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**SOAH DOCKET NO. 473-21-1201
PUC DOCKET NO. 51480**

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

EL PASO ELECTRIC COMPANY’S PROPOSED BRIEFING OUTLINE

El Paso Electric Company (EPE) proposes the following outline for any post-hearing briefing parties may want to present in this proceeding. The outline tracks the issues in the Preliminary Order that was filed on January 27, 2021 in this docket. EPE also proposes that initial briefs be due on November 12, 2021, and that reply briefs be due on November 19, 2021.

I. INTRODUCTION AND SUMMARY

II. PROCEDURAL HISTORY

III. JURISDICTION

IV. NOTICE

V. PRELIMINARY ORDER ISSUES

A. Preliminary Order Issue No. 1

Is EPE’s application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration shall be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated proposed facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under

consideration, and to any analysis and reasoned justification presented for a limited number of alternative routes. A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ shall allow EPE to amend the application and to provide proper notice to affected landowners; if EPE chooses not to amend the application, the ALJ may dismiss the case without prejudice.

B. Preliminary Order Issue No. 2

Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a), taking into account the factors set out in PURA § 37.056(c)? In addition,

- a) How does the proposed facility support the reliability and adequacy of the interconnected transmission system?**
- b) Does the proposed facility facilitate robust wholesale competition?**
- c) What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility?**
- d) Is the proposed facility needed to interconnect a new transmission service customer?**

C. Preliminary Order Issue No. 3

Is the transmission project the better option to meet this need when compared to employing distribution facilities? If EPE is not subject to the unbundling requirements of PURA § 39.051, is the project the better option to meet the need when compared to a combination of distributed generation and energy efficiency?

D. Preliminary Order Issue No. 4

Which proposed transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)?

- 1. Effect of Granting Certificate on EPE and Any Electric Utility Serving the Proximate Area**
- 2. Community Values**
- 3. Recreational and Park Areas**
- 4. Cultural, Aesthetic, and Historical Values**
- 5. Environmental Integrity**

6. **Engineering Constraints**
7. **Costs**
8. **Use of Existing Corridors**
9. **Prudent Avoidance**
10. **Additional Routing Concerns**
11. **Summary of Routing Recommendation**

E. Preliminary Order Issue No. 5

Are there alternative routes or facilities configurations that would have a less negative impact on landowners? What would be the incremental cost of those routes?

F. Preliminary Order Issue No. 6

If alternative routes or facility configurations are considered due to individual landowner preference:

- a) **Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?**
- b) **Have the accommodations to landowners diminished the electric efficiency of the line or reliability?**

G. Preliminary Order Issue No. 7

On or after September 1, 2009, did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with Section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:


- a) **What modifications, if any, should be made to the proposed project as a result of any recommendations or comments?**
- b) **What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?**
- c) **What other disposition, if any, should be made of any recommendations or comments?**
- d) **If any recommendation or comment should not be incorporated in this project or the final order, or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.**

H. Preliminary Order Issue No. 8

Are the circumstances for this line such that the seven-year limit discussed in section III of the Commission's Preliminary Order in this docket should be changed?

Respectfully submitted,

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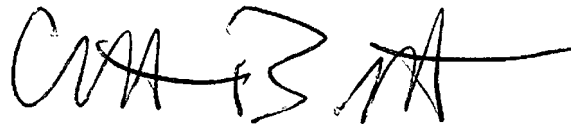


Everett Britt

ATTORNEYS FOR EL PASO ELECTRIC
COMPANY

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served by electronic mail on all parties of record in this proceeding on November 1, 2021.



Everett Britt