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SOAH DOCKET NO. 473-21-0247
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APPLICATION OF THE CITY OF	§	BEFORE THE STATE OFFICE
SAN ANTONIO TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY FOR THE	§	
SCENIC LOOP 138 KV TRANSMISSION	§	ADMINISTRATIVE HEARINGS
LINE IN BEXAR COUNTY	§	

CPS ENERGY’S
CLARIFICATIONS TO THE PROPOSAL FOR DECISION

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

The City of San Antonio, acting by and through the City Public Service Board (CPS Energy) files these clarifications to the Proposal for Decision (PFD) issued by the Administrative Law Judges (ALJs) in this docket, respectfully showing as follows:

I. EXPLANATION OF CLARIFICATIONS

CPS Energy takes no exception to the ALJs’ discussion, findings, and conclusions in the PFD. The only clarifications that CPS Energy identifies in this pleading are those necessary to ensure that the citations in the PFD, as well as the language of the findings of fact and conclusions of law, are consistent with the record evidence. None of the clarifications noted herein necessitate a different analysis or determination on ultimate issues, and all are minor in nature.

A. PFD Discussion

In the PFD, a few references include either slightly incorrect numbers or citations to the record. These are minor issues, do not impact the ALJs’ analysis or ultimate recommendation, and appear to stem from the parties, witnesses, or ALJs referencing application data that was subsequently amended prior to or at the hearing. These clarifications are discussed below.

1. PFD Page 31

In the second paragraph, the PFD discusses an argument by Anaqua Springs, stating that “Segment 54 utilized by the northern routes has more homes along its length (18) . . .” and citing CPS Energy Ex. 1 at Table 4-2 Amended. Actually, Segment 54 has 19 habitable structures within 300 feet of the centerline, as shown on CPS Energy Ex. 15, at LBM-1R, at page 5 of 5 (Amended Table 4-2R, date-stamped page 26). However, this number did not carry through to the discussion of the habitable structures on each route, as the PFD correctly cites those numbers.

2. PFD Page 43

The third paragraph on this page states that Staff witness John Poole recommended Route P because of its length, citing it as the “ninth shortest of all routes.” In actuality, it is tied with Route AA2 as the seventh shortest. See CPS Energy Ex. 17.

3. PFD Page 71

Footnote 358 cites to CPS Energy Ex. 1 at 4-25. However, the Environmental Assessment (EA) was amended, and the text cited in the PFD is now found on page 4-27 of the amended EA, as shown on CPS Energy Ex. 6, Attachment 2.

The last paragraph states that “Seventeen archaeological sites are within 1,000 feet of the alternative routes, and four of these sites are crossed by routes,” with a citation in footnote 359 to CPS Energy Ex. 1 at 4-28. However, in light of the amendments to the EA, the correct numbers are **19** archaeological sites within 1,000 feet of the alternative routes, with **five** of these sites crossed by routes, as shown on page 4-29 of the amended EA, CPS Energy Ex. 6, Attachment 2 (Table 4-4 and first sentence on page 4-29).

4. PFD Page 72

Footnotes 360 through 364 contain incorrect citations to the record, in light of the amendments to the EA. The correct cites are noted below and are reflected in CPS Energy Ex. 6, Attachment 2:

- Footnote 360 should reference page 4-30 of the amended EA.
- Footnote 361 should reference pages 4-30 and 4-31 of the amended EA.
- Footnote 362 should reference page 4-31 of the amended EA.
- Footnote 363 should reference page 4-31 of the amended EA.
- Footnote 364 should reference page 4-31 of the amended EA.

B. Findings of Fact

In addition to the minor clarifications noted above, CPS Energy also notes a minor clarification to Finding of Fact No. 27. That finding states that “CPS Energy received a total of 186 completed questionnaires, of which 72 were submitted at the open house meeting and 114 were submitted after the open house meeting.” While 186 completed questionnaires were received by CPS Energy, the record reflects that 146 submitted questionnaire responses were received in

connection with the open house meeting and 40 additional questionnaires were received separately after the open house meeting.

II. PROPOSED CHANGES

In regard to the findings of fact and conclusions of law, CPS Energy recommends modification of the following finding and notes the suggested change, for the reason discussed above:

Finding of Fact No. 27: CPS Energy proposes that the text “, of which 72 were submitted at the open house meeting and 114 were submitted after the open house meeting” be stricken from the finding.

CPS Energy has no other proposed changes to the findings or conclusions proposed by the ALJs in the PFD.

III. CONCLUSION

In conclusion, CPS Energy requests that the Commission accept the ALJs’ recommendation, adopt the ALJs’ findings of fact, conclusions of law, and ordering paragraphs, clarified as discussed above, and issue an order approving CPS Energy’s application to amend its certificate of convenience and necessity to construct the proposed project.

Respectfully submitted,

/s/ Craig R. Bennett

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ATTORNEYS FOR CPS ENERGY

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with SOAH Order No. 3.

/s/ Craig R. Bennett

Craig R. Bennett