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**DOCKET NO. 51023**



**APPLICATION OF THE CITY OF SAN ANTONIO TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE SCENIC LOOP 138-KV TRANSMISSION LINE IN BEXAR COUNTY** §  
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**PUBLIC UTILITY COMMISSION OF TEXAS**

**ORDER NO. 1  
REQUIRING INFORMATION FROM APPLICANT AND RECOMMENDATION  
FROM STAFF ON SUFFICIENCY OF APPLICATION AND NOTICE,  
ADDRESSING OTHER PROCEDURAL MATTERS**

**I. Application**

This Order addresses the July 22, 2020 application of City of San Antonio, acting by and through the City Public Service Board (CPS Energy) to amend its certificate of convenience and necessity (CCN) for the Scenic Loop 138-kilovolt (kV) transmission line project in Bexar County, Texas. CPS Energy is proposing to design and construct a new substation (the Scenic Loop Substation) and a double-circuit 138-kV transmission line connecting the new Scenic Loop Substation to the electric grid from CPS Energy's existing Ranchtown to Menger Creek 138-kV transmission line. The new transmission line will be approximately 4.6 to 6.9 miles long, depending on the route selected. The total estimated cost of construction is \$24,846,018 to \$41,314,863 for the transmission facilities, and \$9,774,880 to \$11,004,617 for the substation facilities, depending on the route selected. The Commission may approve any of the routes or route segments presented in the application.

Under 16 Texas Administrative Code (TAC) § 25.101(b), the Commission must render a decision approving or denying an application for a CCN within one year of the date of filing a complete application for such certificate.

**II. Notice**

CPS Energy must give notice of its intent to secure a CCN as required by 16 TAC § 22.52(a).

In this proceeding, the intervention deadline is **September 7, 2020**<sup>1</sup> (45 days after the filing of the formal application with the Commission). The deadline for intervenors to request a hearing on the merits is **September 7, 2020**.

CPS Energy must provide proof of notice by mail by filing an affidavit listing the names and addresses of the entities notified by mail and the date the notice was mailed to these entities. A copy of the letter and map sent to the entities must be included. CPS Energy must file its proof of notice by mail by **August 11, 2020**.

CPS Energy must provide proof of publication by filing a publisher's affidavit specifying each county where the newspaper is of general circulation. CPS Energy must file its proof of publication by **August 17, 2020**.

By copy of this Order, the Office of Public Utility Counsel is notified of this proceeding.

### **III. Texas Parks and Wildlife**

In 2009, the Texas Legislature amended the Texas Parks and Wildlife Code to require that an agency with statewide jurisdiction respond in writing to each recommendation or informational comment made by the Texas Parks and Wildlife Department (TPWD) under § 12.0011(c).<sup>2</sup> The Commission's statutory duty to respond in writing applies to all TPWD recommendations and informational comments made on or after September 1, 2009. Accordingly, the Commission will include an issue to be addressed in its orders related to TPWD's recommendations and comments. CPS Energy is required to provide a copy of the application to TPWD within seven days of filing the application.

### **IV. Alternatives to Project**

The Commission requests that the following issues be addressed in all CCN dockets:

1. Has the Electric Reliability Council of Texas (ERCOT) recommended the proposed transmission project as necessary to alleviate "existing and potential transmission and distribution constraints and system needs within ERCOT" in the annual report

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<sup>1</sup> Forty-five (45) days from the application filing date (July 22, 2020) is Saturday, September 5, 2020. Therefore, under 16 TAC § 22.4, the intervention deadline advances to the next business day, Monday, September 7, 2020.

<sup>2</sup> Tex. Parks & Wild. Code § 12.0011(c)

filed under PURA<sup>3</sup> § 39.155(b)? If not, is there a need for the proposed transmission project?

2. If such a need exists, is the proposed transmission project the best option to meet the need, based on an analysis taking into account considerations of efficiency, reliability, costs, and benefits?
3. For utilities subject to the unbundling requirements of PURA § 39.051, is the proposed transmission project the best option when compared to employing distribution facilities to meet the specified need?
4. For utilities not subject to the unbundling requirements of PURA § 39.051, is the proposed transmission project the best option when compared to employing distribution facilities, distributed generation, and/or energy efficiency to meet the specified need?

Commission Staff must file recommendations or comments on CPS Energy's responses to the above issues by **August 5, 2020**.

#### **V. Recommendation on Deficiencies, Notice, and Procedural Schedule**

For good cause related to the date of entry of this Order, the administrative law judge sets the deadline for filing a motion to find the application materially deficient as **August 26, 2020**. Therefore, by **August 20, 2020**, Commission Staff must review the application and file recommendations or comments on the following:

1. Any deficiencies in the application;
2. Compliance with notice requirements; and
3. A proposed procedural schedule.

Any other party may file recommendations or comments on these issues by **August 20, 2020**. CPS Energy must file any reply to the recommendations or comments on these issues by **August 24, 2020**.

#### **VI. Other Procedural Matters**

Any proper motion for intervention will be granted unless an objection is filed within five working days from the date of receipt of the motion to intervene. Responses to the objections to

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<sup>3</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

intervene must be filed within three working days from the date of receipt of the objection. Rulings will be based upon the written pleadings unless it is determined that a prehearing conference is necessary.

Persons who have filed motions to intervene have all the rights and obligations of a party pending the presiding officer's ruling on the motion to intervene.

Discovery may proceed informally; however, objections to requests for information (RFIs) must be filed and served within ten days of receiving the RFI. Objections must include a statement that negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be filed and served within five working days of receipt of an objection. The motion to compel must specify the grounds for the motion.

**Service of pleadings is typically governed by 16 TAC § 22.74. However, the Commission has issued an Order Suspending Rules,<sup>4</sup> which has suspended the service requirements found in 16 TAC § 22.74. As long as the Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.**

Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

All parties must provide their current address, **e-mail address**, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information if such information changes. The **e-mail addresses**, telephone and fax numbers will be placed on the service list for the convenience of the parties.

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<sup>4</sup> *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

**Signed at Austin, Texas the 23rd day of July 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Isaac Ta', with a stylized flourish extending to the right.

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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**