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Public Utility Commission of Texas

TO: All Parties of Record

FROM: Christina Denmark 
Administrative Law Judge

RE: **Docket No. 54733** – *Application of Oncor Electric Delivery Company LLC to Amend its Certificate of Convenience and Necessity for the Keller Wall Price-Keller Magnolia 138-kv Transmission Line and Keller Wall Price-Roanoke 138-kv Rebuild in Keller, Texas*

DATE: June 22, 2023

On June 8, 2023, I filed a Notice of Approval in the above-styled and numbered docket.

On June 15, 2023, Oncor Electric Delivery Company LLC filed Correction to the Notice of Approval, Request for Clarification, and Motion for Reconsideration. In its motion, Oncor asked for corrections to Findings of Fact 98, 100, and 117. Specifically, Oncor asked for Findings of Fact 98 and 117 to be deleted and for Finding of Fact 100 to be amended. Additionally, Oncor asks for clarification or reconsideration of Findings of Fact 107 and 117.

The administrative law judge (ALJ) is treating Oncor's motion as a request for corrections to a notice of approval under 16 Texas Administrative Code (TAC) § 22.35(c)(1).

The ALJ grants Oncor's motion in part and denies it in part. The ALJ will address each Finding of Fact below.

I. Finding of Fact 98

Oncor requests the current Finding of Fact 98 be deleted:

98. Four threatened, endangered, or otherwise rare plant species have the potential to occur within the study area, including the Shinner's sedge, Sutherland Hawthorn, Texas milk vetch, and Topeka purple-coneflower.

Oncor argues that under Table 3-2 of the Environmental Assessment (EA), the four plant species are only listed as Species of Greatest Conservation Need, a designation that confers no regulatory



status listing.¹ Further, according to Oncor's interpretation of the EA on pages 3-19 and 3-20, the designation does not necessarily imply that a species is rare.

Table 3-2 included with the EA provided by Oncor is titled "Endangered, Threatened, or Rare Plants"² and lists Shinner's sedge, Sutherland Hawthorn, Texas milk vetch, and Topeka purple-coneflower as having a potential to occur within the study area.³ The chart indicates that all four species are listed as "SGCN," which is defined as a "Species of Greatest Conservation Need (i.e., *rare species* with no regulatory listing status)."⁴ In other words, contrary to Oncor's assertion otherwise, the evidentiary record supports a finding that each of the four species is rare.

Upon review of Oncor's motion and the EA, the ALJ denies Oncor's request to delete Finding of Fact 98. PURA⁵ § 37.056(c) and 16 TAC § 25.101 requires the Commission to address environmental integrity, which includes addressing plant species.

II. Finding of Fact 100

Oncor requests that the current Finding of Fact 100 be deleted. The Finding of Fact 100 reads as follows:

100. There are 25 federal or state-listed endangered, threatened, proposed endangered, proposed threatened, or candidate species that have the potential to occur in the study area, including the bald eagle, white-faced ibis (during migration), Texas horned lizard, Stecker's chorus frog (seasonally), Woodhouse's toad, Chestnut-collared longspur (during migration), lark bunting, Mountain plover (during migration), Sprague's pipit (during migration), American bumblebee, Comanche harvester ant, big brown [bat], big free-tailed bat, eastern red bat, eastern spotted skunk, hoary bat, long-tailed weasel, tricolored bat, western hog-nosed skunk, eastern box turtle, prairie skink, slender glass lizard, Texas garter snake, timber rattlesnake, and Western box turtle.

Oncor argues that all of the species identified, with the exception of the Texas horned lizard, are Species of Greatest Conversation Need and/or species that do not occur within the study area. Instead, Oncor proposes deleting Findings of Fact 100 altogether, and rewriting Finding of Fact 98 to read as follows:

98. The Texas horned lizard is the only federally or state-listed endangered, threatened, proposed endangered, proposed threatened, or candidate species with potential to occur in the study area.

¹ Oncor's Corrections to the Notice of Approval, Request for Clarification, and Motion for Reconsideration at 2.

² See EA at 3-20 (emphasis added).

³ *Id.*

⁴ *Id.* (emphasis added).

⁵ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.



Oncor further points out that the Texas horned lizard is listed only at the state level.

Oncor's analysis focuses solely on Table 3-10 of the EA, which lists endangered, threatened or rare wildlife potentially in the study area. PURA § 37.056(c) and 16 TAC § 25.101 requires the Commission to address environmental integrity; therefore, an analysis of species in the study area is necessary and falls under environmental integrity. The ALJ further notes that Oncor's proposed notice of approval did not address species, except to propose language that the project's route does not cross the known habitat of engendered or threatened species.

The ALJ grants, in part, Oncor's request and will revise Finding of Fact 100 to state as follows and declines to adopt Oncor's proposed Finding of Fact 98:

100. There are 25 federal or state-listed endangered, threatened, proposed endangered, proposed threatened, or candidate species or Species of Greatest Conservation Need as identified by the Texas Parks and Wildlife Department that have the potential to occur in the study area, including the bald eagle, white-faced ibis (during migration), Texas horned lizard, Strecker's chorus frog (seasonally), Woodhouse's toad, Chestnut-collared longspur (during migration), lark bunting, Mountain plover (during migration), Sprague's pipit (during migration), American bumblebee, Comanche harvester ant, big brown bat, big free-tailed bat, eastern red bat, eastern spotted skunk, hoary bat, long-tailed weasel, tricolored bat, western hog-nosed skunk, eastern box turtle, prairie skink, slender glass lizard, Texas garter snake, timber rattlesnake, and Western box turtle.

Contrary to Oncor's assertions, the evidentiary record supports the inclusion of this Finding of Fact:

A. Bald Eagle

Table 3-10 identifies the bald eagle as having a "recovered, delisted, and being monitored" status federally and having a Species of Greatest Conservation Need status in Texas.⁶ The table says it does not have the potential to occur in the study area; however, the EA states that there are numerous observations around Grapevine Lake and a few sightings near the study area of individuals in flight at high elevations.⁷ Further, "[i]t is likely bald eagles could be observed from the study area, although they would not be expected to use it for stopover habitat."⁸

Due to the conflicting information in the table and EA, the ALJ declines to delete bald eagle from Finding of Fact 100.

⁶ See EA at 3-31 to 3-32 (Table 3-10).

⁷ *Id.* at 3-33.

⁸ *Id.*



B. White-faced Ibis (During Migration)

Table 3-10 identifies the white-faced ibis as being a state-listed threatened species.⁹ The table says it does not have the potential to occur in the study area; however, the EA states that while there have been no observations recorded in the study area, “the county distribution for this species includes geographic areas that they may use during migration.”¹⁰

Due to the conflicting information in the table and EA, the ALJ declines to delete white-faced ibis from Finding of Fact 100.

C. Texas horned lizard

Table 3-10 identifies the Texas horned lizard as being a state-listed threatened species and having the potential to occur in the study area.¹¹ Oncor does not dispute that this species should be listed.

Accordingly, the ALJ declines to delete Texas horned lizard from Finding of Fact 100.

D. Strecker’s Chorus Frog (Seasonally)

Table 3-10 identifies Strecker’s chorus frog as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.¹² The EA indicates that the potential for this species to occur would be limited to seasonally inundated roadside ditches in the eastern portion of the study area.¹³

The EA supports inclusion of Strecker’s chorus frog. Therefore, the ALJ declines to delete it from Finding of Fact 100.

E. Woodhouse’s Toad

Table 3-10 identifies the Woodhouse’s toad as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.¹⁴ Specifically, the EA states that “[g]iven the adaptability of this species to urban settings, it is possible for the Woodhouse’s toad to be present within the study area.”¹⁵

⁹ See EA at 3-31 to 3-32 (Table 3-10).

¹⁰ *Id.* at 3-34.

¹¹ See EA at 3-31 to 3-32 (Table 3-10).

¹² *Id.*

¹³ *Id.* at 3-36.

¹⁴ See EA at 3-31 to 3-32 (Table 3-10).

¹⁵ *Id.* at 3-36.



The EA supports inclusion of the Woodhouse's toad. Therefore, the ALJ declines to delete it from Finding of Fact 100.

F. Chestnut-collared Longspur (During Migration)

Table 3-10 identifies the Chestnut-collared longspur as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.¹⁶ Specifically, the EA states that “there is limited potential for this bird to migrate through the study area.”¹⁷

The EA supports inclusion of the Chestnut-collared longspur. Therefore, the ALJ declines to delete it from Finding of Fact 100.

G. Lark Bunting

Table 3-10 identifies the lark bunting as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.¹⁸ Specifically, the EA notes that there have been various observations of the lark bunting in Tarrant County and neighboring counties and “[t]his species could be found within the study area wherever suitable habitat is present.”¹⁹

The EA supports inclusion of the lark bunting. Therefore, the ALJ declines to delete it from Finding of Fact 100.

H. Mountain Plover (During Migration)

Table 3-10 identifies the Mountain plover as having a Species of Greatest Conservation Need status in Texas, having the potential to occur in the study area, and assumed to be a transient species potentially migrating through the study area.²⁰ Specifically, the EA states that “the county distribution for this species includes geographic areas they may use while migrating.”²¹

The EA supports inclusion of the Mountain plover. Therefore, the ALJ declines to delete it from Finding of Fact 100.

¹⁶ See EA at 3-31 to 3-32 (Table 3-10).

¹⁷ *Id.* at 3-36.

¹⁸ See EA at 3-31 to 3-32 (Table 3-10).

¹⁹ *Id.* at 3-37.

²⁰ See EA at 3-31 to 3-32 (Table 3-10).

²¹ *Id.* at 3-37.



I. Sprague's Pipit (During Migration)

Table 3-10 identifies the Sprague's pipit as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.²² Specifically, the EA states that "the county distribution for this species includes geographic areas they may use while migrating."²³

The EA supports inclusion of the Sprague's pipit. Therefore, the ALJ declines to delete it from Finding of Fact 100.

J. American Bumblebee

Table 3-10 identifies the American bumblebee as having a Species of Greatest Conservation Need status in Texas, but not having the potential to occur within the study area.²⁴ However, the EA later states that "[t]here is limited potential for the American bumblebee to occur within the study area."²⁵

Due to the conflicting information in the table and EA, the ALJ declines to delete American bumblebee from Finding of Fact 100.

K. Comanche Harvester Ant

Table 3-10 identifies the Comanche harvester ant as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.²⁶ Specifically, the EA states that "it is possible the species could occur in the study area."²⁷

The EA supports inclusion of the Comanche harvester ant. Therefore, the ALJ declines to delete it from Finding of Fact 100.

L. Big Brown Bat

Table 3-10 identifies the big brown bat as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.²⁸ Specifically, the EA states that "there is limited potential for the big brown bat to be present within the study area."²⁹

²² See EA at 3-31 to 3-32 (Table 3-10).

²³ *Id.* at 3-37.

²⁴ See EA at 3-31 to 3-32 (Table 3-10).

²⁵ *Id.* at 3-38.

²⁶ See EA at 3-31 to 3-32 (Table 3-10).

²⁷ *Id.* at 3-38.

²⁸ See EA at 3-31 to 3-32 (Table 3-10).

²⁹ *Id.* at 3-38.



The EA supports inclusion of the big brown bat. Therefore, the ALJ declines to delete it from Finding of Fact 100, but will amend Finding of Fact 100 to correct the typographical error identifying it as an ant.

M. Big Free-tailed Bat

Table 3-10 identifies the big free-tailed bat as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.³⁰ Specifically, the EA states that “there is limited potential for the big free-tailed bat to be occur within the study area.”³¹

The EA supports inclusion of the big free-tailed bat. Therefore, the ALJ declines to delete it from Finding of Fact 100.

N. Eastern Red Bat

Table 3-10 identifies the eastern red bat as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.³² Specifically, the EA states that it has a statewide distribution and “the eastern red bat could potentially occur within the study area.”³³

The EA supports inclusion of the eastern red bat. Therefore, the ALJ declines to delete it from Finding of Fact 100.

O. Eastern Spotted Skunk

Table 3-10 identifies the eastern spotted skunk as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.³⁴ Specifically, the EA states that “there is potential for the eastern spotted skunk to be present within the study area.”³⁵

The EA supports inclusion of the eastern spotted skunk. Therefore, the ALJ declines to delete it from Finding of Fact 100.

³⁰ See EA at 3-31 to 3-32 (Table 3-10).

³¹ *Id.* at 3-38.

³² See EA at 3-31 to 3-32 (Table 3-10).

³³ *Id.* at 3-39.

³⁴ See EA at 3-31 to 3-32 (Table 3-10).

³⁵ *Id.* at 3-39.



P. Hoary Bat

Table 3-10 identifies the hoary bat as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.³⁶ Specifically, the EA states that it is “locally abundant through the state” and “there is limited potential for the hoary bat to be present within the study area.”³⁷

The EA supports inclusion of the hoary bat. Therefore, the ALJ declines to delete it from Finding of Fact 100.

Q. Long-tailed Weasel

Table 3-10 identifies the long-tailed weasel as having a Species of Greatest Conservation Need status in Texas, but not having the potential to occur within the study area.³⁸ However, the EA later states that “the long-tailed weasel may be found residing in a wide range of habitats throughout most of Texas” and “[t]his species could potentially be found within the study area wherever suitable habitat is present.”³⁹

Due to the conflicting information in the table and EA, the ALJ declines to delete the long-tailed weasel from Finding of Fact 100.

R. Tricolored Bat

Table 3-10 identifies the tricolored bat as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁴⁰ Specifically, the EA states that the tricolored bat’s habitat includes “most of Texas” and that “the tricolored bat may be present within the study area given the general habitat requirements.”⁴¹

The EA supports inclusion of the tricolored bat. Therefore, the ALJ declines to delete it from Finding of Fact 100.

S. Western Hog-nosed Skunk

Table 3-10 identifies the western hog-nosed skunk as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁴²

³⁶ See EA at 3-31 to 3-32 (Table 3-10).

³⁷ *Id.* at 3-39.

³⁸ See EA at 3-31 to 3-32 (Table 3-10).

³⁹ *Id.* at 3-39 to 3-40.

⁴⁰ See EA at 3-31 to 3-32 (Table 3-10).

⁴¹ *Id.* at 3-40.

⁴² See EA at 3-31 to 3-32 (Table 3-10).



Specifically, the EA states that “[a]s the species utilizes a wide range of habitat, there is potential for the western hog-nosed skunk to be present within the study area.”⁴³

The EA supports inclusion of the western hog-nosed skunk. Therefore, the ALJ declines to delete it from Finding of Fact 100.

T. Eastern Box Turtle

Table 3-10 identifies the eastern box turtle as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁴⁴ Specifically, the EA states that “[g]iven the general habitat requirements, there is limited potential for the eastern box turtle to be present within the study area.”⁴⁵

The EA supports inclusion of the eastern box turtle. Therefore, the ALJ declines to delete it from Finding of Fact 100.

U. Prairie Skink

Table 3-10 identifies the prairie skink as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁴⁶ Specifically, the EA states that “there is potential the prairie skink is present within the study area where suitable habitat exists.”⁴⁷

The EA supports inclusion of the prairie skink. Therefore, the ALJ declines to delete it from Finding of Fact 100.

V. Slender Glass Lizard

Table 3-10 identifies the slender glass lizard as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁴⁸ Specifically, the EA states that “[i]t is likely the slender glass lizard utilizes the study area where suitable habitat exists.”⁴⁹

The EA supports inclusion of the slender glass lizard. Therefore, the ALJ declines to delete it from Finding of Fact 100.

⁴³ *Id.* at 3-40.

⁴⁴ See EA at 3-31 to 3-32 (Table 3-10).

⁴⁵ *Id.* at 3-40 to 3-41.

⁴⁶ See EA at 3-31 to 3-32 (Table 3-10).

⁴⁷ *Id.* at 3-41.

⁴⁸ See EA at 3-31 to 3-32 (Table 3-10).

⁴⁹ *Id.* at 3-41.



W. Texas Garter Snake

Table 3-10 identifies the Texas garter snake as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁵⁰ Specifically, the EA states that it “may also be abundant in some suburban areas” and “[d]ue to its wide range of habitat, it is likely for the Texas garter snake to be present within the study area.”⁵¹

The EA supports inclusion of the Texas garter snake. Therefore, the ALJ declines to delete it from Finding of Fact 100.

X. Timber Rattlesnake

Table 3-10 identifies the timber rattlesnake as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁵² Specifically, the EA states that “[g]iven the general habitat requirements, there remains limited potential the species could be found within the study area where suitable habitat exists.”⁵³

The EA supports inclusion of the timber rattlesnake. Therefore, the ALJ declines to delete it from Finding of Fact 100.

Y. Western Box Turtle

Table 3-10 identifies the western box turtle as having a Species of Greatest Conservation Need status in Texas and having the potential to occur in the study area.⁵⁴ Specifically, the EA states that “there is limited potential for the species to be found within the study area.”⁵⁵

The EA supports inclusion of the western box turtle. Therefore, the ALJ declines to delete it from Finding of Fact 100.

III. Finding of Fact 107

Oncor identifies that the current Finding of Fact 107 was edited from its proposed finding of fact as follows:

107. It is appropriate for Oncor to avoid, to the maximum extent ~~practical~~ reasonably possible, causing adverse environmental ~~influence on~~ impacts to

⁵⁰ See EA at 3-31 to 3-32 (Table 3-10).

⁵¹ *Id.* at 3-41.

⁵² See EA at 3-31 to 3-32 (Table 3-10).

⁵³ *Id.* at 3-41.

⁵⁴ See EA at 3-31 to 3-32 (Table 3-10).

⁵⁵ *Id.* at 3-42.



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.

Oncor believes the change in language from the joint proposed notice of approval creates a higher standard for protecting sensitive plant and animal species and their habitats, which could alter its obligations when it encounters such species.

The ALJ denies Oncor's request.

IV. Finding of Fact 117

Oncor requests the current Finding of Fact 117 be deleted because there are no federally listed species with potential to occur in the study area. Finding of Fact 117 states:

117. Oncor will use avoidance and mitigation procedures to comply with laws protecting federally-listed species.

In the alternative, Oncor requests that the "and" be replaced with "or" to clarify that avoidance and mitigation are alternative strategies

After review of Oncor's motion, the ALJ grants Oncor's request and revises Finding of Fact 117.

117. Oncor will use avoidance or mitigation procedures to comply with laws protecting federally-listed species.

The Revised Notice of Approval is attached.

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DOCKET NO. 54733

APPLICATION OF ONCOR ELECTRIC § PUBLIC UTILITY COMMISSION
DELIVERY COMPANY LLC TO §
AMEND ITS CERTIFICATE OF § OF TEXAS
CONVENIENCE AND NECESSITY FOR §
THE KELLER WALL PRICE-KELLER §
MAGNOLIA 138-KV TRANSMISSION §
LINE AND KELLER WALL PRICE- §
ROANOKE 138-KV REBUILD IN §
KELLER, TEXAS §

REVISED NOTICE OF APPROVAL

This Notice of Approval addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) number 30043 for construction of a new 138-kilovolt (kV) transmission line segment and the rebuild of an existing double-circuit 138-kV transmission line segment in Tarrant County. The Commission amends Oncor’s CCN number 30043 to authorize Oncor to construct, own, and operate the proposed Keller Wall Price-to-Keller Magnolia transmission line and the rebuild segment of the Keller Wall Price-to-Roanoke transmission line in Tarrant County using the proposed route.

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 owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. Oncor is required under CCN number 30043 to provide service to the public and retail electric utility service within its certificated service area.

Application

4. On March 23, 2023, Oncor filed an application to amend its CCN number 30043 for a new double-circuit 138-kV transmission line between the proposed Keller Wall Price Switch

and the existing Keller Magnolia substation and to rebuild a section of an existing double-circuit 138-kV transmission line between Oncor's existing Keller Wall Price substation and Roanoke Switch in Tarrant County.

5. Oncor hired Halff Associates, Inc. to prepare an environmental assessment and routing analysis for the proposed transmission line, which was included as part of the application.
6. No party challenged the sufficiency of the application.
7. In Order No. 2 filed on April 24, 2023, the administrative law judge (ALJ) found the application administratively complete.

Description of the Proposed Transmission Line

8. Oncor proposed to re-build an existing double-circuit 1380-kv transmission line segment from the existing Keller Wall Price substation to the Keller Magnolia Tap, and construct a new double-circuit 138-kV transmission line from the new Keller Wall Price substation to the Keller Magnolia Tap using steel or concrete monopole structures (collectively, the proposed transmission line).
9. The new and rebuilt proposed transmission lines will run parallel to one another. Both proposed transmission lines will be located entirely within Oncor's existing transmission line easement area.
10. The existing Keller Wall Price substation is an Oncor-owned substation located near U.S. Highway 377 and will service as the eastern endpoint for the rebuilt Keller Wall Price to Roanoke transmission line segment.
11. The proposed Keller Wall Price Switch will be constructed directly adjacent to and south of the existing Keller Wall Price substation and will serve as the termination point for the proposed Keller Wall Price to Keller Magnolia transmission line segment.
12. All necessary permanent rights-of-way for the proposed transmission line have already been acquired.
13. The typical structure for the transmission line will be approximately 110 to 120 feet in height.

14. The proposed transmission line is approximately 0.3 miles in length and will have a typical right-of-way width of approximately 100 feet.
15. Oncor will own, operate, and maintain the proposed transmission line and the proposed transmission facilities.

Schedule

16. Oncor estimated that it would finalize engineering and design by November 2023, procure materials and equipment by December 2023, complete construction of facilities by May 2024, and energize the facilities by May 2024.

Public Input

17. On November 16, 2022, Oncor published notice of the public participation meeting in the *Fort Worth Star-Telegram*, a newspaper having general circulation in Tarrant County.
18. Prior to the public participation meeting, Oncor mailed 99 individual written notices of the public meeting to all owners of property within 320 feet of the centerline of the preliminary alternative route links for the proposed transmission line.
19. Oncor sent written notice of the public meeting to the Department of Defense Siting Clearinghouse.
20. On November 29, 2022, Oncor held a public participation meeting.
21. At the public participation meeting, Oncor provided a questionnaire which provided space for participants to include any general comments, remarks, or concerns.
22. One person attended the public meeting, and Oncor received no questionnaires or other correspondent following the public meeting.
23. Halff contacted federal, state and local agencies, elected officials, and organizations regarding the proposed transmission line. All agency comments, concerns, and information received were taken into consideration by Halff and Oncor in development of the proposed route. Copies of correspondence with the various state and federal regulatory agencies, and local and county officials and departments are included in appendix A of the environmental assessment.

Notice of the Application

24. On March 23, 2023, Oncor sent written notice of the application by first class mail to directly affected landowners; municipalities and municipal officials of the cities of Keller, Colleyville, Fort Worth, Haltom City, Haslet, Hurst, North Richland Hills, Roanoke, Southlake, Watauga, and Westlake; county and county officials of Tarrant County; the Office of Public Utility Counsel; the Department of Defense Siting Clearinghouse; Tri-County Electric; and certain pipeline owners and operators.
25. On March 23, 2023, Oncor emailed notice to the Department of Defense Siting Clearinghouse.
26. March 23, 2023, Oncor mailed a copy of the environmental assessment to the Texas Parks and Wildlife Department.
27. On April 12, 2023, Oncor filed the affidavit of Michael Moore, regulatory manager II at Oncor, attesting that notice of the application was provided to directly affected landowners, cities, counties, neighboring utilities, the Office of Public Utility Counsel, the Department of Defense Siting Clearinghouse, the Texas Parks and Wildlife Department, and certain pipeline owners and operators, as described above.
28. Oncor published notice of the application in the *Fort Worth Star-Telegram*, a newspaper having general circulation in Tarrant County, on March 29, 2023.
29. On April 17, 2023, Oncor filed a publishers' affidavit attesting to the publication of notice in the *Fort Worth Star-Telegram*, as described above.
30. In Order No. 2 filed on April 24, 2023, the ALJ found Oncor's notice sufficient.
31. On May 17, 2023, Oncor filed the affidavit of Mr. Moore, attesting to the provision of supplemental notice by priority mail, with delivery confirmation, to landowners whose initial notices were returned as undeliverable.

Interventions

32. In Order No. 3 filed on April 26, 2023, the ALJ granted the motion to intervene filed by Aliza Haroldson.

Evidentiary Record

33. In Order No. 5 filed on June 5, 2023, the ALJ admitted the following evidence into the record:
- a. Oncor's application and accompanying attachments filed on March 23, 2023;
 - b. The direct testimonies of Oncor witnesses Russell J. Marusak, Harsh Naik, Brenda J. Perkins, and Amy L. Zapletal filed on March 23, 2023;
 - c. Oncor's response to Order No. 1 filed on April 5, 2023;
 - d. Oncor's affidavit attesting to the provision of notice to cities, counties, the Office of Public Utility Counsel, the Texas Parks and Wildlife Department, the Department of Defense Siting Clearinghouse, and landowners filed on April 12, 2023;
 - e. Oncor's affidavit attesting to the provision of newspaper notice filed on April 17, 2023;
 - f. Commission Staff's comments on Oncor's responses to questions regarding alternatives to the proposed transmission line filed on April 18, 2023;
 - g. Commission Staff's recommendation on the application and notice, and proposed procedural schedule filed on April 21, 2023;
 - h. Commission Staff's recommendation on final disposition filed on May 15, 2023; and
 - i. Oncor's notice of supplemental affidavit attesting to the provision of notice filed on May 17, 2023.

Route Adequacy

34. Oncor's application presented one route, included within existing compatible rights-of-way, for the Commission's consideration.
35. 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.

36. The application provided an adequate and sufficiently delineated route to conduct a proper evaluation.

Need for the Proposed Transmission Line

37. ERCOT has deemed the proposed transmission line critical to the reliability of the ERCOT grid.
38. Loading in the proposed transmission line area is straining the existing transmission system, and the area continues to experience substantial load growth.
39. Over the last 18 months, Oncor has been limited in fulfilling or unable to fulfill several request for service in the proposed transmission line area due to potential autotransformer and line overloads.
40. Both Oncor and ERCOT conducted steady state analyses that revealed that thermal overloads and voltage criteria exceedances would occur under certain contingencies in the proposed transmission line area.
41. ERCOT recommended the proposed transmission line as its preferred solution to address these issues along with other system improvements that are part of the overall Roanoke Area Upgrades Project.
42. The proposed transmission line will address the potential autotransformer and line overloads and voltage criteria exceedances in this area.
43. No party challenged the need for the proposed transmission line.
44. Oncor demonstrated a reasonable need for the transmission line.

Proposed Transmission Line Alternatives

45. Oncor initially studied three proposed transmission line alternatives to resolve the identified reliability issues but determined that the other two options were inferior because they were not as effective in addressing thermal overloading and did not resolve load-serving limitations and voltage criteria exceedances on the Roanoke to Euless—Deen double-circuit transmission line.

46. In its review of the proposed transmission line, ERCOT evaluated four alternative system improvement options to meet the need and ultimately selected the Roanoke Area Upgrades Project, including the proposed transmission line, as its preferred solution.
47. Distribution alternatives will not resolve the identified reliability issues on the transmission system.
48. Upgrading the voltage of existing facilities, bundling of conductors, or adding transformers alone will not address the identified reliability issues or provide the necessary level of service to meet electric demand in the proposed transmission line area.

Effect of Amending the CCN on Other Utilities

49. The proposed transmission line will not be directly connected to any other electric utility. No other electric utility is involved with the construction of the proposed transmission line. The proposed transmission line does not use existing facilities owned by any other electric utility.
50. It is unlikely that the construction of the proposed transmission line along the proposed route will adversely affect service by other utilities in the area.

Estimated Costs

51. The total estimated cost of the proposed transmission line is \$12,018,000.
52. The estimated cost of the proposed transmission facilities is \$5,658,000.
53. The estimated cost of the transmission station facilities is \$6,360,000.
54. The total estimated cost for the proposed transmission line is reasonable.
55. Oncor will finance the transmission facilities through a combination of debt and equity.

Prudent Avoidance

56. Prudent avoidance, as defined in 16 Texas Administrative Code (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.”
57. There are 74 habitable structures located within 300 feet of the proposed Keller Wall Price to Keller Magnolia transmission line route’s centerline and 65 habitable structures located

within 320 feet of the proposed Keller Wall Price to Roanoke transmission line rebuild centerline.

58. The proposed route complies with the Commission's policy of prudent avoidance.

Engineering Constraints

59. Oncor evaluated engineering and construction constraints when developing the proposed route.
60. There are no significant engineering constraints along the proposed route.

Community Values

61. Information regarding community values was received from local, state, and federal agencies and incorporated into the environmental assessment and the transmission line route selection.
62. The proposed transmission line adequately addresses the expressed community values.

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

63. The proposed transmission line's Keller Wall Price to Keller Magnolia segment parallels existing public roads or highways for 425 feet and the proposed transmission line's Keller Wall Price to Roanoke segment does not parallel any existing public roads or highways.
64. The proposed transmission line's Keller Wall Pike to Keller Magnolia segment parallels apparent property boundaries for 1,901 feet and the proposed transmission line's Keller Wall Price to Roanoke segment parallels apparent property boundaries for 1,703 feet.
65. The proposed route uses or parallels existing transmission rights-of-way or apparent property boundaries to a reasonable extent.

Other Comparisons of Land Uses and Land Types

66. The proposed transmission line traverses a relatively urban area in Tarrant County.
67. Many houses and other structures associated with residential development are located in close proximity to the existing transmission line.
68. Land use beneath or near the existing transmission line is common "backyard" use, including, but not limited to, storage sheds, playground equipment, and swimming pools.

69. Oncor and its predecessors have operated a transmission line in this right-of-way since at least the 1950s, and the existing transmission line pre-dates the surrounding residential development.
70. US Highway 377 is located east of the study area and provides the primary point of access to the local streets. Union Pacific Railroad parallels US Highway 377 to the west along the easternmost limits of the study area.
71. The proposed transmission line will occur entirely on land that is already being used by Oncor as a transmission line easement.

a. Radio Towers and Other Electronic Installations

72. There are no known commercial AM radio transmitters located within 10,000 feet of the centerline of the proposed route.
73. There are no FM radio transmitters, microwave towers, or other electronic communications towers that are located within 2,000 feet of the centerline of the proposed route.
74. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any communication operations in the proximity of the proposed route.

b. Airstrips and Airports

75. There are no public airports registered with the Federal Aviation Administration with at least one runway longer than 3,200 feet located within 20,000 feet of the centerline of the proposed route.
76. There are no public airports registered with the Federal Aviation Administration without a runway more than 3,200 feet in length located within 10,000 feet of the centerline of the proposed route.
77. There are no private airstrips located within 10,000 feet of the centerline of the proposed route.
78. There are no heliports located within 5,000 feet of the centerline of the proposed route.
79. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

80. The proposed route does not cross land irrigated by known mobile irrigation systems.
81. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any agricultural lands with known mobile irrigation systems.

d. Pipelines

82. The proposed route is not parallel or adjacent to existing pipelines.

Recreational and Park Areas

83. The proposed transmission line's route does not cross any parks or recreational areas.
84. There are no parks or recreational areas located within 1,000 feet of the centerline of the proposed transmission line.
85. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the use and enjoyment of any recreational or park areas.

Historical and Archeological Areas

86. There are no recorded historical sites identified as being crossed by the proposed route, and no such sites are located within 1,000 feet of the centerline of the proposed route.
87. The proposed transmission line's route does not cross any land with high archaeological or historical site potential.
88. No National Register of Historic Places-listed properties or determined eligible site is crossed by or is within 1,000 feet of the centerline of the proposed route.
89. It is unlikely that the presence of the proposed transmission facilities along the proposed route will adversely affect historical or archaeological resources.

Aesthetic Values

90. The proposed transmission line's Keller Wall Price to Keller Magnolia route segment is located within the foreground visual zone of park or recreational areas for 1,389 feet and the proposed transmission line's Keller Wall Price to Roanoke route segment is located within the foreground visual zone of park or recreational areas for 1,416 feet.
91. The proposed transmission line's Keller Wall Price to Keller Magnolia route segment is located within the foreground visual zone of U.S. highways for 2,036 feet and the proposed

transmission line's Keller Wall Price to Roanoke route segment is located within the foreground visual zone of U.S. highways for 1,703 feet.

92. It is unlikely that the presence of transmission facilities along the proposed route will significantly or adversely affect the aesthetic quality of the landscape.

Environmental Integrity

93. The environmental assessment analyzed the possible impacts of the proposed transmission line on numerous different environmental factors.
94. Current county listings for federally and state-listed threatened and endangered species were obtained from United States Fish and Wildlife Service and Texas Parks and Wildlife Department. United States Fish and Wildlife Service-designated critical habitat locations were included in the review.
95. Construction of the proposed transmission facilities will have no significant effect on the physiographic or geologic features and resources of the area.
96. Construction and operation of the proposed transmission facilities will have minimal adverse impact on the surface water resources of the area.
97. Construction and operation of the proposed transmission facilities will have no adverse impact on the groundwater resources of the area.
98. Four threatened, endangered, or otherwise rare plant species have the potential to occur within the study area, including Shinner's sedge, Sutherland hawthorn, Texas milk vetch, and Topeka purple-coneflower.
99. There are no significant direct impacts to the area's aquatic resources anticipated as a result of the proposed transmission line.
100. There are 25 federal or state-listed endangered, threatened, proposed endangered, proposed threatened, or candidate species or Species of Greatest Conservation Need as identified by the Texas Parks and Wildlife Department that have the potential to occur in the study area, including the bald eagle, white-faced ibis (during migration), Texas horned lizard, Strecker's chorus frog (seasonally), Woodhouse's toad, Chestnut-collared longspur (during migration), lark bunting, Mountain plover (during migration), Sprague's pipit (during migration), American bumblebee, Comanche harvester ant, big brown bat, big free-tailed

bat, eastern red bat, eastern spotted skunk, hoary bat, long-tailed weasel, tricolored bat, western hog-nosed skunk, eastern box turtle, prairie skink, slender glass lizard, Texas garter snake, timber rattlesnake, and Western box turtle.

101. 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, Oncor may further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance and/or mitigation strategies.
102. Oncor can construct the transmission facilities in an ecologically sensitive manner on the proposed route.
103. 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.
104. It is appropriate for Oncor to 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 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.
105. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the proposed transmission line.
106. 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.

107. It is appropriate for Oncor to avoid, to the maximum extent reasonably possible, causing adverse environmental impacts to 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.
108. 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 landowner agrees otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
109. 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 the 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 Texas Department of Agriculture regulations.
110. It is appropriate for Oncor to use best management practices to minimize the potential burdens on migratory birds and threatened or endangered species.
111. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department's Written Comments and Recommendations

112. The Texas Parks and Wildlife Department's Wildlife Habitat Assessment Program provided information and recommendations regarding the preliminary study area for the proposed transmission facilities to Halff on September 26, 2022.
113. The Texas Parks and Wildlife Department was provided a copy of the environmental assessment for the proposed transmission line.
114. On May 12, 2023, the Texas Parks and Wildlife Department filed its comments and recommendations on the proposed transmission facilities.
115. The Commission does not address the Texas Parks and Wildlife Department's recommendations for which there is not record evidence to provide sufficient justification,

- adequate rationale, or an analysis of any benefits or costs associated with the recommendation.
116. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond appropriately.
 117. Oncor will use avoidance or mitigation procedures to comply with laws protecting federally-listed species.
 118. Oncor will re-vegetate rights-of-way as necessary and according to Oncor's vegetation management practices, the storm water pollution prevention plan developed for construction of the proposed transmission line, and in many instances, landowner preferences or requests.
 119. Oncor's standard vegetation removal, construction, and maintenance practices adequately mitigate concerns expressed by the Texas Parks and Wildlife Department.
 120. Oncor will use appropriate avian protection procedures.
 121. Oncor will comply with all environmental laws and regulations, including those governing threatened and endangered species.
 122. Oncor will comply with all applicable regulatory requirements in constructing the proposed transmission line, including any applicable requirements under section 404 of the Clean Water Act.
 123. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if threatened or endangered species' habitats are identified during field surveys.
 124. 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.

125. The standard mitigation requirements included in the ordering paragraphs in this Notice of Approval, coupled with Oncor's current practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address the Texas Parks and Wildlife Department's comments and recommendations.

Permits

126. Before beginning construction of the transmission line approved by this Notice of Approval, it is appropriate for Oncor to obtain any necessary permits or clearances from federal, state, or local authorities.
127. It is appropriate for Oncor to conduct a field assessment of the approved route before beginning construction of the transmission facilities approved by this Notice of Approval to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission facilities. As a result of these assessments, Oncor will identify all necessary permits from Tarrant County and federal and state agencies. Oncor will comply with the relevant permit conditions during construction and operation of the transmission facilities along the approved route.
128. 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

129. No part of the proposed transmission line is located within the Coastal Management Program boundary as defined in 31 TAC § 27.1.
130. Construction of the proposed transmission line along the proposed route will not have any effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 26.3(b).

Effect on the State's Renewable Energy Goal

131. The Texas Legislature established a goal in PURA¹ § 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.
132. The presence of transmission facilities along the proposed route cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Probable Improvement of Service or Lowering Consumer Cost

133. The proposed transmission line approved by this Notice of Approval is needed to provide more stable and reliable transmission in the area and will result in an improvement in Oncor's ability to reliably serve its customers.
134. The proposed transmission line is not being proposed to, and is not expected to, result in a lowering of costs to customers.

Limitation of Authority

135. 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.
136. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval for Oncor to construct the transmission facilities.

Informal Disposition

137. More than 15 days have passed since the completion of all notice requirements in this docket.
138. No person filed a protest.
139. Oncor, Ms. Haroldson, and Commission Staff are the only parties to this proceeding.
140. No party requested a hearing and no hearing is necessary.
141. Commission Staff recommended approval of the application.
142. This decision is not adverse to any party.

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

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
2. Oncor is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).
3. Oncor is required to obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.
4. The application is sufficient under 16 TAC § 22.75(d).
5. The application complies with the requirements of 16 TAC § 25.101.
6. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,² and Commission rules.
8. A public meeting on the application was held, as required under 16 TAC § 22.52(a)(4).
9. The proposed transmission facilities using the proposed route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
10. The proposed route complies with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
11. The Texas Coastal Management Program does not apply to any of the proposed transmission facilities approved by this Notice of Approval and the requirements under 16 TAC § 25.102 do not apply to this application.
12. The requirements for administrative approval in 16 TAC § 25.101(b)(3)(C) have been met in this proceeding.

² Tex. Gov't Code §§ 201.001–.903.

13. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Commission amends Oncor's CCN number 30043 to include the construction, ownership, and operation of the proposed Keller Wall Price-to-Keller Magnolia transmission line and the rebuild segment of the Keller Wall Price-to-Roanoke transmission line in Tarrant County using the proposed route.
2. Oncor must consult with pipeline owners or operators in the vicinity of the proposed 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 electric transmission facilities approved by this Notice of Approval.
3. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.
4. Oncor must comply with all applicable local, state, and federal laws, regulations, and permits.
5. Oncor 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 Notice of Approval, 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 the United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Notice of Approval.

7. If Oncor encounters any archeological 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 reasonable measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required by applicable law or permit.
9. Oncor must take reasonable measures to minimize the potential impact to migratory birds and threatened or endangered species due to the presence of the transmission facilities.
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 *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.
11. Oncor must take reasonable measures to avoid disturbing occupied bird nests and to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
12. 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.
13. Oncor must take reasonable measures to 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 facilities.
14. Oncor must take reasonable measures re-vegetate using native species and to consider landowner preferences and wildlife needs in doing so.

15. To the maximum extent practical, 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.
16. Oncor must implement reasonable 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 the implementation of special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.
17. Oncor must take reasonable measures to 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, Oncor is not required to restore original contours and grades where a different contour or grade is necessary to ensure the stability of the transmission facilities or the safe construction, operation, and maintenance of the transmission facilities.
18. If possible, and subject to the other provisions of this Notice of Approval, Oncor must prudently implement appropriate final design for the transmission facilities 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. Oncor is not authorized to deviate materially from this Notice of Approval 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.
19. Oncor 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 TAC § 22.52(a)(3) and landowners that have agreed to the minor deviation.
20. 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 its CCN.

21. Oncor must include the transmission facilities approved by this Notice of Approval 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 all charges have been identified.
22. The Commission limits the authority granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed unless, before that time, the transmission facilities are commercially energized.
23. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 22nd day of June 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**