

Need for the Proposed Transmission Line

38. In September 2021, the Commission determined that additional transmission facilities were needed to be constructed pursuant to PURA sections 35.005(b) and 39.203(e), to ensure safe and reliable electric service in the Lower Rio Grande Valley.
39. On October 14, 2021, the Commission issued an order in Docket No. 52682 that required Applicants to develop a CCN application for approval to construct transmission facilities to “close the loop from Palmito to North Edinburg.”
40. This transmission line will close the loop from Palmito to North Edinburg in accordance with the Commission’s order in Docket No. 52682.

Route Adequacy & Adequacy of the Application

41. No party challenged the adequacy of Applicants’ application.
42. No party filed testimony or a position statement 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’s nineteen routes are an adequate number of reasonably differentiated routes to conduct a proper evaluation.

Notice of Application

44. On June 29, 2022, Applicants provided notice of the application to: (a) all landowners, as stated on the current county tax rolls in Cameron County, Texas, who are directly affected by the alternative routing options; (b) utilities providing similar service within five miles of the alternative routing options, which included the Brownsville Public Utilities Board, Magic Valley Electric Cooperative, Inc., and South Texas Electric Cooperative, Inc.; (c) the County Judge and County Commissioners in Cameron County; and (d) the Mayors of the cities of San Benito, Harlingen, and Brownsville (the only municipalities within five miles of the alternative routing options).

45. On June 29, 2022, Applicants provided the application and EA in this project to TPWD.
46. On June 29, 2022, Applicants provided notice of the application to the Department of Defense Siting Clearinghouse.
47. On June 29, 2022, Applicants provided notice of the application to the Office of Public Utility Counsel.
48. On July 6, 2022, Applicants caused notice to be published in the *Brownsville Herald*, the newspaper of general circulation in Cameron County.
49. On July 19, 2022, Applicants filed the affidavit of Mel L. Eckhoff, a Regulatory Consultant for American Electric Power Service Corporation, attesting to proof of notice by first-class priority mail, email, and publication. Attached to Mr. Eckhoff's affidavit was a publisher's affidavit from the newspaper and a copy of the notice as published.

Public Notice

50. Prior to filing the application, Applicants held three public open house meetings within the study area to solicit comments from residents, landowners, and other interested parties regarding the new transmission line. The first two meetings were held on March 8 and 9, 2022, at the San Benito Cultural Heritage Museum, and the third meeting was held on April 12, 2022, at the San Benito High School in the City of San Benito.
51. A public open house meeting notice was mailed to landowners who own property located within 500 feet of the preliminary alternative link centerlines. There were approximately 350 notices mailed to landowners and entities for the March 8 and 9, 2022 open house meetings and 145 notices mailed to landowners and entities for the April 12, 2022 open house meeting. Each landowner also received a map of the study area depicting the preliminary alternative links with their invitation letter, a questionnaire, and a regulatory frequently asked questions (FAQs) sheet. The invitation letter, questionnaire, and FAQs sheet were also provided in Spanish.

52. Each of the approximately 495 individuals and entities who received an invitation letter also received a Public Meeting Postcard in both English and Spanish inviting them again to the public open house meetings.
53. Applicants provided notice of the public meetings to the Department of Defense Siting Clearinghouse.
54. A total of sixty-five individuals attended the March 8, 2022 public open house meeting according to the sign-in sheet.
55. A total of eighteen individuals attended the March 9, 2022 public open house meeting according to the sign-in sheet.
56. Following the March open house meetings, Applicants modified several preliminary alternative links and added preliminary alternative links L, AO, AP, and AQ.
57. Applicants hosted a third open house meeting for landowners located near the modified and newly added alternative links. A total of twenty-six individuals attended the April 12, 2022 public open house meeting according to the sign-in sheet.
58. Information received from the public open house meetings and from local, state, and federal agencies was considered and incorporated into POWER's EA.
59. Following the public open house meetings, POWER and Applicants added several links, and modified several links to avoid irrigation risers, provide additional crossings over the Resaca de los Fresnos, and improve paralleling existing compatible ROW and minimize land-use impacts.

Questionnaire Responses

60. Questionnaire respondents were asked to rank the importance of thirteen criteria in routing the transmission line.
61. Applicants received eleven questionnaire responses at the March 8, 2022 public meeting. The most highly ranked criteria in those responses were, in descending order:

- 1) Maximize distance from residences, businesses, and schools;
 - 2) Maximize length along property boundary lines;
 - 3) Minimize length across cropland;
 - 4) Minimize visibility of the line;
 - 5) Minimize loss of trees; and
 - 6) Minimize impact on archaeological and historical sites.
62. Applicants received ten questionnaire responses at the March 9, 2022 public meeting. The most highly ranked criteria in those responses were, in descending order:
- 1) Maximize distance from residences, businesses, and schools;
 - 2) Minimize impacts on streams and rivers;
 - 3) Minimize impacts to grassland or pasture; and
 - 4) Minimize impacts to archaeological and historic sites.
63. Applicants received five questionnaire responses at the April 12, 2022 public meeting. The most highly ranked criteria in those responses were, in descending order:
- 1) Maximize distance from residences;
 - 2) Minimize impacts on streams and rivers;
 - 3) Minimize length through wetlands/floodplains; and
 - 4) Minimize impacts to archaeological and historic sites.
64. Applicants received fifty questionnaires by mail after the public meetings took place. The most highly ranked criteria in those responses were, in descending order:

- 1) Maximize distance from residences, businesses, and schools;
 - 2) Minimize impacts on streams and rivers;
 - 3) Maximize length along property boundary lines;
 - 4) Minimize impacts to archaeological and historical sites; and
 - 5) Minimize visibility of the transmission line.
65. On all of the responses, the most highly ranked concern was maximizing the distance of the transmission line from residences, businesses, and schools.

Routing of the Transmission Facilities

Background

66. The POWER project team included professionals with expertise in different environmental and land use disciplines who were involved in data acquisition, routing analysis, and environmental assessment for the transmission facilities.
67. To identify preliminary alternative route segments for the transmission facilities, POWER delineated a study area, sought public official and agency input, gathered data regarding the study area, performed constraints mapping, reviewed geographic diversity information within the study as well as numerous environmental and land use criteria, identified alternative route segments, and reviewed and adjusted the alternative route segments following field reconnaissance and the public meetings.
68. The majority of the study area is in a suburban setting with a mix of residential subdivisions and commercial structures. The study area is predominantly residential with cropland throughout the study area.
69. The study area is located within the Coastal Prairies sub-province of the Gulf Coastal Plains Physiographic Province. Elevations within the study area range between approximately twenty and twenty-five feet above mean sea level.

70. Using the alternative route segments, POWER and Applicants identified nineteen reasonable and feasible alternative routes.
71. All alternative routes can be safely and reliably constructed and operated without significant adverse effects on property uses.
72. The consensus opinion of POWER's evaluators was to recommend Route 4 as the route that best addresses the requirements of PURA and the Commission's rules from an environmental and land-use perspective, followed by Routes 2, 5, 19, and 6. These routes use the following links:
- Route 2: B1-B2-E1-E2-O-Q
- Route 4: A-C-E1-E2-O-Q
- Route 5: A-D-G-I-N1-N2-O-Q
- Route 6: A-D-G-J-S1-L-AP-N2-O-Q
- Route 19: A-D-H-K-S1-L-AP-N2-O-Q
73. Applicants considered POWER's recommendations as well as engineering and construction constraints, estimated costs, and agency and landowner concerns.
74. Route 4 is opposed by Intervenors GOBAR Brothers, Michael Fitzpatrick, and Manuel and Evilia Duran. GOBAR Brothers and Mr. Fitzpatrick instead support Route 5 or, alternatively, Route 6.
75. Route 5 is opposed by Intervenors Blanca and Luis Chapa, Ernesto Estrada, Martha Reyna, Maria Teresa Guerra Pina, Raul Pina, Sonia Flores, Yolanda Guillen, and Zobeyda Morales, most of whom also expressed opposition to Routes 6, 7, and 19. No party recommended Route 7 (using links B1-B2-F-G-J-S1-L-AP-N2-O-Q).
76. Intervenor David Floodman, agent for U R Home Texas, LLC, is opposed to Route 2.
77. On the leading alternative routes, the links that have drawn the parties' objections are Link B2 (used on Routes 2 and 7), Links E1 and E2 (used on

Routes 2 and 4), Link N1 (used on Route 5) and Link N2 (used on Routes 5, 6, 7, and 19). The objecting intervenors all own property situated on one or more of those links and are concerned with how the proposed transmission line would affect the future development or, in some cases, present use of their own properties

Community Values

78. To ensure that the decision-making process adequately identified and considered community values, Applicants solicited input from residents, landowners, and other interested persons about the preliminary alternative links through the three public meetings held on March 8 and 9, 2022 and April 12, 2022, as well as through the mailed questionnaires.
79. The public meetings were designed to promote a better understanding of the proposed transmission line project, including the purpose and need for the project, the benefits and potential impacts of the new transmission line, and the Commission's regulatory approval process; inform and educate the public about the routing procedure, schedule, and selection process; and identify the values and concerns of the landowners and other interested parties in the study area.
80. The length of a transmission line route is a primary indicator of the relative magnitude of land-use impacts. Here, the total lengths of the alternative routes range from 4.35 miles (Route 1) to 10.91 miles (Route 18).
81. Route 4 is 4.92 miles long, the third-shortest of the nineteen alternative routes.
82. In questionnaire responses, affected landowners consistently ranked maximizing distance from residences, businesses, and schools as the top concern of the community.
83. All of the alternative routes have some habitable structures located within 500 feet their centerlines, ranging from thirty (Route 17) to 121 (Route 8).
84. Route 4 has forty-seven habitable structures within 500 feet of its centerline, fewer than Route 2 (forty-four habitable structures), Route 5 (fifty-four

habitable structures), Route 6 (sixty-one habitable structures), Route 7 (fifty-eight habitable structures), and Route 19 (sixty-four habitable structures).

85. The routes with fewer habitable structures than these routes (Routes 14-17) are also among the longest—and hence most expensive—of the proposed routes, at over ten miles long each.
86. The proposed alternative routes minimize impacts on directly affected landowners. Alternative route configurations might impact different landowners but would not have less impact overall.
87. Route 4 adequately addresses the expressed community values.

Recreation and Park Areas

88. POWER reviewed federal, state, and local websites and maps and conducted field reconnaissance surveys to identify parks and recreation facilities located within the study area.
89. None of the primary alternative routes cross any parks or recreation facilities.
90. The number of parks or recreational areas located within 1,000 feet of the centerline of any of the alternative routes ranges from zero to one.
91. Route 4 does not cross any park or recreational areas, nor are there any parks or recreational areas located within 1,000 feet of the centerline of this route.
92. The presence of transmission facilities along any of the alternative routes, including Route 4, is unlikely to adversely affect the use or enjoyment of any park or recreational area.

Historical and Aesthetic Values

93. None of the alternative routes cross or are within 1,000 feet of recorded cultural resource sites.
94. None of the alternative routes are located within 1,000 feet of any property listed on the National Register of Historic Places.

95. The number of cemeteries located within 1,000 feet of a proposed route ranges from zero to one. Routes 2, 4, 5, 6, and 19 all have one cemetery (the San Benito City cemetery) located within 1,000 feet of their centerlines.
96. Every alternative route crosses through areas with high probability for archeological sites, with the length of ROW crossing high archeological site potential ranging from a low of 4.35 miles (Route 1) to a high of 9.17 miles (Route 18).
97. Route 4 has 4.92 miles of its length across areas of high archeological site potential, the fourth-least of the nineteen alternative routes.
98. It is unlikely that the presence of the transmission facilities along any proposed alternative route will adversely affect historical or archeological resources.
99. Construction of the proposed transmission facilities could have both temporary and permanent aesthetic impacts. Temporary impacts would include views of the actual assembly and erection of the tower structures. Where wooded areas are cleared, the brush and wood debris could have an additional negative temporary impact on the local visual environment. Permanent impacts from the transmission facilities would involve the views of the cleared ROW, tower structures, and lines.
100. No known high-quality aesthetic resources, designated views, or designated scenic roads or highways were identified within the study area.
101. Since no designated landscapes protected from most forms of development or by legislation exist within the study area, potential aesthetic impacts were evaluated by estimating the length of each alternative route that would fall within the foreground visual zone (i.e., one-half mile with unobstructed views) of major highways, FM roads, and parks or recreational areas. There are no interstate highways located within the study area.
102. All of the alternative routes have some portion of ROW located within the foreground visual zone of United States Highways and state highways. Route 5 has the shortest amount of its length of ROW within the foreground visual zone of United States highways and state highways, followed closely by Route 4, which has approximately 1.83 miles.

103. All of the alternative routes have some portion of ROW located within the foreground visual zone of FM roads, ranging from 2.15 miles (Route 1) to 5.77 miles (Route 13). Route 4 has the third least amount of its length within the foreground visual zone of FM roads at 3.33 miles.
104. None of the alternative routes is located within the visual foreground of any park or recreational area.
105. It is unlikely that the construction of any of the alternative routes will significantly impact the aesthetic quality of the landscape.
106. The relatively shorter length of Route 4 within the foreground of United States highways and state highways (1.83 miles) and FM roads (3.33 miles) as compared to most other routes helps to mitigate those impacts compared to other routes.

Environmental Integrity

107. The EA analyzed the possible effects of the transmission facilities on numerous environmental factors.
108. Review of information from the Texas Natural Diversity Database, TPWD, and United States Fish and Wildlife Service indicate there are two federally listed plant species, three state-listed plant species, twelve federally listed animal species, and fifty state-listed animal species in Cameron County, where the line would be located.
109. None of the alternative routes cross any known habitat or designated critical habitat for federally listed threatened or endangered species.
110. It is unlikely that the transmission line approved by this Order will have any significant adverse effects on the physiographic or geologic features and resources of the area.
111. It is unlikely that geologic hazards will be created by the transmission facilities.

112. It is unlikely that the construction, operation, and maintenance of the transmission line will adversely affect groundwater resources within the study area.
113. It is unlikely that construction activities will impede the flow of water within watersheds or floodplains.
114. No future surface water projects were identified as occurring within the study area, and no impacts are anticipated.
115. It is unlikely that construction activities will significantly impede the flow of receding floodwaters within special hazard areas.
116. It is unlikely that the conversion of prime farmland soils will occur because of the transmission facilities.
117. The transmission line is anticipated to have short-term minimal impacts to soil, water, and ecological resources. Most of the impacts will be during initial construction and will consist of erosion and soil compaction.
118. All of the alternative routes cross the Resaca de los Fresnos one time, except for Route 1, which crosses the Resaca three times.
119. The number of stream and canal crossings for the routes range from nine (Route 1) to twenty-seven (Routes 15, 16, and 18). Route 4 has thirteen stream and canal crossings, the sixth-fewest of the nineteen alternative routes.
120. The total length of ROW crossing open water ranges from approximately .09 miles (Routes 2, 5-6 and 19) to approximately .22 miles (Route 1). Route 4 has .10 miles of ROW crossing open water.
121. Length of ROW that parallels streams or rivers ranges from approximately .31 miles (Route 1) to approximately 2.96 miles (Route 18). Route 4 has .83 miles of its ROW paralleling streams or rivers, the sixth-shortest of the nineteen alternative routes.

122. The length of ROW across 100-year floodplains ranges from .20 miles (Route 1) to 2.40 miles (Route 17). Route 4 has 1.17 miles of ROW across 100-year floodplains, the second-shortest of the nineteen alternative routes.
123. The impacts on vegetation would be the result of clearing and maintaining the ROW, and the length of upland woodland or brushland along the ROW of the alternative routes ranges from 1.20 miles (Route 13) to 2.92 miles (Route 18). Route 4 has 1.42 miles of ROW across upland woodlands or brushlands, the fourth-shortest of the nineteen alternative routes.
124. The length of ROW across wetlands for the routes ranges from .01 miles (Routes 1 and 9) to .23 miles (Routes 2, 3, and 4). Routes 5, 6, 7, and 19 each have .09 miles of their ROW length across wetlands, more than ten other routes. However, with use of avoidance and minimization measures, none of the alternative routes would have a significant impact on wetlands.
125. It is appropriate for Applicants to employ erosion control during initial construction. Applicants indicated they would develop a stormwater pollution prevention plan (SWPPP) prior to construction to minimize potential impacts to soils, primarily erosion, compaction, and off-ROW sedimentation. The SWPPP will also identify avoidance measures of potential contamination of water resources and include best management practices to prevent off-ROW sedimentation and degradation of potential coastal natural resource areas including potential wetland areas and to minimize potential impacts to aquatic habitats.
126. Review of the Texas Natural Diversity Database (2020) identified one occurrence record for a Texas Ebony-snake-eyes Shrubland vegetation community mapped within the north central portion of the study area. None of the alternative routes cross this occurrence record.
127. After Commission approval of a route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- and state-listed animal species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally- or state-listed animal species are observed during a field survey of the Commission-approved route, Applicants may further work with the TPWD and United

States Fish and Wildlife Service to determine avoidance or mitigation strategies.

128. It is unlikely that the transmission facilities will have significant adverse impacts on populations of any federally listed endangered or threatened species.
129. Applicants can construct the transmission facilities in an ecologically sensitive manner on any proposed route.
130. Applicants 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.
131. It is appropriate for Applicants to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: The 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 *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and USFWS, April 2005.
132. It is appropriate for Applicants 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.
133. It is appropriate for Applicants to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
134. It is appropriate for Applicants to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
135. It is appropriate for Applicants to avoid, to the maximum extent possible, causing adverse environmental effects on sensitive plant and animal species

and their habitats as identified by the TPWD and the United States Fish and Wildlife Service.

136. It is appropriate for Applicants 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 Applicants to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
137. It is appropriate for Applicants to exercise extreme care to avoid affecting nontargeted 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.
138. It is appropriate for Applicants to use best management practices to minimize potential harm that the approved route presents to any migratory birds and threatened or endangered species.
139. It is unlikely that the presence of transmission facilities along any proposed alternative route will adversely affect the environmental integrity of the surrounding landscape.
140. All of the alternative routes, including Route 4, are environmentally acceptable.

Engineering Constraints

141. Applicants evaluated engineering and construction constraints when developing routes.
142. There are no significant engineering constraints along any of the alternative routes that cannot be adequately addressed by using design and construction practices and techniques usual and customary in the electric utility industry.
143. All alternative routes are viable, feasible, and reasonable from an engineering perspective

Costs

144. The estimated construction cost of the nineteen alternative routes presented in the application range from \$30,122,000 (Route 3) to \$56,238,000 (Route 13), not including the estimated substation costs of approximately \$43,709,000 for construction of the new Kingfisher Station and approximately \$13,638,000 for construction of the new termination facilities for the existing La Palma substation.
145. No party has challenged the reasonableness of Applicants' cost estimates.
146. Route 4 is estimated to cost \$30,144,000, not including the estimated substation costs, which is the second-least expensive of the nineteen alternative routes.
147. The estimated cost of Route 4 is reasonable considering the range of cost estimates for the routes.

Use of Existing Corridors

148. None of the alternative routes utilize existing transmission line ROW but all of the routes parallel existing ROW for some of their length, from .39 miles (Routes 14 and 17) to 3.12 miles (Route 4).
149. The total route lengths paralleling other existing compatible ROW (roadways, railways, irrigation or drainage canals, etc.) ranged from .49 miles (Route 5) to 5.96 miles (Route 14). Route 4 parallels other existing compatible ROW .52 miles.
150. Routes with the greatest length paralleling other compatible ROW are generally longer routes that veer farther to the north and west of the study area. Routes 2, 4-6, and 19 proceed in a more southwesterly path.
151. All of the alternative routes parallel apparent property boundaries and other natural or cultural features to the extent feasible. The length that parallels apparent property boundaries ranges from .10 miles (Routes 1 and 2) to 3.51 miles (Route 18). Routes utilizing the westernmost links had some of the longest lengths paralleling these features. Route 4 parallels apparent property boundaries for .47 miles.

152. The alternative routes parallel existing transmission line ROW, other existing compatible ROW, or apparent property boundaries for approximately 65% (Route 1) to 89% (Route 7 and 19) of the length of the route.
153. Route 4 parallels or uses existing transmission line ROW or other existing compatible ROW or parallels apparent property boundaries for approximately 4.11 miles, or 84 % of the route.
154. Route 4 uses or parallels existing compatible ROW or apparent property boundaries to a reasonable extent.

Prudent Avoidance

155. Prudent avoidance is the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.
156. All of the alternative routes conform to the Commission's policy of prudent avoidance in that they reflect reasonable investments of money and effort to limit exposure to electric and magnetic fields.
157. The number of habitable structures within 500 feet of the centerline of the proposed alternative routes ranges from thirty to 121.
158. There are forty-seven habitable structures within 500 feet of the centerline of Route 4.
159. Construction of the transmission facilities along Route 4 will comply with the Commission's policy of prudent avoidance.

Additional Routing Concerns

160. There are no AM radio transmitters within 10,000 feet of the centerlines of the primary alternative routes, and between zero and two FM radio transmitters or electronic communication towers within 2,000 feet of the centerlines of the alternative routes—of the routes under consideration here, there is one on Route 2 and none on Routes 3-6 and 19.

161. None of the alternative routes are expected to have a significant impact on electronic communication facilities or operations.
162. There is one airport registered with the Federal Aviation Administration (FAA), the Valley International Airport, with a runway over 3,200 feet located within 20,000 of some of the routes (though not in the study area itself), but none of Routes 2, 4-6, and 19 are near that airport.
163. There are no FAA-registered airports with runways over 3,200 feet within 10,000 feet of the alternative routes and no public- or private-use heliports within 5,000 feet of any routes.
164. FAA notification is not expected to be required for any of the alternative routes, though Applicants will make a final determination regarding the need to notify the FAA after the Commission has approved a route. FAA notification and any subsequent coordination with the FAA could result in changes to the line design or potential requirements to mark the conductors and/or light the structures.

Proposed Alternative Routes or Facilities Configurations

165. No party suggested additional alternative routes or facility configurations beyond the nineteen alternative routes set out in the application.
166. The nineteen proposed alternative routes minimize adverse impacts on directly affected landowners and no additional alternative route configurations for the transmission line would have less overall landowner impact.
167. No intervenor offered to make any contributions to offset any additional costs associated with any routing accommodations.
168. No party contended that any requested modifications would diminish the electric efficiency or reliability of the transmission line.

TPWD Comments

169. TPWD's wildlife habitat assessment program provided information and recommendations regarding the preliminary study area for the transmission line to POWER on February 3, 2022.
170. On September 9, 2022, a letter from TPWD was filed in this proceeding making various comments and recommendations regarding the proposed transmission facilities.
171. TPWD included comments and recommendations regarding the transmission facilities and potential impacts on sensitive fish and wildlife resources, habitats or other sensitive natural resources. The letter includes concerns, comments, and recommendations that are often provided by TPWD regarding proposed transmission-line projects. POWER and Applicants have already taken into consideration several of the recommendations offered by TPWD as Applicants follow many of the recommendations in the TPWD letter relating to use of existing ROW, proper use and placement of sediment-control fencing, avoiding impacts to water resources, avoiding potential impacts to endangered species, and revegetation of disturbed areas.
172. TPWD's comment letter identified Route 19 as the route that best minimizes adverse effects on natural resources. TPWD did not oppose any route.
173. Applicants will implement mitigation measures and best management practices set forth in the EA, those included in the recommendations of the Commission's engineering staff, and those typically included in the Commission's final orders in transmission-line CCN cases. The mitigation measures and best management practices recommended by Staff, combined with the mitigation practices set out in the application, will minimize the impact of line construction on wildlife, including following certain procedures for protecting raptors, using extreme care in the application of chemical herbicides, minimizing disruption of flora and fauna, and revegetating with native species following completion of construction.

174. Before beginning construction, it is appropriate for Applicants to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond as required.
175. Applicants will use avoidance and mitigation procedures to comply with laws protecting federally listed species.
176. Applicants will re-vegetate the new ROW as necessary and according to Applicants' vegetation management practices, the storm water pollution prevention plan developed for construction of the transmission facilities, and (in many instances) landowner preferences or requests.
177. Applicants' standard vegetation-removal, construction, and maintenance practices adequately mitigate concerns expressed by the TPWD.
178. Applicants will use appropriate avian protection procedures.
179. Applicants will comply with all environmental laws and regulations, including those governing threatened and endangered species.
180. Applicants will comply with all applicable regulatory requirements in constructing the transmission facilities approved by this Order, including any applicable requirements under section 404 of the Clean Water Act.
181. Applicants will cooperate with the United States Fish and Wildlife Services and the TPWD if threatened or endangered species' habitats are identified during field surveys.
182. 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 (TCEQ), Applicants will cooperate with the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers, and the TCEQ as appropriate, to coordinate permitting and perform any required mitigation.
183. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with Applicants' current practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address the TPWD's comments and recommendations.

Permits

184. Before beginning construction of the transmission facilities approved by the Commission, Applicants 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.
185. Before beginning construction of the transmission facilities approved by this Order, Applicants will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
186. Before beginning construction of the transmission facilities approved by this Order, Applicants will obtain any necessary permits or clearances from federal, state, or local authorities.
187. It is appropriate for Applicants, 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 TCEQ
188. It is appropriate for Applicants to conduct a field assessment of the approved route before beginning construction of the transmission facilities approved by the Commission 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, Applicants will identify all necessary permits from county, state, and federal agencies. Applicants will comply with the relevant permit conditions during construction and operation of the transmission facilities along the approved route.
189. After designing and engineering the alignments, structure locations, and structure heights, Applicants will determine the need to notify the Federal Aviation Administration (FAA) based on the final structure locations and designs. If necessary, Applicants will use lower than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the FAA.

Coastal Management Program

190. The transmission facilities are not located, either in whole or in part, within the Coastal Management Program boundary as defined in 31 Texas Administrative Code section 503.1.

Seven-Year Time Limit

191. In the application, Applicants estimated they would acquire all ROW and land by May 2024, finalize engineering and design by September 2024, procure material and equipment by June 2025, complete construction by April 2026, and energize the proposed facilities by April 2026.
192. 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.
193. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order for Applicants to construct the transmission facilities.

Power Generation and ERCOT Reliability

194. Applicants do not anticipate, and no party contended, that construction of the transmission line facilities will preclude or limit a generator from generating or delivering power, or that construction will adversely impact the reliability of the ERCOT system.

Agreements of Parties on Routing

195. The parties reached no agreement as to routing.

Renewable Energy Goal

196. The goal in PURA section 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025, has already been met.
197. The transmission facilities along Route 4 cannot adversely affect the goal for renewable energy development established in PURA section 39.904(a)

VI. CONCLUSIONS OF LAW

1. Applicants are both public utilities as defined in PURA section 11.004(1) and electric utilities as defined in PURA section 31.002(6).
2. The Commission has jurisdiction over this matter under PURA sections 14.001, 32.001, 35.005(b), 37.051, .053, .056, and 39.203(e).
3. Applicants are required to obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.
4. Pursuant to PURA section 39.203(e), the Commission must issue a final order in this docket by December 26, 2022.
5. SOAH exercised jurisdiction over the proceeding under PURA section 14.053 and Texas Government Code sections 2001.058 and 2003.021 and .049.
6. The application is sufficient under 16 Texas Administrative Code section 22.75(d).
7. The Commission processed this application in accordance with the requirements of PURA, the Administrative Procedure Act under Texas Government Code sections 2001.001-.902, and the Commission's rules.
8. Applicants provided notice of their application in compliance with PURA section 37.054 and 16 Texas Administrative Code section 22.52(a).
9. Applicants held public meetings and provided notice of the public meetings in compliance with 16 Texas Administrative Code section 22.52(a)(4).
10. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA section 37.054 and Texas Government Code sections 2001.051-.052.
11. PURA section 39.203(e) exempts electric utilities that are ordered under that subsection to construct or enlarge transmission or transmission-related facilities from proving that the construction ordered is necessary for the

service, accommodation, convenience, or safety of the public in any proceeding brought under chapter 37. It also exempts electric utilities from addressing the factors listed in PURA sections 37.056(c)(1)-(3) and (4)(E) in any proceeding brought under chapter 37

12. The transmission facilities using Route 4 are necessary for the service, accommodation, convenience, or safety of the public, taking into consideration the factors set forth in PURA section 37.056 and 16 Texas Administrative Code section 25.101.
13. Route 4 best meets the routing criteria set forth in PURA section 37.056 and 16 Texas Administrative Code section 25.101(b)(3)(B).
14. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 Texas Administrative Code section 25.102 do not apply to the Application.

VII. PROPOSED ORDERING PARAGRAPHS

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, and approves the application.
2. The Commission amends Applicants' CCN numbers 30028 and 30192 to include the construction and operation of the transmission facilities, including a 345-kV single-circuit transmission line on double-circuit-capable structures along Route 4 (links A-C-E1-E2-O-Q), the new Sharyland Kingfisher Station, and station work at the existing AEP Texas La Palma Station as described in this Order. The Commission is not certifying a second circuit through this Order.
3. Applicants 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. Applicants 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.

5. Applicants must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Applicants fail to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.
6. Applicants must identify any additional permits that are necessary, consult any required agencies (such as the U.S. Army Corps of Engineers and the USFWS), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
7. If Applicants encounter any archeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Applicants must report the discovery to, and act as directed by, the THC.
8. Before beginning construction, Applicants must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
9. Applicants 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. Applicants 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 *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and USFWS, April 2005. Applicants must 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.

11. Applicants 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. Applicants must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate ROW clearance for the transmission facilities. In addition, Applicants must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, Applicants must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the TPWD and the USFWS.
13. Applicants 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, Applicants must return each affected landowner 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 Applicants to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the transmission facilities' structures or the safe operation and maintenance of the transmission facilities.
14. Applicants must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission facilities. Any minor deviations in the approved route must only directly affect the landowners who were sent notice of the transmission facilities in accordance with 16 Texas Administrative Code section 22.52(a)(3) and have agreed to the minor deviation, excluding public rights of way.

15. The Commission does not permit Applicants to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending its CCN.
16. If possible, and subject to the other provisions of this Order, Applicants must prudently implement appropriate final design for the transmission facilities to avoid being subject to the FAA's notification requirements. If required by federal law, Applicants must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Applicants to deviate materially from this Order to meet the FAA's recommendations or requirements. If a material change would be necessary to meet the FAA's recommendations or requirements, then Applicants must file an application to amend its CCN as necessary.
17. Applicants must include the transmission facilities approved by this Order on their monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 Texas Administrative Code section 25.83(b). In addition, Applicants must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when Applicants identify all charges.
18. The Commission limits the authority granted by this Order to a period of seven years from the date the Order is signed unless, before that time, the transmission facilities are commercially energized.
19. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

SIGNED OCTOBER 31, 2022.

ALJ Signatures:



Daniel Wiseman

Presiding Administrative Law Judge

Sarah Starnes

Sarah Starnes

Co-Presiding Administrative Law Judge