



Control Number: 51023



Item Number: 612

Addendum StartPage: 0

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

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PUBLIC UTILITY COMMISSION
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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 § BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 9
ADDRESSING “ROUTE R-1 MODIFIED” ISSUES

Now pending are several contested motions presenting a common underlying dispute over whether a proposed “Route R-1 Modified,” championed principally by Anaqua Springs Homeowners’ Association and the two Jauer parties, can properly be considered in this proceeding. Route R-1 Modified would include two proposed “modified” segments, “38a” and “43a,” that CPS Energy has not included in its application and to which the landowners on whose property the segments would be located (Save Huntress Lane Association and Clearwater Ranch POA, with respect to 38a; and Bexar Ranch, L.P., with respect to 43a) have objected.

Having considered the various competing filings and the governing law, the Administrative Law Judges (ALJs)¹ have concluded that while they can certainly consider new *routes*—comprised of segments either included in the application or to which affected landowners have consented—Commission precedent is clear that the ALJs cannot devise new or modified *segments* not included in the application and opposed by affected landowners.² Were it otherwise, intervenors, seeking to advance their respective perceived (and often competing) self-interests, could interject a theoretically infinite number of new segments for consideration in every CCN transmission-line case, in contrast to the ordered analysis to determine the best *route*—comprised of combinations of the limited number of segments noticed in the application or consented to by landowners—

¹ Due to scheduling conflicts, ALJ Pemberton is unable to continue presiding in this case. ALJ Pratibha J. Shenoy has been assigned to co-preside.

² See Application of Oncor Electric Delivery Company, LLC to Amend a Certificate of Convenience and Necessity for a 345-Kv Transmission Line In Crane, Ector, Loving, Reeves, Ward, and Winkler Counties, Docket No. 48095, Final Order at 1 (Sept. 17, 2018), Order on Rehearing at 1 (Nov. 8, 2018).

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contemplated by Commission rules and the Commission's Order of Referral and Preliminary Order.³

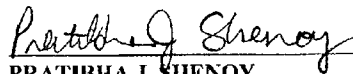
From this conclusion, these rulings follow:

- (1) The "Joint Motion for Referral of Certified Issues and Request for Expedited Ruling," filed by Anaqua Springs Homeowners' Association, the Jauer parties, The San Antonio Rose Palace, Inc., and Strait Promotions, Inc., is **DENIED**.
- (2) The objections to and motions to strike testimony from various witnesses about the proposed "Route R-1 Modified," filed by Bexar Ranch, Save Huntress Lane, and Clearwater Ranch, are **SUSTAINED** and said testimony is **STRUCK**.
- (3) Anaqua Spring Homeowners' Association's motion to compel CPS Energy to respond further to its third request for information is **DENIED**.

SIGNED March 8, 2021.



HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



PRATIBHA J. SHENOY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

³ 16 Tex. Admin. Code § 22.52(b)(7); Order of Referral and Preliminary Order at 4, Issue No. 5 (Sep. 29, 2020).