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State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

October 27, 2021

TO: Stephen Journey, Commission Counsel VIA EFILE TEXAS
Commission Advising and Docket Management
William B. Travis State Office Building
1701 N. Congress, 7th Floor
Austin, Texas 78701

RE: SOAH Docket No. 473-21-0247
PUC 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**

Dear Mr. Journey:

On July 26, 2021, the undersigned Administrative Law Judges (ALJs) issued the Proposal for Decision (PFD) in this case. Timely exceptions were filed by Lauren Pankratz; Patrick Cleveland; Raul Figueroa;¹ Michael and Beatriz Odom; San Antonio Rose Palace, Strait Promotions, Brad Jauer, BVJ Properties and Anaqua Springs Homeowners Association (the Strait/Jauer Group); Ronald Schappaugh; City of San Antonio, acting by and through the City Public Service Board (CPS Energy); Public Utility Commission of Texas (Commission) Staff; Toutant Ranch, Ltd, ASR Parks, LLC, Pinson Interests Ltd, LLP, and Crighton Development Co. (the Pinson Group); and Steven G. Herrera. Timely replies to exceptions were filed by Stephen Rockwood; Mr. Cleveland; Clearwater Ranch POA; Mr. Figueroa; CPS Energy; Bexar Ranch L.P. and Guajalote Ranch Inc.; and Save Huntress Lane Area Association.

¹ Mr. Figueroa's exceptions reference and contain an attached letter from Carrie Joe Braden, Ph.D. Dr. Braden was not an intervenor in this case and her statements and letter were not admitted into evidence. Therefore, those portions of Mr. Figueroa's exceptions were not considered by the ALJs.

Most of the exceptions and replies to exceptions either raise arguments that were fully considered by the ALJs and discussed in the PFD, or take issue with the ALJs' weighing of the various factors and are therefore not addressed again here. The ALJs reiterate that some of the factors are inherently in conflict and neither the Public Utility Regulatory Act nor Commission rules specify the relative weight to be given to each factor. Therefore, the relative weight given and ultimate decision on which route best meets the factors lies with the Commission.

The Strait/Jauer Group claims in its exceptions that the ALJs should not have considered impacts to neighborhoods as a community value or that the ALJs created a new factor not in the rules or statute by doing so. The Strait/Jauer Group further states that the only evidence of community values in the record are in the public feedback and questionnaire responses submitted during and after the open house. However, community values are also expressed by community members in the pre-filed testimony admitted into evidence, which was properly considered by the ALJs in evaluating impacts to neighborhoods as a community value.

Ms. Pankratz alleges in her exceptions that parents of students attending McAndrews Elementary School should have received notice of this proceeding; however, the ALJs note that no such notice requirement exists in PURA or in Commission rules.

The ALJs recommend making the following corrections to the PFD identified in CPS Energy's and Staff's exceptions:

- Page 31, first full paragraph:

Anaqua Springs pointed out that Segment 54 utilized by the northern routes has more homes along its length (~~189~~) than the entirety of Routes P (17) and R1 (13).

- Page 71, footnote 358 should refer to CPS Energy Ex. 6, Attachment 2 at 4-27.

- Page 71, last paragraph:

~~Seventeen~~Nineteen archaeological sites are within 1,000 feet of the alternative routes, and ~~four~~five of these sites are crossed by routes.

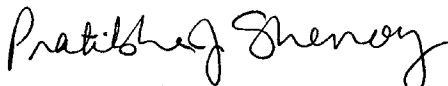
- Page 71, footnote 359 should refer to CPS Energy Ex. 6, Attachment 2 at 4-29.
- Page 72, footnote 360 should refer to CPS Energy Ex. 6, Attachment 2 at 4-30.
- Page 72, footnote 361 should refer to CPS Energy Ex. 6, Attachment 2 at 4-30, 4-31.
- Page 72, footnote 362 should refer to CPS Energy Ex. 6, Attachment 2 at 4-31.


- Page 72, footnote 363 should refer to CPS Energy Ex. 6, Attachment 2 at 4-31.
- Page 72, footnote 364 should refer to CPS Energy Ex. 6, Attachment 2 at 4-31.
- Finding of Fact No. 27:

Attendees were provided questionnaires, and 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.~~

With these clarifications and revisions, the PFD is ready for your consideration.

Sincerely,


Pratibha J. Shenoy
Administrative Law Judge


Holly Vandrovec
Administrative Law Judge

xc: All Parties of Record