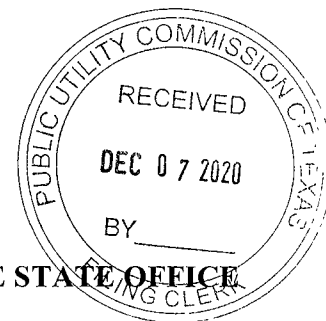
Control Number: 51023



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



APPLICATION OF CITY OF SAN §  
ANTONION TO AMEND ITS §  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY FOR THE SCENIC LOOP §  
138-KV TRANSMISSION LINE PROJECT §  
IN BEXAR COUNTY, TEXAS §

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**COMMISSION STAFF’S STATEMENT OF POSITION REGARDING ROUTE  
ADEQUACY**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Statement of Position Regarding Route Adequacy, Staff’s Request for Hearing. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 22, 2020, the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) filed an application (Application) to amend its certificate of convenience and necessity (CCN) for the Scenic Loop 138-kilovolt (kV) transmission line project in Bexar County, Texas.

On November 24, 2020, Patrick Cleveland (Cleveland), filed his Statement of Route Adequacy and Request for Route Adequacy Hearing. Also on November 24, 2020, Anaqua Springs Homeowners' Association (Anaqua) and Brad Jauer/BVJ Properties, LLC (Jauer)(collectively, Movants) filed their Joint Motion Challenging Route Adequacy and Request for Route Adequacy Hearing. On December 4, 2020, the State Office of Administrative Hearing (SOAH) Administrative Law Judges (SOAH ALJs) issued Order No. 4, setting a Hearing on Route Adequacy for December 10, 2020. Pursuant to Texas Administrative Code (TAC) 22.124, each party that has not prefiled direct testimony shall file a statement of position no later than three working days before the start of a hearing. Therefore, this statement of position is timely filed.

## II. STATEMENT OF POSITION

It is Commission Staff's position that the CPS Energy Application contains an adequate number of reasonably differentiated alternative routes for the Commission to conduct a proper evaluation. As many parties have noted, the purpose of a route adequacy hearing is to "perform a more cursory review of the application to determine whether the application contains an adequate justification for the routes selected and whether additional routes should be added to the application at an early stage in the contested case process."<sup>1</sup>

The concerns raised by Cleveland and Joint Movants, while valid concerns regarding which route best meets the requirements of the Public Utility Regulation Act and the Commission's rules, are not suitable to a route adequacy challenge. As stated in the Order of Referral and Preliminary Order in this case, "[a] limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives."<sup>2</sup> As demonstrated in CPS Energy's Response to Statements on Route Adequacy (CPS Response), there exists a reasonable basis for CPS having presented a limited number of alternatives in this case.

In both the CPS Application and in the CPS Response, CPS adequately explained the rationale for why it chose to remove Segment 12 from the Application, why it chose the location reflected in the application for the Scenic Loop Substation, and why certain segments are configured as they are. While Staff is sensitive to the concerns raised by Cleveland and Joint Movants, the issues raised are properly addressed at the hearing on the merits, and not at the route adequacy stage. For the aforementioned reasons, therefore, Staff recommends that the Application has provided an adequate number of reasonably differentiated routes.

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<sup>1</sup> See *Application of Brazos Electric Power Cooperative, Inc. to Amend its Certificate of Convenience and Necessity for a Proposed 138 - kV Double Circuit Transmission Line and Substation in Collin County, Texas*, Docket No. 34276, Order No. 22 at 9 (Feb 15, 2008).

<sup>2</sup> Order of Referral and Preliminary Order at 3 (Sep 29,2020).

Staff does not intend to call any witnesses at the route adequacy hearing scheduled for December 10, 2020. However, Staff reserves the right to cross-examine any witness who provides testimony at the hearing.

### **III. CONCLUSION**

For the reasons detailed above, Staff recommends that CPS Energy's application contains an adequate number of reasonably differentiated alternative routes for the Commission to conduct a proper evaluation. Staff reserves its right to participate in the hearing on route adequacy, and to take positions based on information presented at the hearing or in briefing.

Dated: December 7, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 7, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater  
Rustin Tawater