



Control Number: 52455



Item Number: 108

**PUC DOCKET NO. 52455**  
**SOAH DOCKET NO. 473-22-0768**

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PUBLIC UTILITY COMMISSION  
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<b>APPLICATION OF ONCOR ELECTRIC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DELIVERY COMPANY LLC TO</b>	<b>§</b>	
<b>AMEND ITS CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY FOR</b>	<b>§</b>	
<b>THE OLD COUNTRY SWITCH 345-KV</b>	<b>§</b>	
<b>TAP TRANSMISSION LINE IN ELLIS</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

**ORDER**

This Order addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) to construct, own, and operate in Ellis County a 345-kilovolt (-kV) single-circuit transmission line on double-circuit-capable structures to interconnect the planned Oystercatcher Solar substation to the proposed Old Country switch station and the Electric Reliability Council of Texas (ERCOT) transmission grid. The parties filed a unanimous agreement to route the line along route 152. The Commission approves the agreed route and amends Oncor's CCN number 30043 to the extent provided in this Order.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.
2. Oncor is an investor-owned electric utility that owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the ERCOT region.
3. Oncor is required under CCN number 30043 to provide service to the public and retail electric utility service within its certificated service area.

**Application**

4. On August 26, 2021, Oncor filed an application to amend its CCN for the proposed construction of a new transmission line and switch station.

5. Oncor retained Freese and Nichols, Inc. to prepare an environmental assessment and routing study in connection with the application filed in this proceeding.
6. In Order No. 2 filed on September 28, 2021, the Commission administrative law judge (ALJ) found the application sufficient.

**Description of Proposed Transmission Line and Station Elements**

7. Oncor proposed to construct in Ellis County, Texas a new 345-kV single-circuit transmission line and the new Old Country switch station to which the transmission line will connect. This Order refers to the new transmission line and the new switch station collectively as the transmission facilities.
8. The north end of the transmission line will terminate into the proposed Old Country switch station, which will be built and owned by Oncor, and the south end of the transmission line will terminate into the Oystercatcher Solar substation, which will be built and owned by Oystercatcher Solar, LLC.
9. The Old Country switch station is designed as a three-breaker, ring-arrangement point-of-interconnection station that will provide access to the ERCOT transmission grid for the Oystercatcher Solar generating facilities.
10. The Old Country switch station is designed to loop one circuit of Oncor's existing Venus Switch-Navarro 345-kV transmission line through the station, with the capacity to accommodate a second circuit with minor modifications to the station. This design will provide two paths for electricity generated by the Oystercatcher Solar substation, or any other new generators in the area, to access the transmission grid. This design will also allow for operational flexibility to keep facilities connected to the grid during maintenance and unplanned outages.
11. The Old Country switch station will not serve load or otherwise transform power to distribution voltage, so it is not designed to accommodate power transformers.
12. The proposed transmission line will interconnect approximately 223 megawatts (MW) of new solar generation facilities to the ERCOT transmission grid.

13. Oncor will construct the transmission line on double-circuit-capable steel lattice towers. The typical structures will range from 80 to 160 feet in height.
14. The route is based on a typical right-of-way width of approximately 160 feet.
15. Oncor will own, operate, and maintain all the transmission facilities up to the point of interconnection with the Oystercatcher Solar substation.

**Description of the Proposed Routes**

16. Oncor's application included 43 alternative routes that met the certification requirements of PURA<sup>1</sup> and the Commission's substantive rules<sup>2</sup> for the Commission's consideration.
17. The 43 alternative routes range in length from approximately 3.2 miles to 4.9 miles.
18. In the application, Oncor contended that route 54 best addressed the requirements of PURA and the Commission's rules.
19. All alternative routes are viable and constructible.

**Schedule**

20. In the application, Oncor estimated that it would finalize engineering and design by February 2023, acquire all rights-of-way and land by November 2023, procure material and equipment by November 2023, complete construction by April 2024, and energize the proposed transmission facilities by April 2024. These estimates were premised on the Commission's approval of the application within one year of the application's filing.
21. Oncor has not acquired any of the right-of-way for the transmission line approved by this Order.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001—66.016.

<sup>2</sup> 16 Texas Administrative Code (TAC) §§ 25.1—25.508.

**Public Input**

22. To develop information on community values for the transmission facilities, Oncor held one public meeting at the City of Italy Community Center in Italy, Texas. The public meeting was held on May 20, 2021, from 4:00 p.m. to 7:00 p.m.
23. Oncor mailed 24 individual written notices of the public meeting to all owners of property within 500 feet of the centerline of the alternative route links for the proposed transmission line. Oncor obtained landowner names and addresses from the Ellis County tax roll database. The notice included a map of the study area depicting the routing links, route link descriptions, a brochure on transmission-line cases at the Commission, a request to intervene form, a comment form, and a landowner's bill-of-rights brochure.
24. Oncor mailed notice of the public meeting to the Department of Defense Siting Clearinghouse.
25. Notice of the public meeting was placed in *The Ennis News*, a newspaper of general circulation in Ellis County.
26. A total of six people attended the public meeting.
27. Oncor received feedback from attendees of the public meeting in the form of two questionnaires and one email that was sent in lieu of a questionnaire.
28. Information from local, state, and federal agencies was evaluated and incorporated into the selection of recommended and alternative routes by Freese and Nichols and Oncor.
29. After the public meeting, Oncor and Freese and Nichols made modifications to seven alternative route links, added six new alternative route links, and deleted five alternative route links.

**Notice of the Application**

30. On August 26, 2021, Oncor sent written notice of the application by priority mail to county officials in Ellis County, Texas.

31. On August 26, 2021, Oncor sent written notice of the application by priority mail to city officials in Italy, Texas.
32. On August 26, 2021, Oncor sent notice of the application by mail to neighboring utilities within five miles of the proposed routes that provide similar utility service.
33. On August 26, 2021, Oncor sent written notice of the application by overnight delivery to the Office of Public Utility Counsel.
34. On August 26, 2021, Oncor sent written notice of the application both via email and overnight delivery to the Department of Defense Siting Clearinghouse.
35. On August 26, 2021, Oncor sent a copy of the environmental assessment and routing study by overnight mail to the Texas Parks and Wildlife Department.
36. On August 26, 2021, Oncor sent written notice of the application by first-class mail to each landowner, as stated on current county tax rolls, who would be directly affected if the requested CCN amendment were granted.
37. On September 16, 2021, Oncor filed the affidavit of Ife Adetoro, a project manager for Oncor, attesting to the provision of notice of the application by mail and email on August 26, 2021.
38. On August 29, 2021, Oncor published notice of the application in *The Ennis News*, a newspaper of general circulation in Ellis County, Texas.
39. On September 21, 2021, Oncor filed the affidavit of Mr. Adetoro attesting to the provision of notice of the application by publication on August 29, 2021. Attached to Mr. Adetoro's affidavit was a publisher's affidavit from the newspaper and a copy of the notice as published.
40. In Order No. 2 filed on September 28, 2021, the Commission ALJ found the notice of the application sufficient.

**Intervenors**

41. In Order No. 3 filed on September 29, 2021, the Commission ALJ granted intervention to Anne Weary; Lone Star Texas Land & Cattle Company, LLC; and Chambers Creek Ranch LLC.

42. In Order No. 4 filed on October 13, 2021, the Commission ALJ granted intervention to Vicki Coffman Titsworth.
43. In Order No. 5 filed on October 20, 2021, the Commission ALJ granted intervention to Luke Tamminga.

**Alignment of Intervenors**

44. No parties provided notice of a voluntary alignment, nor was any alignment requested or ordered.

**Route Adequacy**

45. Oncor's application presented 43 geographically diverse routes using a combination of 61 routing links.
46. No party contested whether the application contained an adequate number of reasonably differentiated routes to conduct a proper evaluation.
47. The application provided an adequate number of sufficiently differentiated routes to conduct a proper evaluation.

**Statements of Position and Testimony**

48. On December 17, 2021, Oncor filed the direct testimony of the following witnesses: Harsh Naik, a consulting engineer in Oncor's transmission planning group; Brenda J. Perkins, president of BJ Perkins Corporation; Oscar E. Rodriguez, a manager of line design in Oncor's transmission engineering group; Kimberly M. Buckley, an environmental science group manager at Freese and Nichols; and Edward A. Zarecky, an environment technical services manager in Oncor's environmental group.

**Referral to SOAH for Hearing**

49. On September 16, 2021, Lone Star Texas Land & Cattle Company requested referral to the State Office of Administrative Hearings (SOAH) for a hearing on the merits.
50. On September 24, 2021, Commission Staff requested referral to SOAH for a hearing on the merits.

51. On November 10, 2021, the Commission referred this docket to SOAH and filed a preliminary order specifying issues to be addressed in this proceeding.
52. In SOAH Order No. 1 filed on November 16, 2021, the SOAH ALJs provided notice of a prehearing conference set for 9:00 a.m. on December 10, 2021.
53. In SOAH Order No. 2 filed on December 13, 2021, the SOAH ALJs adopted an agreed procedural schedule, provided notice of a hearing on the merits set for April 11 through 13, 2022 by videoconference, and referred the matter to mediation at SOAH.
54. On February 8, 2022, all parties participated in a SOAH mediation by videoconference.
55. In SOAH Order No. 5 filed on February 28, 2022, the SOAH ALJs abated the procedural schedule.
56. On March 31, 2022, the parties filed a unanimous agreement agreeing on route 152.
57. In SOAH Order No. 6 filed on April 5, 2022, the SOAH ALJs admitted the following into the evidentiary record: Oncor's application and its attachments filed on August 26, 2021; Oncor's response to Order No. 1 filed on September 9, 2021; Oncor's affidavit attesting to the provision of notice filed on September 16, 2021; Oncor's affidavit attesting to the publication of newspaper notice filed on September 21, 2021; the direct testimonies of Oncor witnesses Harsh Naik, Brenda J. Perkins, Oscar E. Rodriguez, Kimberly M. Buckley, and Edward A. Zarecky, filed on December 17, 2021; the letter agreement between Oncor, Commission Staff, and the Texas Parks and Wildlife Department filed by Oncor on March 31, 2022; and the agreement and its attachments filed on March 31, 2022.
58. In SOAH Order No. 6 filed on April 5, 2022, the SOAH ALJs dismissed the case from SOAH's docket and remanded it to the Commission.



**Return to the Commission**

59. In Order No. 8 filed on April 11, 2022, the Commission ALJ admitted Oncor's response to Lone Star Texas Land & Cattle Company's first requests for information filed on January 10, 2022.
60. On May 2, 2022, Commission counsel filed a memo requesting the parties to identify evidence in the record supporting the cost and design of the Old Country switch station.
61. On May 4, 2022, Oncor filed the supplemental direct testimony of Mr. Rodriguez in response to the Commission counsel memo filed on May 2, 2022.
62. In Order No. 9 filed on May 5, 2022, the Commission ALJ admitted the supplemental direct testimony of Mr. Rodriguez filed on May 4, 2022.
63. On May 17, 2022, Oncor filed an intervenor map that shows the routing segments in the application, habitable structures, and features such as existing roads, transmission lines, bodies of water, airports, and heliports.
64. In Order No. 10 filed on May 18, 2022, the Commission ALJ admitted the map filed on May 17, 2022 into the evidentiary record.
65. On May 31, 2022, the Commission filed an order remanding the proceeding to Docket Management for the parties to file testimony in support of the unanimous agreement so that the Commission could properly evaluate the merits of the parties' agreement.
66. On June 4 and June 7, 2022, Anne Weary filed additional testimony.
67. On June 7, 2022, the following parties filed testimony in support of the agreement:
  - a. Chambers Creek Ranch filed the supplemental testimony and attachments of Barron D. Kidd and the supplemental testimony of Brian C. Andrews;
  - b. Oncor filed the supplemental direct testimony and exhibits of Brenda J. Perkins; and

- c. Lone Star Texas Land & Cattle Company filed the direct testimony and exhibits of Ted Paup.
- 68. On June 10, 2022, Commission Staff filed the testimony of John Poole, P.E. in support of the agreement.
- 69. In Order No. 13 filed on June 13, 2022, the Commission ALJ admitted into the evidentiary record the testimony filed on June 7, 2022 by Chambers Creek Ranch, Oncor, and Lone Star Texas Land & Cattle Company as well as the testimony filed on June 10, 2022 by Commission Staff.

**Routing of the Approved Transmission Line**

- 70. At the mediation, all parties agreed to support route 152.
- 71. The agreed route consists of links A, T, UI, DDD, EEE1, CCC, XX, WW, UU, TT, QQ, and OO.
- 72. The agreed route is not one of the 43 filed routes but consists entirely of noticed links that were not changed or modified from the links proposed in the application.
- 73. The agreed route is approximately 4.2 miles in length.

**Adequacy of Existing Service and Need for Additional Service**

- 74. No party challenged the need for the transmission line in this docket.
- 75. The transmission line approved by this Order is needed to connect approximately 223 MW of new generation capacity from the Oystercatcher Solar generation facility to the ERCOT grid for sale on the wholesale market.
- 76. On August 20, 2021, Oystercatcher Solar, LLC executed an ERCOT standard generation interconnection agreement requesting wholesale transmission service from Oncor.
- 77. Oncor is required to provide non-discriminatory access to wholesale transmission service.
- 78. ERCOT has reviewed the transmission facilities in the area and identified Oncor's existing Venus Switch–Navarro Switch 345-kV transmission line as the appropriate

means of providing transmission service to the Oystercatcher Solar generation facilities.

79. The planned site for the Oystercatcher Solar generation facilities is approximately 2.7 miles from the Venus Switch–Navarro Switch transmission line, which is the only transmission line in the vicinity that can accommodate generation of this capacity.
80. The proposed Old Country Switch station will be located adjacent to the Venus Switch–Navarro Switch transmission line, and the east circuit of the Venus Switch–Navarro Switch transmission line will be looped through the Old Country switch.
81. Although an existing 69-kV transmission line owned by Brazos Electric Power Cooperative, Inc. is located closer to the planned Oystercatcher Solar facilities than the existing Venus Switch–Navarro Switch 345-kV transmission line, the 69-kV transmission line cannot accommodate generation of this capacity.
82. No viable distribution alternatives to the transmission line approved by this Order exist to meet the identified need.
83. On September 24, 2021, Commission Staff filed recommendations in this docket, concluding that Oncor has adequately substantiated the need for the proposed transmission facilities.

**Effect of Granting the Application on Oncor and Other Utilities and Probable Improvement of Service or Lowering of Cost**

84. The transmission facilities approved in this Order will not serve another electric utility or connect with the facilities owned by another electric utility.
85. It is likely that construction of the transmission facilities will provide economic benefits, preserve the reliability of the transmission system, facilitate robust wholesale competition, and facilitate the interconnection of generation resources.
86. Oncor will address any crossings and paralleling of existing transmission lines by the new transmission line along the agreed route through coordination between Oncor and the applicable utilities and the application of well-established engineering measures.

87. It is unlikely that the construction of the transmission line along the agreed route will adversely affect service by other utilities in the area.
88. ERCOT estimates that the transmission line approved by this Order will result in \$12.2 million in annual production-cost savings for the year 2026.
89. ERCOT does not expect the transmission line approved by this Order to significantly affect transmission congestion.

**Estimated Costs**

90. The estimated construction costs for the 43 filed routes range from \$10,392,000 to \$13,695,000, exclusive of station costs.
91. The estimated construction cost for the agreed route is \$12,738,000, exclusive of station costs.
92. The estimated construction cost for the Old Country switch station is \$7,825,000.
93. There are no construction costs associated with the Oystercatcher Solar substation because that station will be built and owned by Oystercatcher Solar, LLC.
94. The cost of the agreed route is reasonable considering the range of the cost estimates for the routes.
95. The transmission facilities will be financed through a combination of debt and equity.

**Prudent Avoidance**

96. All proposed alternative routes considered in the application conform to the Commission's policy of prudent avoidance in that they reflect reasonable investments of money and effort to minimize exposure to electric and magnetic fields.
97. The greatest number of habitable structures within 500 feet of the centerline of any proposed alternative route is nine (route 31). The fewest number of habitable structures within 500 feet of the centerline on any proposed alternative route is one (routes 144, 145, and 150).
98. The agreed route has two habitable structures within 500 feet of its centerline.

99. The construction of transmission facilities along the agreed route complies with the Commission's policy of prudent avoidance.

**Community Values**

100. Information regarding community values was received from the May 2021 public meeting and from local, state, and federal agencies and incorporated into Freese and Nichols' routing analysis and Oncor's eventual selection of the alternative routes included in the application.
101. The principal concerns from the responses received from the public meeting were the distance of the transmission line from residences, paralleling existing transmission line corridors, and minimizing the clearing of trees and vegetation.
102. No party challenged that the agreed route addresses the expressed community values.
103. The agreed route adequately addresses the expressed community values.

**Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries**

104. The length of right-of-way for the alternative routes that is parallel to existing transmission lines ranges from a low of zero miles to a high of approximately 1.48 miles on route 150.
105. The agreed route parallels transmission-line right-of-way for 917 feet, or 4.1% of its length.
106. The agreed route parallels apparent property boundaries for 1.63 miles, or 38.8% of its length.
107. The agreed route parallels existing transmission lines or other existing rights-of-way for 4.1% of its length.
108. The agreed route will require 4.2 miles of new right-of-way.
109. The agreed route uses or parallels existing compatible rights-of-way and parallels apparent property boundaries to a reasonable extent.

**Engineering Constraints**

- 110. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along the agreed route.
- 111. All alternative routes are viable, feasible, and reasonable from an engineering perspective.

**Other Comparisons of Land Uses and Land Types**

**a. Radio Towers and Other Electronic Installations**

- 112. No commercial AM radio transmitters were identified within 10,000 feet of the centerline of any of the proposed alternative routes.
- 113. No FM radio transmitters, microwave relay stations, or other electronic installations were identified within 2,000 feet of the centerline of any of the proposed alternative routes.
- 114. None of the proposed alternative routes would have a significant effect on electronic communication facilities or operations in the study area.

**b. Airstrips and Airports**

- 115. No public or military airports that are registered with the Federal Aviation Administration and have runways only 3,200 feet or shorter in length are located within 10,000 feet of the centerline of any of the proposed alternative routes.
- 116. No public or military airports registered with the Federal Aviation Administration with at least one runway longer than 3,200 feet are located within 20,000 feet of the centerline of any of the proposed alternative routes.
- 117. No private airstrips are located within 10,000 feet of the centerline of any of the proposed alternative routes.
- 118. No heliports are located within 5,000 feet of the centerline of any of the proposed alternative routes.
- 119. It is unlikely that the transmission line along the agreed route will adversely affect any airports, airstrips, or heliports.

**c. Irrigation Systems**

- 120. None of the proposed alternative routes, including the agreed route, cross agricultural lands with known mobile irrigation systems.
- 121. It is unlikely that the transmission line along the agreed route will adversely affect any agricultural lands with known mobile irrigation systems.

**d. Pipelines**

- 122. None of the proposed alternative routes, including the agreed route, are parallel to pipelines.
- 123. It is unlikely that the transmission facilities along the agreed route will adversely affect any pipelines.

**Recreational and Park Areas**

- 124. None of the proposed alternative routes, including the agreed route, cross recreational and park areas.
- 125. It is unlikely that the transmission line along the agreed route will adversely affect the use and enjoyment of any recreational and park areas.

**Historical and Archaeological Values**

- 126. The agreed route does not cross any recorded cultural sites.
- 127. There are no recorded cultural sites within 1,000 feet of the centerline of the agreed route.
- 128. The agreed route crosses areas with a high potential for historical or archeological sites for 4,359 feet.
- 129. It is unlikely that the transmission line along the agreed route will adversely affect historical or archaeological resources.

**Aesthetic Values**

- 130. None of the proposed alternative routes, including the agreed route, are located within the foreground visual zone of United States or state highways.

131. None of the proposed alternative routes, including the agreed route, are located within the foreground visual zone of recreational or park areas.
132. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect the aesthetic quality of the surrounding landscape.

**Environmental Integrity**

133. The environmental assessment and routing analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.
134. Oncor and Freese and Nichols evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.
135. Oncor and Freese and Nichols evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
136. It is unlikely that constructing the transmission facilities approved by this Order will significantly affect wetland resources, ecological resources, endangered and threatened species, or land use.
137. The agreed route crosses upland woodlands for approximately 1,345 feet.
138. The agreed route crosses riparian areas for approximately 4,359 feet.
139. The agreed route does not cross any wetlands mapped by the National Wetland Inventory.
140. The agreed route does not cross the known habitat of any federally listed endangered or threatened species of plant or animal.
141. Oncor will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
142. It is unlikely that significant adverse consequences for populations of any federally listed endangered or threatened species will result from constructing the transmission facilities approved by this Order.



143. Oncor will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
144. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
145. It is appropriate for Oncor to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
146. It is appropriate for Oncor to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
147. It is appropriate for Oncor to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line's structures or the safe operation and maintenance of any transmission line.
148. It is appropriate for Oncor to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with the Texas Department of Agriculture regulations.
149. It is appropriate for Oncor to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission,

Washington, D.C. and Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for Oncor to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

150. It is appropriate for Oncor to use best management practices to minimize any potential harm that the agreed route presents to migratory birds and threatened or endangered species.
151. It is unlikely that the transmission line along the agreed route will adversely affect the environmental integrity of the surrounding landscape.

**Texas Parks and Wildlife Department's Written Comments and Recommendations**

152. On October 27, 2021, the Texas Parks and Wildlife Department filed a comment letter making various comments and recommendations regarding the transmission facilities.
153. The Texas Parks and Wildlife Department's comment letter addressed issues relating to effects on ecology and the environment but did not consider the other factors the Commission and utilities must consider in CCN applications.
154. The Texas Parks and Wildlife Department identified route 54 as the route that best minimizes adverse effects on natural resources.
155. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.
156. Oncor will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
157. Oncor will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.

158. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, Oncor will cooperate with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, and the Texas Commission on Environmental Quality as appropriate to coordinate permitting and perform any required mitigation.
159. Freese and Nichols relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by the Texas Parks and Wildlife Department, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.
160. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if field surveys identify threatened or endangered species' habitats.
161. The standard mitigation requirements included in the ordering paragraphs of this Order, coupled with Oncor's current practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and sufficiently address the Texas Parks and Wildlife Department's comments and recommendations.
162. This Order addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.
163. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the transmission facilities.

**Permits**

164. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.

165. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
166. Before beginning construction of the transmission facilities, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
167. It is appropriate for Oncor, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality. In addition, because more than five acres will be disturbed during construction of the transmission facilities, it is appropriate for Oncor, before commencing construction, to prepare a stormwater-pollution-prevention plan, to submit a notice of intent to the Texas Commission on Environmental Quality, and to comply with all other applicable requirements of the general permit.
168. It is appropriate for Oncor to conduct a field assessment of the agreed route before beginning construction of the transmission facilities approved by this Order to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these assessments, Oncor will identify all necessary permits from Ellis County and federal and state agencies. Oncor will comply with the relevant permit conditions during construction and operation of the transmission facilities along the agreed route.
169. After designing and engineering the alignments, structure locations, and structure heights, Oncor will determine the need to notify the Federal Aviation Administration based on the final structure locations and designs. If necessary, Oncor will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

**Coastal Management Program**

170. No part of the transmission facilities approved by this Order is located within the coastal management program boundary as defined in 31 TAC § 503.1(b).

**Effect on the State's Renewable Energy Goal**

171. The goal in PURA § 39.904(a) for 10,000 MW of renewable capacity to be installed in Texas by January 1, 2025 has already been met.
172. The transmission facilities approved by this Order cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

**Limitation of Authority**

173. It is not reasonable or appropriate for a CCN order to be valid indefinitely because it is issued based on the facts known at the time of issuance.
174. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order for Oncor to construct the transmission facilities.

**Informal Disposition**

175. More than 15 days have passed since the completion of notice provided in this docket.
176. Lone Star Texas Land & Cattle Company and Commission Staff originally requested a hearing in this proceeding but effectively withdrew that request by joining the agreement.
177. No hearing is necessary.
178. Commission Staff recommended approval of the application.
179. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. Oncor is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
2. Oncor is required to obtain the approval of the Commission to construct the proposed transmission facilities and to provide service to the public using the facilities.

3. The Commission has authority over this application under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
4. SOAH exercised jurisdiction over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
5. The application is sufficient under 16 TAC § 22.75(d).
6. Oncor provided notice of the application according to PURA § 37.054 and 16 TAC § 22.52(a).
7. Additional notice of the approved route is not required under 16 TAC § 22.52(a)(2) or 22.52(a)(3)(C) because it consists entirely of properly noticed segments contained in the original CCN application.
8. Oncor held a public meeting and provided proper notice of that public meeting in compliance with 16 TAC § 22.52(a)(4).
9. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.
10. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>3</sup> and Commission rules.
11. The transmission facilities using the agreed route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
12. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to the application.
13. This proceeding meets the requirements for informal disposition under 16 TAC § 22.35.

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<sup>3</sup> Tex. Gov't Code §§ 2001.001–.903.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission amends Oncor's CCN number 30043 to include the construction and operation of the transmission facilities, including a 345-kV single-circuit transmission line on double-circuit-capable structures along agreed route 152 (links A, T, U1, DDD, EEE1, CCC, XX, WW, UU, TT, QQ, and OO) and the Old Country switch station. The Commission is not certificating a second circuit through this Order.
2. Oncor must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the proposed electric transmission facilities.
3. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
4. Oncor must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
5. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
6. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.

7. Before beginning construction, Oncor must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
8. Oncor must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.
9. Oncor must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA, 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the United States Fish and Wildlife Service, April 2005. Oncor must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
10. Oncor must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
11. Oncor must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, Oncor must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.



12. Oncor must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas. Also, Oncor must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, the Commission does not require Oncor to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
13. Oncor must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission line approved by this Order. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
14. The Commission does not permit Oncor to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.
15. If possible, and subject to the other provisions of this Order, Oncor must prudently implement appropriate final design for the transmission line to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Oncor to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then Oncor must file an application to amend its CCN as necessary.
16. Oncor must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor must provide

final construction costs, with any necessary explanation for cost variance, after completion of construction when Oncor identifies all charges.

17. Entry of this Order does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the agreement and must not be regarded as precedential as to the appropriateness of any principle or methodology underlying the agreement.
18. The Commission limits the authority granted by the Order to a period of seven years from the date the Order is signed unless the transmission line is commercially energized before that time.
19. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 14<sup>th</sup> day of July 2022.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**PETER M. LAKE, CHAIRMAN**



**WILL MCADAMS, COMMISSIONER**



**LORI COBOS, COMMISSIONER**



**JIMMY GLOTFELTY, COMMISSIONER**