



Control Number: 51480



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DOCKET NO. 51480

2020 DEC 15 PM 2: 26

APPLICATION OF EL PASO §
ELECTRIC COMPANY TO AMEND §
ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR THE SEABECK-TO-SAN FELIPE §
115-KV TRANSMISSION LINE IN EL §
PASO COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON APPLICATION, NOTICE, AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Amended Order No. 1, files this Recommendation on Application, Notice, and Proposed Procedural Schedule. In support thereof, Staff respectfully shows the following:

I. BACKGROUND

On November 16, 2020, El Paso Electric Company (EPE) filed an application to amend its certificate of convenience and necessity (CCN) No. 30050 for the construction and operation of the proposed Seabeck-to-San Felipe 115-kilovolt (kV) transmission line in El Paso County. EPE filed supplemental information on November 17 and December 1, 2020.

On November 18, 2020, the administrative law judge filed Amended Order No. 1, requiring Staff to file recommendations or comments on any deficiencies in the application, EPE's compliance with notice requirements, and to propose a procedural schedule on or by December 15, 2020. Therefore, this pleading is timely filed.

II. APPLICATION SUFFICIENCY

Staff has reviewed the application and, as supported by the attached memorandum of David Bautista, Infrastructure Division, recommends that the application be found sufficient for further processing. This recommendation does not address the merits of the application.

III. NOTICE SUFFICIENCY

EPE filed copies of its notice and the required affidavits in its application. EPE also filed the published newspaper notices and proof of publication on December 7, 2020. Staff has reviewed EPE's form and proof of notice and recommends that EPE's provision of notice be found to satisfy

the requirements of 16 Texas Administrative Code (TAC) § 22.52(a). Therefore, Staff recommends that EPE’s notice be deemed sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the further processing of this docket:¹

Event	Deadline
Application Filed	November 16, 2020
Intervention Deadline	December 31, 2020
Deadline for Intervenors to request a hearing on the merits; deadline for Intervenor comments if no hearing is requested	December 31, 2020
<i>If qualified for informal disposition:</i>	
Deadline for Staff to request a hearing on the merits; deadline for Staff’s recommendation on final disposition if no hearing on the merits is requested	January 7, 2021
Deadline for EPE to request a hearing or respond to Intervenor comments and Staff recommendation on final disposition; or, deadline for parties to file a joint proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs	January 14, 2021
If applicable, administrative review completed 80 days from date of filing	February 4, 2021

V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be deemed administratively complete for further processing, that EPE’s provision of notice be found sufficient, and that the proposed procedural schedule be adopted.

¹ The Commission recently approved a similar schedule in another CCN amendment application for construction of a transmission line. See *Application of Texas-New Mexico Power Company to Amend its Certificate of Convenience and Necessity for the Wickett-to-Wolf 138-KV Transmission Line in Ward County*, Docket No. 51444, Order No. 2 (Dec. 4, 2020).

Dated: December 15, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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**DOCKET NO. 51480
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 December 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Alaina Zermeno
Alaina Zermeno

Public Utility Commission of Texas

Memorandum

TO: Alaina Zermeño, Legal Division

FROM: David Bautista, Infrastructure Division

DATE: December 15, 2020

RE: STAFF RECOMMENDATION
Docket No. 51480, *Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity (CCN) for the Seabeck-to-San Felipe 115-kV Transmission line in El Paso County.*

On November 16, 2020, El Paso Electric Company (EPE) filed an application to amend its certificate of convenience and necessity (CCN) to construct a new 115-kilovolt (kV) electric transmission line in El Paso County, Texas (Application). I reviewed the Application for deficiencies and the affidavits of notice for compliance with the notice requirements.

I. Application Sufficiency

- A. I have reviewed the Application including all attachments filed by EPE on November 16, 2020 in this docket for deficiencies. After reviewing the Application and additional filed information, I found no material deficiencies. Therefore, I recommend that the Application should be deemed sufficient.

II. Compliance of Notice

- A. I have reviewed the notices provided to landowners, neighboring utilities, county authorities, and municipal authorities that were included with the Application as attachments 10 and 13, as well as the affidavits of proof of notice submitted on December 7, 2020. I found no material deficiencies. Therefore, I recommend that that they comply with the requirements of 16 Tex. Administrative Code (TAC) § 22.52(a)(2) and (3).
- B. I have reviewed the notice provided to Texas Parks and Wildlife Department and the Office of Public Utility Council contained with the Application as attachment 15 and 13 respectively, as well as the affidavit of proof of notice submitted on November 16, 2020. I found no material deficiencies. Therefore, I recommend that they comply with the requirements of 16 TAC § 22.52(a)(1)(E) and (2).

C. I have reviewed the published notice included with the Application as attachment 14 as well as the affidavit of proof of notice submitted on December 7, 2020. I found no material deficiencies. Therefore, I recommend that EPE has complied with the requirements of 16 TAC § 22.52(a)(1).