



## Filing Receipt

**Received - 2022-01-13 04:20:25 PM**  
**Control Number - 52667**  
**ItemNumber - 44**

**PROJECT NO. 52667**

<b>FILING OF ATTESTATIONS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEMONSTRATING COMPLIANCE</b>	<b>§</b>	
<b>WITH HB 4150</b>	<b>§</b>	<b>OF TEXAS</b>

**PEDERNALES ELECTRIC COOPERATIVE, INC.'S REPORT AND  
ATTESTATION REGARDING COMPLIANCE WITH HOUSE BILL 4150**

Pedernales Electric Cooperative, Inc. (PEC) hereby files this Report and Attestation Regarding Compliance with House Bill 4150 in accordance with the October 4, 2021 memorandum filed in this project by Barksdale English, Division of Compliance and Enforcement of the Public Utility Commission of Texas (Division's memorandum), which required the filing of this report and attestation by January 14, 2022.

**I. Introduction**

The Division's memorandum required each electric utility, municipally owned utility, or electric cooperative meeting the requirements of Section 6 of House Bill 4150<sup>1</sup> to file in this project a report with the following information:

- A declaration that each distribution line above 1 kilovolt or transmission line above 60 kilovolts owned by the utility that crosses a lake listed in PURA § 38.004(b) meets the applicable vertical clearance requirements established in Rule 232 of the NESC Standard ANSI (c)(2).
- The date on which the company verified each line's compliance with the applicable NESC Standard.
- For each utility that self-identified a line that did not meet vertical clearance requirements in an annual report filed in either Project No. 50596 or Project No. 51890, a declaration that each line identified in the annual report meets the NESC Standard.
- If a line over a lake listed in PURA § 38.004(b) does not meet the NESC Standard:
  - The name of the line;
  - The name of the lake and the county or counties in which the lake is located;
  - A narrative description of actions the utility will take to bring the line into compliance with the NESC Standard;
  - The date by when the line will be brought into compliance.

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<sup>1</sup> Acts of 2019, 86th Leg., R.S., ch. 1320 (HB 4150). Section 6 was uncodified.

The Division's memorandum further required each affected utility to submit with the report an affidavit signed by an officer of the company who has direct responsibility for distribution or transmission service or construction attesting to the veracity of the information provided in the report. Accordingly, included with this report is the Affidavit of Eddie Dauterive, Chief Operations Officer for PEC. Mr. Dauterive is an officer of PEC who has direct responsibility for distribution and transmission service and construction, and he attests to the veracity of the information provided in this report.

## **II. Report**

PEC is a not-for-profit electric cooperative serving an area of 8,100 square miles in Central Texas through approximately 304 miles of transmission lines and approximately 23,698 miles of distribution line.<sup>2</sup> PEC's service territory includes areas around the following lakes listed in PURA § 38.004(b): Buchanan, Canyon, Georgetown, Inks, Lyndon B. Johnson, Marble Falls, and Travis. These lakes are located in Burnet, Comal, Llano, Travis, and Williamson Counties.

Following the adoption of 16 Texas Admin. Code (TAC) § 25.97, Line Inspection and Safety, PEC inspected 100% of its overhead transmission facilities greater than 60 kilovolts (kV) utilizing inspections based on visual and Light Detection And Ranging (LiDAR) means for compliance with applicable NESC vertical clearances in order to comply with the five-year report requirements in 16 TAC § 25.97(e).<sup>3</sup> On April 30, 2020<sup>4</sup> and again on April 30, 2021,<sup>5</sup> PEC filed its annual report required by 16 TAC § 25.97(f) affirming that PEC has not identified any occurrences of noncompliance with PURA § 38.004 regarding vertical clearance of the NESC for overhead transmission facilities greater than 60 kV.

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<sup>2</sup> Miles of line as of October 1, 2021.

<sup>3</sup> *Five-Year Reports for Line Inspection and Safety Pursuant to TAC 25.97*, Project No. 50594, PEC's Five Year Report Required by 16 TAC § 25.97(e) (Apr. 30, 2020).

<sup>4</sup> *2019 Annual Reports for Line Inspection and Safety Pursuant to 16 TAC § 25.97(f)*, Project No. 50596, PEC's 2019 Annual Report Required by 16 TAC § 25.97(f) (Apr. 30, 2020).

<sup>5</sup> *2020 Annual Reports for Line Inspection and Safety Pursuant to 16 TAC § 25.97(f)*, Project No. 51890, PEC's 2020 Annual Report Required by 16 TAC § 25.97(f) (Apr. 30, 2021).

As required by PURA § 38.004 (a), it is PEC's general practice that a transmission or distribution line owned by PEC be constructed, operated, and maintained, as to clearances, in the manner described by the National Electrical Safety Code Standard ANSI (c)(2), as adopted by the American National Safety Institute, and in effect at the time of construction. Additionally, PEC regularly inspects its transmission and distribution system.

In addition, PEC's Emergency Operations Plan includes a section for Flood Operations, which outlines provisions that include de-energizing facilities and pulling meters as appropriate if conditions warrant. PEC maintains information regarding areas and locations that are subject to flooding within its service territory when water reaches certain levels. For example, lakes such as Travis are intended to fluctuate and provide flood control, and for safety measures PEC de-energizes specifically affected facilities when water reaches certain elevations.

In response to the Division's memorandum issued on October 4, 2021, PEC is implementing a process to inspect its distribution facilities greater than 1 kV, but those efforts are currently ongoing given the amount of time required to process the much larger number of distribution line crossings. PEC identified over 1,500 spans of distribution line greater than 1 kV in proximity to lakes that are potentially subject to the Division's memorandum. PEC completed the first step of LiDAR surveys to existing ground or water levels on the identified spans in December. PEC has contracted with a third-party engineering firm to use that LiDAR data for the second step of calculating the power line clearances to conservation pool and flood stage water levels, and PEC anticipates that those calculations will be completed by May 2022. After receipt of the third-party report on the clearance calculations relative to conservation pool and flood stage water levels, PEC then intends to review each individual location to determine how best to classify each electric distribution location and assess any modifications that may be warranted. PEC anticipates that the review will be complete and a final report filed with the Commission no later than July 29, 2022.

- a. **A declaration that each distribution line above 1 kilovolt or transmission line above 60 kilovolts owned by the utility that crosses a lake listed in PURA § 38.004(b) meets the applicable vertical clearance requirements established in Rule 232 of the NESC Standard ANSI (c)(2).**

PEC stated in its 2019 annual report filed in Project No. 50596 and its 2020 annual report filed in Project No. 51890 that it did not identify any overhead transmission facilities greater than

60 kV that did not meet the applicable NESC vertical clearance standards.

PEC is currently in the process of evaluating over 1,500 spans of distribution line greater than 1 kV in proximity to lakes that are potentially subject to the Division's memorandum, and has completed the LiDAR surveys on those spans at current water or ground levels. PEC has contracted with a third-party engineering firm to use that LiDAR data and calculate power line clearances to conservation pool and flood stage water levels, and review of that data is anticipated to be completed in July 2022.

**b. The date on which the company verified each line's compliance with the applicable NESC Standard.**

As previously stated, PEC completed LiDAR surveys on all distribution lines greater than 1 kV that are potentially subject to the Division's memorandum due to proximity to the named lakes in December 2021, and is currently in the process of verifying clearances at flood stage water levels and expects that analysis to be completed in July 2022. PEC will file a supplemental report following that verification.

**c. For each utility that self-identified a line that did not meet vertical clearance requirements in an annual report filed in either Project No. 50596 or Project No. 51890, a declaration that each line identified in the annual report meets the NESC Standard.**

PEC stated in its 2019 annual report filed in Project No. 50596 and its 2020 annual report filed in Project No. 51890 that it did not self-identify any overhead transmission facilities greater than 60 kV that did not meet vertical clearance requirements of the NESC for those reporting periods.

**d. If a line over a lake listed in PURA§ 38.004(b) does not meet the NESC Standard:**

- **The name of the line;**
- **The name of the lake and the county or counties in which the lake is located;**
- **A narrative description of actions the utility will take to bring the line into compliance with the NESC Standard; and**
- **The date by when the line will be brought into compliance.**

PEC is in the process of verifying compliance of distribution lines greater than 1 kV in proximity to lakes, and expects that to be completed in July 2022. PEC will file a supplemental report following the completion of that verification outlining the requested information for any

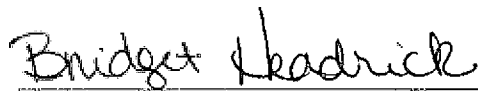
distribution line greater than 1 kV identified to not be in compliance with the applicable NESC standards.

### **III. Attestation**

Please see the attached Affidavit of Eddie Dauterive.

Respectfully Submitted,

PEDERNALES ELECTRIC COOPERATIVE, INC.

A handwritten signature in black ink, reading "Bridget Headrick", written over a horizontal line.

Bridget Headrick  
Vice President, Compliance and Regulatory  
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Bridget.Headrick@peci.com

## AFFIDAVIT OF EDDIE DAUTERIVE

STATE OF TEXAS           §

COUNTY OF BLANCO   §

BEFORE ME, the undersigned authority, personally appeared Eddie Dauterive, known to me to be the person whose name is subscribed below who, upon oath depose and stated as follows:

1. "My name is Eddie Dauterive. My business address is 201 S. Avenue F, Johnson City, Texas 78636. I am over eighteen (18) years of age and have personal knowledge of the facts contained herein.
2. I am currently the Chief Operations Officer for Pedernales Electric Cooperative, Inc. (PEC). As Chief Operations Officer, I am an officer of PEC who has responsibility for distribution and transmission service and construction, or who oversees those with responsibility for distribution and transmission service and construction.
3. I can attest to the veracity of the information provided in PEC's Report and Attestation Regarding Compliance with House Bill 4150 (Report) filed at the Public Utility Commission of Texas in Project No. 52667.
4. I swear or affirm that I have personal knowledge of the facts stated in this Report or am relying on people with personal knowledge, that I am competent to testify to them, and that I have the authority to submit this Report on behalf of PEC. I further swear or affirm that all statements made in this Report are true, correct, and complete to the best of my knowledge and belief."



Eddie Dauterive  
Chief Operations Officer of PEC

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas,  
this 12<sup>th</sup> day of January, 2022.

