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

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF
THE OLD COUNTRY SWITCH 345-KV	§	
TAP TRANSMISSION LINE IN ELLIS	§	
COUNTY	§	ADMINISTRATIVE HEARINGS

UNANIMOUS STIPULATION AND SETTLEMENT AGREEMENT

This Unanimous Stipulation and Settlement Agreement (“Stipulation”) is made and entered into as of the 17th day of March, 2022, by and among: Oncor Electric Delivery Company LLC (“Oncor”); the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”); Ms. Anne Weary; Lone Star Texas Land & Cattle Company, LLC (“Lone Star”); Chambers Creek Ranch LLC (“Chambers Creek”); Ms. Vicki Coffman Titsworth; and Mr. Luke Tamminga (collectively, the “Signatories”).

I. Background

1. On August 26, 2021, Oncor filed an application to amend its certificate of convenience and necessity (“CCN”) for a proposed 345 kilovolt transmission line in Ellis County, Texas to interconnect the planned Oystercatcher Solar substation to the proposed Old Country Switch station (the “Project”).

2. The Project will interconnect approximately 223 megawatts of new solar generation facilities to the transmission grid of the Electric Reliability Council of Texas (“ERCOT”).

3. Oncor’s application included 43 preliminary alternative routes that Oncor presented as meeting the certification requirements of the Public Utility Regulatory Act (“PURA”)¹ and the Commission’s Substantive Rules² for the Commission’s consideration.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016 (“PURA”).

² 16 Tex. Admin. Code (“TAC”) §§ 25.1–25.508.

4. The length of the routes proposed in the application range from approximately 3.2 to approximately 4.9 miles.

5. The estimated transmission line costs for the routes proposed in the application range from approximately \$10,392,000 to \$13,695,000.

6. The estimated station costs for the Old Country Switch are \$7,825,000.

7. The number of habitable structures within 500 feet of the routes proposed in the application ranges from 1 to 9.

8. On September 29, 2021, the Commission Administrative Law Judge (“ALJ”) granted intervention to Ms. Weary, Lone Star, and Chambers Creek.

9. On October 13, 2021, the Commission ALJ granted intervention to Ms. Titsworth.

10. On October 20, 2021, the Commission ALJ granted intervention to Mr. Tamminga.

11. On October 27, 2021, the Texas Parks and Wildlife Department (“TPWD”) filed a letter containing certain non-binding recommendations for the protection of fish and wildlife during construction of the Project.

12. On November 10, 2021, the Commission ALJ referred the matter to the State Office of Administrative Hearings (“SOAH”).

13. On December 13, 2021, the SOAH ALJs referred the matter to the SOAH Alternative Dispute Resolution Team Leader for mediation.

14. On December 17, 2021, Oncor filed the direct testimonies of Harsh Naik, Brenda J. Perkins, Oscar E. Rodriguez, Kimberly M. Buckley, and Edward A. Zarecky.

15. On February 8, 2021, all Signatories participated in a mediation via the Zoom videoconferencing platform.

16. The mediation has resulted in the agreement embodied in this Stipulation.

17. The Signatories desire to capture the benefits of the Stipulation, for which all Signatories express their support, and to resolve all issues between them regarding the Project and, therefore, agree as follows:

II. Agreement

18. The Signatories stipulate that the Project is necessary for the service, accommodation, convenience, and safety of the public.

19. The Signatories stipulate that the Commission should approve the Project along Route 152, which consists of links A - T - U1 - DDD - EEE1 - CCC - XX - WW - UU - TT - QQ - OO .

20. Route 152 is approximately 4.2 miles in length.

21. Route 152 is within 500 feet of 2 habitable structures.

22. Route 152 is estimated to cost approximately \$12,738,000, exclusive of station costs.

23. The Signatories stipulate that Route 152 meets the requirements of PURA and the Commission's Substantive Rules.

24. The Signatories stipulate that Oncor has adequately addressed TPWD's recommendations.

25. The Signatories stipulate that the provisions of this Stipulation resolve their requests for relief from the Commission in Docket No. 52455.

26. The Signatories agree to the admission of the following into the evidentiary record:

- a. Oncor's application and its attachments, filed August 26, 2021;
- b. Oncor's response to Order No. 1, filed September 9, 2021;
- c. Oncor's affidavit attesting to the provision of notice, filed September 16, 2021;
- d. Oncor's affidavit attesting to the publication of newspaper notice, filed September 21, 2021;
- e. The direct testimonies of Oncor witnesses Harsh Naik, Brenda J. Perkins, Oscar E. Rodriguez, Kimberly M. Buckley, and Edward A. Zarecky, filed December 17, 2021;
- f. The letter agreement between Staff, Oncor and TPWD, filed concurrently herewith; and
- g. The Stipulation and its attachments.

27. The Stipulation is supported by the evidence in this proceeding, including the testimony submitted by Oncor, the other evidence for which Signatories have moved for admission in a separate motion being filed concurrently herewith, and the Proposed Order attached hereto.

28. The Signatories request that the Commission approve and implement this Stipulation and issue an order consistent with the terms of the Proposed Order, included as

Attachment 1 hereto, granting Oncor's requested amendment to Oncor's CCN No. 30043 for construction and operation of the Project using Route 152.

29. Pursuant to a motion being filed concurrently herewith, the Signatories: (i) request that the documents described therein be admitted into evidence; (ii) withdraw their requests for a hearing; (iii) request dismissal of this case from SOAH's docket and remand of this case to the Commission; and (iv) propose entry of a final order in the form of the Proposed Order included as Attachment 1 hereto.

III. Other Provisions

30. This Stipulation is binding on each Signatory for the purpose of settling the issues herein. The Signatories acknowledge and agree that a Signatory's support of the matters contained in this Stipulation may differ from its position or testimony in unrelated dockets and cases not referenced in this Stipulation. To the extent there is a difference, a Signatory does not waive its position in such other, unrelated dockets and cases.

31. The Signatories have entered into this Stipulation in the interest and spirit of settlement and therefore agree that the provisions of the Stipulation shall be subject to final approval by the Commission. Moreover, the Signatories agree to and move for entry of a final order of the Commission consistent with this Stipulation, as set forth in Attachment 1 hereto.

32. This Stipulation represents a compromise, settlement, and accommodation among the Signatories, and all Signatories agree that the terms and conditions herein are interdependent and no Signatory shall be bound by a portion of this Stipulation outside the context of the Stipulation as a whole. If the Commission materially changes the terms of this Stipulation or issues a final order inconsistent with a material term of this Stipulation, the Signatories agree that any Signatory adversely affected by that material alteration has the right to withdraw its consent to this Stipulation and may file a motion for hearing, thereby becoming released from its commitments and obligations arising herein, and proceed as otherwise permitted by law to exercise all rights available under law. Such a right to withdraw must be exercised by providing the other Signatories written notice within 20 calendar days of the date the Commission signs its order acting on this Stipulation. If a Signatory validly withdraws from this Stipulation in accordance with the terms herein, any other Signatory has the right to do the same. Failure to provide such notice within the specified time period shall be deemed a waiver of the right to withdraw and, therefore, shall constitute approval of any material changes to this Stipulation made by the Commission. The

Signatories separately reserve the right to appeal in the event the Commission enters a final order that materially deviates from this Stipulation.

33. Pursuant to Texas Rule of Evidence 408, if any Signatory withdraws its consent from this Stipulation in accordance with the preceding paragraph and this matter proceeds to an evidentiary hearing, oral and written statements made during settlement negotiations, including the terms of this Stipulation as it pertains to the withdrawing Signatory(ies), shall not be admissible in evidence in such a hearing.

34. Each person executing this Stipulation warrants that he or she is authorized to sign this Stipulation on behalf of the Signatory(ies) represented. Facsimile and emailed copies of signatures are valid for purposes of evidencing such execution. The Signatories may sign individual signature pages and/or counterparts to facilitate the circulation and filing of the original of this Stipulation.

Dated this 17th day of March, 2022.

[Signature pages follow]

ONCOR ELECTRIC DELIVERY COMPANY LLC

By: Jared Jones

Name: Jared Jones

Title: Attorney

Date: 3/22/22

STAFF OF THE PUBLIC UTILITY COMMISSION OF TEXAS

By: Mildred Anaele by SMS w/permission

Name: Mildred Anaele

Title: PUC Staff Attorney

Date: 3/22/22

CHAMBERS CREEK RANCH LLC

By:

A handwritten signature in black ink, appearing to read 'Alfred R. Herrera', is written over a horizontal line.

Name: Alfred R. Herrera

Title: Counsel for Chambers Creek Ranch LLC

Date: March 22, 2022

~~LONE STAR TEXAS LAND & CATTLE COMPANY, LLC~~

By: 

Name: PATRICK L. REZNIK

Title: Attorney

Date: MARCH 22, 2022

ANNE WEARY

By: Anne Weary

Name: Anne Weary

Date: March 3, 2022

VICKI COFFMAN TITSWORTH

By:

Vicki Titsworth Coffman

Name:

Vicki Titsworth Coffman

Date:

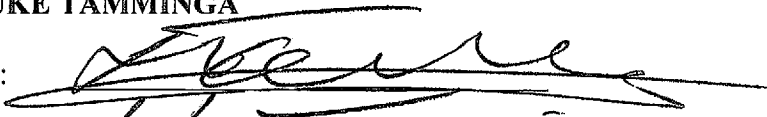
3-25-2021

LUKE TAMMINGA

By:

Name:

Date:


Luke Tamminga
3-23-22

Attachment 1

Proposed Order

PUC DOCKET NO. 52455

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

PROPOSED ORDER

This Order addresses the application of Oncor Electric Delivery Company LLC (Oncor) to amend its certificate of convenience and necessity (CCN) to construct, own, and operate a 345 kilovolt (kV) transmission line in Ellis County, Texas 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 to this docket filed a unanimous stipulation and settlement agreement resolving all contested issues. The Commission approves the Proposed Transmission Line Project on Route 152 as provided in the parties' settlement agreement and amends Oncor's CCN number 30043 to the extent provided by 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 provides service under CCN number 30043.

Application

4. On August 26, 2021, Oncor filed an application to amend its CCN for a proposed 345 kV transmission line in Ellis County, Texas to interconnect the planned Oystercatcher Solar

substation to the proposed Old Country Switch station (Proposed Transmission Line Project).

5. The Proposed Transmission Line Project will interconnect approximately 223 MW of new solar generation facilities to the ERCOT transmission grid.
6. Oncor's application included 43 preliminary alternative routes that met the certification requirements of the Public Utility Regulatory Act (PURA)¹ and the Commission's Substantive Rules² for the Commission's consideration.
7. Oncor retained Freese and Nichols, Inc. (FNI) to prepare an environmental assessment and routing study in connection with the application filed in this proceeding.
8. On September 28, 2021, the Commission administrative law judge (ALJ) found the application sufficient.

Description of the Transmission Facilities

9. The transmission line proposed in the application will be 3.2 to 4.9 miles in length, depending on the route selected.
10. Oncor will construct the transmission line on double-circuit-capable steel lattice towers.
11. 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.
12. The route is based on a typical right-of-way width of approximately 160 feet.
13. Oncor will own, operate, and maintain all the transmission facilities up to the point of interconnection with the Oystercatcher Solar substation.
14. In the application, Oncor contended that Route 54 best addressed the requirements of PURA and the Commission's rules.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

² 16 Tex. Admin. Code ("TAC") §§ 25.1–25.508.

15. 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.
16. Oncor has not acquired any of the right-of-way for the Proposed Transmission Line Project.

Public Input

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

24. After the public participation meeting, Oncor and FNI made modifications to seven preliminary alternative route links, added three new preliminary alternative route links, and deleted two preliminary alternative route links.

Notice of the Application

25. On August 26, 2021, Oncor sent written notice of the application by first-class mail to county officials in Ellis County, Texas.
26. On August 26, 2021, Oncor sent written notice of the application by first-class mail to city officials in Italy, Texas.
27. On August 26, 2021, Oncor sent notice of the application by first-class mail to neighboring utilities within five miles of the proposed routes that provide similar utility service.
28. On August 26, 2021, Oncor sent written notice of the application by first-class mail to the Office of Public Utility Counsel.
29. On August 26, 2021, Oncor sent written notice of the application both via email and overnight delivery to the Department of Defense Siting Clearinghouse.
30. On August 26, 2021, Oncor sent a copy of the environmental assessment and routing study by first-class mail to the Texas Parks and Wildlife Department.
31. On August 26, 2021, Oncor sent written notice of the application by first-class mail to certain pipeline owners and operators.
32. 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.
33. On September 16, 2021, Oncor filed the affidavit of Ife Adetoro, a project manager for Oncor, who attested that notice of the application had been provided in accordance with PURA and the Commission's Substantive Rules.
34. On August 29, 2021, Oncor published notice of the application in *The Ennis News*, a newspaper of general circulation in Ellis County, Texas.

35. On September 21, 2021, Oncor filed an affidavit attesting that notice had been published in accordance with PURA and the Commission's Substantive Rules.
36. In Order No. 2, filed September 28, 2021, the Commission ALJ found the notice of the application sufficient.

Intervenors

37. In Order No. 3, filed September 29, 2021, the Commission ALJ granted intervention to Anne Weary, Lone Star Texas Land & Cattle Company, LLC, and Chambers Creek Ranch LLC.
38. In Order No. 4, filed October 13, 2021, the Commission ALJ granted intervention to Vicki Coffman Titsworth.
39. In Order No. 5, filed October 20, 2021, the Commission ALJ granted intervention to Luke Tamminga.

Alignment of Intervenors

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

Route Adequacy

41. Oncor's application presented 43 geographically diverse routes using a combination of 61 routing links.
42. No party filed testimony or a statement of position challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
43. The application provided an adequate number of sufficiently delineated routes to conduct a proper evaluation.

Statements of Position and Testimony

44. 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, the environmental science

group manager at FNI; and Edward A. Zarecky, an environment technical services manager in Oncor's environmental group.

Referral to SOAH for Hearing

45. On September 16, 2021, Lone Star Texas Land & Cattle Company requested referral to SOAH for a hearing on the merits.
46. On September 24, 2021, Commission Staff requested referral to SOAH for a hearing on the merits.
47. On November 10, 2021, the Commission referred this docket to SOAH and filed a preliminary order specifying issues to be addressed in this proceeding.
48. In SOAH Order No. 1, filed November 16, 2021, the SOAH ALJs provided notice of a prehearing conference set for 9:00 a.m. on December 10, 2021.
49. In SOAH Order No. 2, filed December 13, 2021, the SOAH ALJs adopted an agreed procedural schedule, provided notice of a hearing on the merits set for April 11-13, 2022, via the Zoom videoconferencing platform, and referred the matter to the SOAH Alternative Dispute Resolution Team Leader for mediation.
50. On February 8, 2022, all parties participated in a SOAH mediation via the Zoom videoconferencing platform.
51. On February 28, 2022, the SOAH ALJs abated the procedural schedule.
52. On _____, 2022, the parties filed a unanimous stipulation and settlement agreement, memorializing the agreement reached at the SOAH mediation and resolving all contested issues.
53. In SOAH Order No. __ filed on _____, 2022, the SOAH ALJ admitted the following into the evidentiary record:
 - a. Oncor's application and its attachments, filed August 26, 2021;
 - b. Oncor's response to Order No. 1, filed September 9, 2021;
 - c. Oncor's affidavit attesting to the provision of notice, filed September 16, 2021;

- d. Oncor's affidavit attesting to the publication of newspaper notice, filed September 21, 2021;
 - e. The direct testimonies of Oncor witnesses Harsh Naik, Brenda J. Perkins, Oscar E. Rodriguez, Kimberly M. Buckley, and Edward A. Zarecky, filed December 17, 2021;
 - f. The letter agreement between Oncor, Staff and TPWD, filed by Oncor on March __, 2022; and
 - g. The unanimous stipulation and settlement agreement and its attachments, filed ____, 2022.
54. In SOAH Order No. __ filed ____, 2022, the SOAH ALJ dismissed the case from SOAH's docket and remanded it to the Commission.

Description of the Agreed Route

- 55. At the mediation, all parties agreed to support Route 152.
- 56. The agreed route consists of links A - T - U1 - DDD - EEE1 - CCC - XX - WW - UU - TT - QQ - OO.
- 57. The agreed route consists entirely of noticed links that were not changed or modified from the links proposed in the application.
- 58. The agreed route is approximately 4.2 miles in length.
- 59. The agreed route is estimated to cost approximately \$20,563,000, including station costs.
- 60. The agreed route will affect two habitable structures.

Adequacy of Existing Service and Need for Additional Service

- 61. The Proposed Transmission Line Project 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.
- 62. On August 20, 2021, Oystercatcher Solar, LLC executed an ERCOT Standard Generation Interconnection Agreement requesting wholesale transmission service from Oncor.
- 63. Oncor is required to provide nondiscriminatory access to wholesale transmission service.

64. 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.
65. 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.
66. 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.
67. Although an existing 69 kV transmission line owned by Brazos Electric Power Cooperative, Inc. is located near the planned Oystercatcher Solar facilities, that transmission line cannot accommodate generation of this capacity.
68. No viable distribution alternatives to the Proposed Transmission Line Project exist to meet the identified need.
69. On September 24, 2021, Commission Staff filed recommendations in this docket, concluding that Oncor has adequately substantiated the need for the Proposed Transmission Line Project.
70. No party challenged the need for the transmission line in this docket.

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

71. Oncor is the only electric utility involved in the construction of the transmission facilities.
72. No other electric utility will initially be served by or connected to the transmission line, and no other utilities' existing facilities will be used.
73. The agreed route begins at the proposed Old Country Switch station, which will be owned by Oncor, and terminates at the planned Oystercatcher Solar substation, which will be owned by Oystercatcher Solar, LLC.

74. The Commission expects construction of the transmission facilities to provide economic benefits, to result in a more reliable transmission system, to facilitate robust wholesale competition, and to facilitate the interconnection of generation resources.
75. Oncor can address any crossings and paralleling of existing transmission lines by the new transmission facilities along the agreed route through coordination between Oncor and the applicable utilities and the application of well-established engineering measures.
76. The Commission does not expect the construction of the transmission facilities along the agreed route to adversely affect service by other utilities in the area.
77. ERCOT estimates that the Proposed Transmission Line Project will result in \$12.2 million in annual production cost savings for the year 2026.
78. ERCOT does not expect the Proposed Transmission Line Project to significantly impact transmission congestion.

Estimated Costs

79. The estimated construction costs for the 43 filed routes range from \$10,392,000 to \$13,695,000, exclusive of station costs.
80. The estimated construction costs for the agreed route are \$12,738,000, exclusive of station costs.
81. The estimated construction costs for the Old Country Switch station are \$7,825,000.
82. There are no construction costs associated with the Oystercatcher Solar substation, because that station will be built by Oystercatcher Solar, LLC.
83. The cost of the agreed route is reasonable considering the range of the cost estimates for the routes proposed in this docket.
84. The transmission facilities will be financed through a combination of debt and equity.

Prudent Avoidance

85. Prudent avoidance, as defined in 16 TAC § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”

- 86. The agreed route has two habitable structures within 500 feet of its centerline.
- 87. The construction of transmission facilities along the agreed route complies with the Commission's policy of prudent avoidance.

Community Values

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

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

- 92. Oncor evaluated the use and paralleling of existing compatible rights-of-way and apparent property boundaries when developing the agreed route.
- 93. The area surrounding the agreed route includes public roads, apparent property boundaries, and a single transmission line.
- 94. The agreed route parallels existing compatible corridors for 38.8% of its length
- 95. The agreed route will require 4.2 miles of new right-of-way.
- 96. The agreed route uses or parallels existing compatible rights-of-way to a reasonable extent.

Engineering Constraints

- 97. Oncor evaluated engineering and construction constraints when developing the agreed route.
- 98. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along the agreed route.

Other Comparisons of Land Uses and Land Types

a. Radio Towers and Other Electronic Installations

- 99. No commercial AM radio transmitters were identified within 10,000 feet of the agreed route's centerline.
- 100. No FM radio transmitters, microwave relay stations, or other electronic installations were identified within 2,000 feet of the agreed route's centerline.
- 101. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect any communication operations in the proximity of the agreed route.

b. Airstrips and Airports

- 102. There are no airports registered with the Federal Aviation Administration and equipped with runways shorter than or exactly 3,200 feet within 10,000 feet of the agreed route's centerline.
- 103. There are no airports registered with the Federal Aviation Administration and equipped with at least one runway longer than 3,200 feet within 20,000 feet of the agreed route's centerline.
- 104. There are no private airstrips within 10,000 feet of the agreed route's centerline.
- 105. There are no heliports within 5,000 feet of the agreed route's centerline.
- 106. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

- 107. The agreed route does not cross agricultural lands with known mobile irrigation systems.
- 108. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect any agricultural lands with known mobile irrigation systems.

Recreational and Park Areas

- 109. The agreed route neither crosses nor is located within 1,000 feet of recreational and park areas.

110. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect the use and enjoyment of any recreational and park areas.

Historical and Archaeological Values

111. The agreed route does not cross any recorded cultural sites.
112. There are no recorded cultural sites within 1,000 feet of the centerline of the agreed route.
113. The agreed route crosses areas with a high potential for historical or archeological sites for 4,359 feet.
114. The Commission does not expect the presence of transmission facilities along the agreed route to adversely affect historical or archaeological resources.

Aesthetic Values

115. No part of the agreed route crosses or is located within the foreground visual zone of United States or state highways.
116. No part of the agreed route is located within the foreground visual zone of recreational or park areas.
117. 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

118. The environmental assessment and routing analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.
119. Oncor and FNI evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.
120. Oncor and FNI 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.
121. Oncor does not expect significant effects on wetland resources, ecological resources, endangered and threatened species, or land use as a result of constructing the proposed transmission line.

122. The agreed route crosses upland woodlands for approximately 1,345 feet.
123. The agreed route crosses riparian areas for approximately 4,359 feet.
124. The agreed route does not cross the known habitat of any federally listed endangered or threatened species of plant or animal.
125. Oncor will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
126. Oncor does not expect any significant adverse consequences for populations of any federally listed endangered or threatened species.
127. 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.
128. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
129. 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.
130. 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.
131. 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.
132. 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.
133. 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.
134. 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.
135. The Commission does not expect the presence of transmission facilities along agreed route to adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department's Written Comments and Recommendations

136. On October 27, 2021, the Texas Parks and Wildlife Department filed a comment letter making various comments and recommendations regarding the transmission facilities.
137. 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.
138. The Texas Parks and Wildlife Department recommended Route 54 as its preferred route.
139. On _____, 2022, Oncor filed a letter agreement between Oncor, Staff, and TPWD that addresses TPWD's comments and recommendations. It is appropriate for Oncor to implement the recommendations outlined in letter agreement.

140. 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.
141. Oncor will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
142. 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.
143. 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.
144. FNI 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.
145. 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.
146. 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.
147. This Order addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.

148. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the proposed transmission facilities.

Permits

149. Before beginning construction of the proposed transmission facilities, 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.
150. Before beginning construction of the proposed transmission facilities, Oncor will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
151. Before beginning construction of the proposed transmission facilities, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
152. Oncor committed, before commencing construction, to obtain any required 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, Oncor committed, before commencing construction, to prepare a stormwater-pollution-prevention plan if required, to submit a notice of intent to the Texas Commission on Environmental Quality if required, and to comply with all other applicable requirements of the general permit.
153. It is appropriate for Oncor to conduct a field assessment of the agreed route before beginning construction of the proposed transmission facilities to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line before beginning construction of the proposed transmission facilities. 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.
154. 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

155. Under 16 TAC § 25.102(a), the Commission may grant a certificate for the construction of transmission facilities within the coastal management program boundary only when it finds that the proposed facilities comply with the goals and applicable policies of the Coastal Management Program or that the proposed facilities will not have any direct and significant effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 501.3(b).
156. No part of the proposed transmission facilities is located within the coastal management program boundary as defined in 31 TAC § 503.1(b).

Effect on the State's Renewable Energy Goal

157. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
158. The presence of transmission facilities along the agreed route cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Limitation of Authority

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

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 line and to provide service to the public using the line.
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) because it consists entirely of properly noticed segments contained in the original CCN application.
8. Oncor provided proper notice of the 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,³ 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 proposed in the application, and the requirements of 16 TAC § 25.102 do not apply to the application.

³ Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–.902.

III. Ordering Paragraphs

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

1. The Commission approves the application along the agreed route and amends Oncor's CCN number 30043 to the extent provided by this Order.
2. The Commission amends Oncor's CCN number 30043 to include the construction and operation of the transmission facilities requested along the agreed route.
3. 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.
4. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the proposed transmission line and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
5. Oncor must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission facilities, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
6. 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 proposed transmission facilities.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. Oncor must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the proposed transmission line. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. The Commission limits the authority granted by the Order to a period of seven years from the date the Order is signed unless, before that time, the transmission line is commercially energized.
20. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.

Signed at Austin, Texas the _____ day of _____, 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

PETER M. LAKE, CHAIRMAN

WILL MCADAMS, COMMISSIONER

LORI COBOS, COMMISSIONER

JIMMY GLOTFELTY, COMMISSIONER