



## Filing Receipt

**Received - 2021-10-08 02:26:26 PM**

**Control Number - 51023**

**ItemNumber - 887**

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

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

**COMMISSION STAFF’S EXCEPTIONS TO THE PROPOSAL FOR DECISION**

Staff (Staff) of the Public Utility Commission (Commission) appreciates the thoughtful and reasoned analysis of the administrative law judges (ALJs) in this case. Staff continues to support Route P and respectfully excepts to the ALJs’ recommendation that the Commission approve Route Z2. Staff re-urges its recommendation that Route P is the best route when weighing as a whole the factors set forth in PURA § 37.056(c)(4) and 16 Texas Administrative Code (TAC) § 25.101. Staff’s exception regarding the selection of Route Z2 would require modification of all proposed findings of fact, conclusions of law, and ordering paragraphs that order approval of Route Z2.

Notwithstanding the above, Staff reiterates its appreciation for the ALJs’ analysis and respectfully offers the following additional clarifications to certain aspects of the Proposal for Decision (PFD).

**I. CLARIFICATIONS**

**Clarifications**

Staff has conferred with the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) regarding the following clarifications and recommends they be adopted.

- **PFD Page 31**

In the second paragraph on page 31, the PFD states that “Segment 54 utilized by the northern routes has more homes along its length (18) . . .” It is Staff’s understanding that Segment

54 has 19 habitable structures within 300 feet of the centerline.<sup>1</sup>

- **PFD Page 43**

The third paragraph on page 43 states that Staff witness John Poole recommended Route P because of its length, citing it as the “ninth shortest of all routes.” It is Staff’s understanding that Route P is tied with Route AA2 as the seventh shortest route.<sup>2</sup>

- **PFD Page 71**

The last paragraph on page 71 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, it is Staff’s understanding that the correct numbers are 19 archaeological sites within 1,000 feet of the alternative routes, with five of these sites crossed by routes.<sup>3</sup>

- **PFD Page 72**

Footnotes 360 through 364 contain incorrect citations to the record, in light of the amendments to the EA. The correct citations 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.

---

<sup>1</sup> CPS Energy Ex. 15 at LBM-1R, at page 5 of 5 (Amended Table 4-2R, bate-stamped page 26).

<sup>2</sup> CPS Energy Ex. 17.

<sup>3</sup> CPS Energy Ex. 6, Attachment 2 (Table 4-4 and first sentence on page 4-29).

## II. CONCLUSION

Staff respectfully requests that the Commission approve CPS Energy's application and issue an order adopting the PFD with the above modifications, including the selection of Route P instead of Route Z2.

Dated: October 8, 2021

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

/s/ Rustin Tawater  
Rustin Tawater  
State Bar No. 24110430  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7230  
(512) 936-7268 (facsimile)  
rustin.tawater@puc.texas.gov

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

### **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 October 8, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater  
Rustin Tawater