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**From:** Kurpis, Julianna K CIV (USA) <Julianna.K.Kurpis@usace.army.mil>  
**Sent:** Thursday, September 22, 2022 10:45 AM  
**To:** Marusak, Russell  
**Cc:** Walker, Jennifer R CIV USARMY CESWF (USA)  
**Subject:** SWF-2022-00450 Keller Wall Price-Keller Magnolia 138kV Transmission Line: Request for Additional Information  
**Attachments:** Linear Projects General Recommendations.pdf; General Recommendations.pdf; NWP57TX.pdf

Hi Mr. Marusak,

I've been assigned USACE Project Number SWF-2022-00450 (Keller Wall Price-Keller Magnolia 138kV Transmission Line), which appears incomplete. In order for us to continue our review of this project, please address the following:

1. Please provide a site development plan, including a detailed description of all proposed activities
2. Please see the attached handouts for more information needed regarding a professional delineation and impact exhibits of wetlands, other special aquatic sites and other waters.
3. Please make sure to include a threatened & endangered species assessment consisting of 1) running a USFWS IPAC report for the project site (please ensure date report is generated is on the report) and 2) discussion documenting whether any species listed as endangered or threatened under the Endangered Species Act, or candidate species, as listed on the IPAC report, might be affected by, or found in the vicinity of, the USACE permit area for the proposed project.
4. Please contact the Fort Worth District's Regulatory Archeology Section (Mr. Jimmy Barrera at [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil) or 817-886-1838) to determine what, if any, additional Section 106 (National Historic Preservation Act) requirements apply to this project. Please have your archeologist coordinate directly with Jimmy in order to assist him in completing his review.
5. Please provide the name, email, and address of the applicant

The proposed project may qualify for a NWP 57, Electric Utility Lines and Telecommunications Activities. A copy of this general permit is attached for your reference. If the project does not meet the terms and conditions of the general permit, an individual permit would be required for authorization.

Based on the responses to the items above, additional completeness items may be required to continue our review of the submittal. Please email me responses that are small (30 MB or less) with attachments in pdf format. Large responses (greater than 30 MB) can be with multiple emails & the attachments split up, or if necessary, I can provide a link to the Department of Defense FTP site we use (no physical hardcopy is needed). If you have any further questions or concerns, please feel free to contact me at (817) 692-6139 or [julianna.k.kurpis@usace.army.mil](mailto:julianna.k.kurpis@usace.army.mil)  
Respectfully,

**Julianna Kurpis**

*Project Manager*

USACE Ft. Worth District, Regulatory Division  
819 Taylor Street  
Fort Worth, Texas 76102  
Office: 817-692-6139  
Mobile: 347-239-2362



**US Army Corps  
of Engineers**  
Fort Worth District

## General Recommendations for Department of the Army Permit Submittals

June 11, 2001



The following recommendations from the U.S. Army Corps of Engineers (USACE), Fort Worth District, specify information that should be submitted with project proposals for review of permitting requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899:

1. The purpose of, and need for, the project.
2. A delineation and description of wetlands and other waters of the United States in the area that would be affected by the proposed work, and a description of the project's likely impact on the aquatic environment. Delineations of wetlands must be conducted using the "Corps of Engineers Wetland Delineation Manual", USACE Waterways Experiment Station Wetlands Research Program Technical Report Y-87-1, dated January 1987 (on-line edition available at <http://www.wes.army.mil/el/wetlands/wlpubs.html>), including all supplemental guidance (currently includes guidance dated October 7, 1991, and March 6, 1992). The supplemental guidance is included in the on-line version and may also be obtained from your USACE district office. In addition, include the width and depth of the water body and the waterward distance of any structures from the existing shoreline.
3. A vicinity map (e.g., county map, USGS topographic map, etc.) showing the location of all temporary and permanent elements of the project, including the route of the entire highway or road, borrow pit(s), disposal site(s), staging area(s), etc. This map, or an additional map, should show the project area in relation to nearby highways and other roads, and other pertinent features. A ground survey is not required to obtain this information. (All maps and drawings must be submitted on 8½ by 11 inch sheets.)
4. Plan, profile, and cross-section views of all work (fills, excavations, structures, etc.), both permanent and temporary, in, or adjacent to, waters of the United States, including wetlands, and a description of the proposed activities and structures, such as the dimensions and/or locations of highways and roads (both temporary and permanent), coffer dams, equipment ramps, borrow pits, disposal areas, staging areas, haul roads, and other project related areas within the USACE permit area(s). The permit area(s) includes all waters of the United States affected by activities associated with the project, as well as any additional area of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. The USACE permit area(s) includes borrow pits, disposal areas, staging areas, etc. in many cases. A description of the proposed work should include such information as the height, width, and length of structures and fills, widths of cleared rights-of-way, location of all affected areas of waters of the United States, and the size and spacing of culverts, bridges and other crossings of waters of the United States. (All maps and drawings must be submitted on 8½ by 11 inch sheets.)
5. The volume of material proposed to be discharged into and/or excavated from waters of the United States and the proposed type and source of the material.
6. A written discussion of the alternatives considered and the rationale for selecting the proposed alternative as the least environmentally damaging practicable alternative. Practicable alternatives that do not involve a discharge into a special aquatic site, such as wetlands, are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. The package should also include documentation that the amount of area impacted is the minimum necessary to accomplish the project.



7. An assessment of the adverse and beneficial effects, both permanent and temporary, of the proposed work and documentation that the work would result in no more than a minimal adverse impact on the aquatic environment.
8. A compensatory mitigation plan for unavoidable adverse impacts to the aquatic environment. This plan should include a description of proposed appropriate and practicable actions that would restore, enhance, protect, and/or replace the functions and values of the aquatic ecosystem unavoidably lost in the project area because of the proposed work.
9. A discussion documenting whether any species listed as endangered or threatened under the Endangered Species Act might be affected by, or found in the vicinity of, the USACE permit area for the proposed project. Direct coordination with the FWS concerning the potential impact of the entire project on endangered and threatened species is strongly encouraged.
10. A discussion documenting whether any cultural resources, particularly those historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP), would be affected by, or are in the vicinity of, the USACE permit area for the proposed project.
11. Documentation that any permanent above-grade fills in waters of the United States within the 100-year floodplain comply with FEMA, or FEMA-approved local, floodplain development requirements.
12. The applicant should include any other relevant information, including information on hydrology and hydraulics.



**US Army Corps  
of Engineers**  
Fort Worth District

## General Recommendations for Department of the Army Permit Submittals for Linear Projects

July 28, 2003



1. A detailed project description.
2. A large-scale map showing the entire route of the project.
3. The proposed route of the project on 8½ by 11-inch copies of 7.5-minute United States Geological Survey (USGS) quadrangle maps, national wetland inventory maps, published soil survey maps, scaled aerial photographs, and/or other suitable maps. Identify all base maps, (e.g. "Fort Worth, Texas" 7.5-minute USGS quadrangle, Natural Resources Conservation Service Tarrant County Soil Survey, sheet 10). Clearly mark (such as by circling) and number the location of each proposed linear project crossing of a water of the United States and any appurtenant structure(s) in waters of the United States on the map. Waters of the United States include streams and rivers; most lakes, ponds, mudflats, sandflats, wetlands, sloughs, and wet meadows; abandoned sand, gravel, and construction pits, and similar areas.
4. For each potential linear project crossing or appurtenant structure in a water of the United States, the following site specific information when applicable:
  - a. 7.5-minute USGS quadrangle map name, universal transverse mercator (UTM) coordinates, county or parish, waterway name;
  - b. a brief characterization of the crossing area (stream, forested wetland, non-forested wetland, etc.) including the National Wetland Inventory classification and soil series;
  - c. distance between ordinary high water marks;
  - d. proposed method of crossing (bore, trench, fill with culvert, fill with bridge, etc.);
  - e. length of proposed crossing;
  - f. width of temporary and permanent rights-of-way;
  - g. type and amount of dredged or fill material proposed to be discharged;
  - h. acreage of proposed temporary and permanent adverse impacts to waters of the United States, including wetlands; and
  - i. a typical cross-section.

Please refer to the "General Recommendations for Department of the Army Permit Submittals" for additional details about what to submit for linear projects. Additional information, including more detailed jurisdictional determination data, may be needed to complete the Corps evaluation of a project in some cases. We encourage you to consult with a qualified specialist (biologist, ecologist or other specialist qualified in preliminary jurisdictional determinations) who is familiar with the 1987 Corps of Engineers Wetlands Delineation Manual and the USACE Regulatory Program (33 CFR Parts 320-331).

Attachments are voluminous and may be made available on request.



September 9, 2022  
AVO 52672.001

TRANSMITTED VIA CERTIFIED MAIL:  
7020 3160 0000 9149 0181

Military Aviation and Installation Assurance  
Siting Clearinghouse  
U.S. Department of Defense  
3400 Defense Pentagon, Rm 5C646  
Washington, DC 20301-3400

Re: Oncor Electric Delivery Company's Proposed Keller Wall Price—Keller Magnolia 138 kV Transmission Line Rebuild Project in Tarrant County, Texas

Dear To whom it may Concern:

Oncor Electric Delivery Company LLC (Oncor) proposes to re-build an existing double-circuit 138 kilovolt (kV) transmission line beginning at the existing Keller Wall Price Substation, located directly west of State Highway 377, northeast of and adjacent to the intersection of Chisolm Trail and King Trail in Keller, Texas. The rebuild will extend approximately 0.3 mile to the northwest, entirely within the existing transmission line easement. New structures will be needed to accommodate the existing double-circuit 138 kV transmission line and a new proposed double-circuit 138 kV transmission line. Please refer to the attached map depicting the study area.

Halff Associates, Inc. (Halff) is preparing an Environmental Assessment (EA) to support an application for a Certificate of Convenience and Necessity (CCN) from the Public Utility Commission of Texas (PUC). Halff is currently in the process of gathering data on the existing environment and identifying environmental and land use constraints within the project study area that will be used in the creation of an environmental and land use constraints map.

Halff is requesting that your agency/office provide information concerning environmental and land use constraints or other issues of interest to your agency/office within the study area. Your comments will be an important consideration in the assessment of potential impacts. Upon certification for the proposed project, Oncor will determine the need for other approvals and/or permits. If your jurisdiction has approvals and/or permits that would apply to this project, please identify them in response to this inquiry. If permits are required from your office, Oncor will contact your office following route certification.

Thank you for your assistance with this transmission line project. If you have any questions or require additional information, please contact me at (214) 346-6367. Electronic data may also be shared at [rmarusak@halff.com](mailto:rmarusak@halff.com). Your earliest reply will be appreciated.

Sincerely,  
HALFF ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Russell Marusak".

Russell Marusak  
Environmental / Natural Resources Team Leader

Attachment (1)

HALFF ASSOCIATES, INC.

1201 NORTH BOWSER ROAD  
RICHARDSON, TX 75081-2275

TEL (214) 346-6200  
FAX (214) 739-0095

WWW.HALFF.COM

# USPS Tracking®

[FAQs >](#)

Tracking Number:

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## 70203160000091490181

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(<https://informedelivery.usps.com/>)

### Latest Update

Your item was picked up at a postal facility at 7:21 am on September 15, 2022 in WASHINGTON, DC 20310.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

### Delivered

**Delivered, Individual Picked Up at Postal Facility**

WASHINGTON, DC 20310

September 15, 2022, 7:21 am

[See All Tracking History](#)

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[Product Information](#)



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September 9, 2022  
AVO 52672.001

Ms. Debra Bills, Field Supervisor  
Arlington Ecological Services Field Office  
U.S. Fish and Wildlife Service  
2005 Northeast Green Oaks Boulevard, Suite 140  
Arlington, Texas 76606-3293

Re: Oncor Electric Delivery Company's Proposed Keller Wall Price—Keller Magnolia 138 kV Transmission Line Rebuild Project in Tarrant County, Texas

Dear Ms. Bills:

Oncor Electric Delivery Company LLC (Oncor) proposes to re-build an existing double-circuit 138 kilovolt (kV) transmission line beginning at the existing Keller Wall Price Substation, located directly west of State Highway 377, northeast of and adjacent to the intersection of Chisolm Trail and King Trail in Keller, Texas. The rebuild will extend approximately 0.3 mile to the northwest, entirely within the existing transmission line easement. New structures will be needed to accommodate the existing double-circuit 138 kV transmission line and a new proposed double-circuit 138 kV transmission line. Please refer to the attached map depicting the study area.

Halff Associates, Inc. (Halff) is preparing an Environmental Assessment (EA) to support an application for a Certificate of Convenience and Necessity (CCN) from the Public Utility Commission of Texas (PUC). Halff is currently in the process of gathering data on the existing environment and identifying environmental and land use constraints within the project study area that will be used in the creation of an environmental and land use constraints map.

Halff is requesting that your agency/office provide information concerning environmental and land use constraints or other issues of interest to your agency/office within the study area. Your comments will be an important consideration in the assessment of potential impacts. Upon certification for the proposed project, Oncor will determine the need for other approvals and/or permits. If your jurisdiction has approvals and/or permits that would apply to this project, please identify them in response to this inquiry. If permits are required from your office, Oncor will contact your office following route certification.

Thank you for your assistance with this transmission line project. If you have any questions or require additional information, please contact me at (214) 346-6367. Electronic data may also be shared at [rmarusak@halff.com](mailto:rmarusak@halff.com). Your earliest reply will be appreciated.

Sincerely,  
HALFF ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Russell Marusak".

Russell Marusak  
Environmental / Natural Resources Team Leader

Attachment (1)

HALFF ASSOCIATES, INC.

1201 NORTH BOWSER ROAD  
RICHARDSON, TX 75081-2275

TEL (214) 346-6200  
FAX (214) 739-0095

WWW.HALFF.COM

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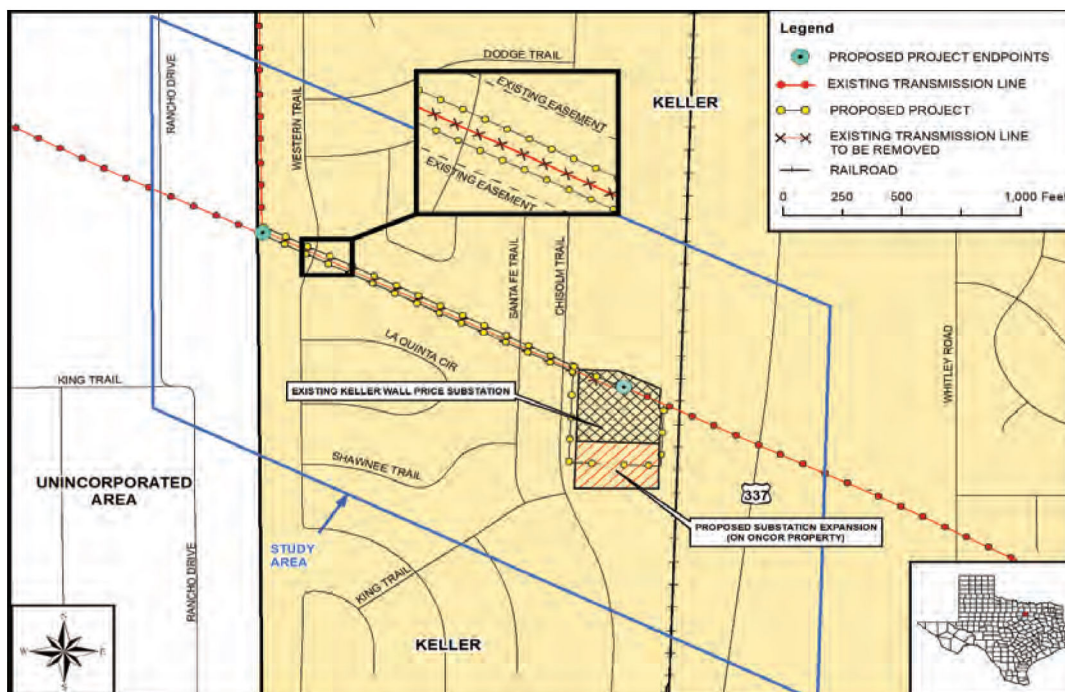
**Appendix B**  
**Public Involvement**

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**ONCOR ELECTRIC DELIVERY COMPANY LLC  
 NOTICE OF PUBLIC PARTICIPATION MEETING FOR THE PROPOSED  
 KELLER WALL PRICE SUBSTATION—KELLER MAGNOLIA 138 kV TRANSMISSION LINE PROJECT  
 AND KELLER WALL PRICE SUBSTATION—ROANOKE 138 kV REBUILD PROJECT**

Tuesday, November 29, 2022  
 Suites of Keller Conference Center  
 1211 South Main Street, Suite 400  
 Keller, Texas  
 4:00 - 7:00 PM

Oncor Electric Delivery Company LLC (Oncor) proposes to re-build an existing double-circuit 138 kilovolt (kV) transmission line and construct a new double-circuit 138 kV transmission line, both beginning at the existing Keller Wall Price Substation, located west of State Highway 377, northeast of and adjacent to the intersection of Chisolm Trail and King Trail in Keller, and extending approximately 0.3 mile to the northwest, entirely within Oncor’s existing transmission line easement area. The existing double-circuit transmission line will be rebuilt on new structures, and a new double-circuit transmission line will be built on new structures adjacent to the existing transmission line, all within the existing easement area. Oncor is committed to ensuring that the proposed transmission line meets the requirements of the Texas Utilities Code and the Public Utility Commission of Texas rules. To this end, Oncor is holding a Public Participation Meeting to inform and solicit feedback from landowners affected by the proposed transmission line project. Maps with greater detail will be exhibited at the meeting. Attendees will be free to come and go from the meeting and visit information stations addressing various aspects of the project at their leisure. This format will provide attendees an opportunity to ask questions and provide comments regarding the proposed transmission line project to representatives and technical experts from Oncor and Half Associates, a consulting firm retained by Oncor. If you have questions concerning this meeting, please contact Mr. Michael Moore at (214) 486-2093 or email [transmissionprojects@oncor.com](mailto:transmissionprojects@oncor.com). For more information, please visit our website at [www.oncor.com/transmissionprojects](http://www.oncor.com/transmissionprojects).



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**ONCOR ELECTRIC DELIVERY COMPANY LLC  
KELLER WALL PRICE SUBSTATION—KELLER MAGNOLIA 138 kV  
TRANSMISSION LINE PROJECT AND KELLER WALL PRICE  
SUBSTATION—ROANOKE 138 KV REBUILD PROJECT PUBLIC  
PARTICIPATION MEETING**

**TUESDAY  
NOVEMBER 29, 2022  
4:00 – 7:00 PM  
SUITES OF KELLER CONFERENCE CENTER  
1211 SOUTH MAIN STREET, SUITE 400  
KELLER, TEXAS**

Welcome and thank you for taking the time to attend this Public Participation Meeting for the Keller Wall Price Substation—Keller Magnolia 138 kV Transmission Line Project and Keller Wall Price Substation—Roanoke 138 kV Rebuild Project. For Oncor Electric Delivery Company LLC (Oncor) to continue to provide safe and reliable electric service in this area, an existing double-circuit transmission line must be rebuilt on new structures, and a new double-circuit transmission line must be built adjacent to the existing transmission line, also on new structures, all within Oncor’s existing easement area (the “Proposed Project”). The Proposed Project includes expansion of Oncor’s existing Keller Wall Price Substation, which will occur entirely on Oncor’s fee-owned property. The Proposed Project will originate at the Keller Wall Price Substation and extend approximately 0.3 mile to the northwest and will be constructed entirely within Oncor’s existing easement area. The Proposed Project is currently planned for completion in 2024.

The purpose of this Public Participation Meeting is to present information regarding the Proposed Project, solicit your input, and answer your questions. The Questions and Answers below provide general information about the Proposed Project.

Several information stations and associated exhibits are located around the room. Each station addresses a different aspect of the Proposed Project. Oncor representatives, as well as representatives from Oncor’s environmental and routing consultant, Halff Associates, Inc. (Halff), and Oncor’s property abstractor, Integra Realty Resources (Integra), are located at each station and can provide answers to specific questions about the Proposed Project. Oncor, Halff, and Integra representatives are subject-matter experts who can provide information concerning their respective areas of expertise as

they relate to the Proposed Project. We encourage you to take advantage of this opportunity to talk with the various representatives.

The stations are arranged in an order that mirrors the Proposed Project's development process, in order to give you a better understanding of that process as a whole. However, you are free to visit the stations in any order you like and to spend as much or as little time as you like at each station so that we may address issues that are important to you and answer any questions you may have. Since this is an informal, come-and-go type meeting, there may be times when one particular station is crowded. Please bear with us and we will make every attempt to answer your questions in as timely a manner as possible.

### **Who is Oncor?**

Oncor is an electric transmission and distribution utility regulated by the Public Utility Commission of Texas (PUCT). Oncor constructs, owns, and operates electric transmission and distribution lines that move electric power across the state, connecting electric power generators with electric power consumers. Oncor does not own electric generation and does not buy or sell electric power. Oncor is not the same company as, and is not affiliated with, TXU Energy or Luminant.

### **What does the electric transmission system do?**

Texas' electric grid is a network of electric power generation facilities, transmission lines, switching stations and substations, and distribution lines, all designed to provide safe, reliable electric service to end-use customers who purchase electricity at retail. Transmission lines transport electricity from power generation facilities at a high voltage to local substations, where electricity is converted to a lower voltage and delivered to Texas residences and businesses through the distribution system.

In order for Oncor to provide safe and reliable electric service, it must work with other utilities and state organizations to ensure that the electric transmission network is designed so that the temporary loss of a power generation plant, a substation, or a transmission line will not result in a major electrical outage. For example, without appropriate planning and system improvements, damage to a single transmission line caused by incidents such as tornadoes, lightning, ice storms, or equipment failure could result in significant disruptions to the delivery of electricity.

**Why must a new transmission line be constructed in this area?**

Electric demand, or “load,” on Oncor’s system in North Texas continues to grow. The addition of new load places strain on the transmission grid in the immediate area, which can impact the reliability of electric service. While one double-circuit 138 kV transmission line currently terminates at the Keller Wall Price Substation, a new 138 kV double-circuit transmission line is needed to accommodate load growth in the area and mitigate potential reliability issues identified by Oncor and ERCOT (Electric Reliability Council of Texas). The addition of this new line also requires Oncor to rebuild the existing transmission line and its supporting structures. With the rebuild of the existing line and the addition of a new line in Oncor’s existing easement area, the Proposed Project will address the reliability issues and increase Oncor’s load-serving capability to surrounding areas while limiting the footprint of Oncor’s facilities. The location of the Proposed Project is shown on the map attached as Exhibit 1.

**What is the approximate location of the proposed transmission line?**

The approximate location of the preliminary route being considered for the Proposed Project is shown on the map attached as Exhibit 1.

**How long will the transmission line be?**

If approved by the PUCT, the Proposed Project will be approximately 0.3 miles long.

**What type of transmission structure will be used?**

For the Proposed Transmission Line Project, Oncor has chosen a self-supporting, double-circuit, steel monopole structure. A drawing of this structure is attached as Exhibit 2.

**Who will benefit from the new transmission line?**

The completion of this transmission line project will provide benefits to all participants in the Texas electric market, including your community. The proposed enhancements will mitigate grid reliability issues and improve the electric system, which will allow Oncor to continue to provide safe, reliable electric service consumers have come to expect from Oncor. The Proposed Project will also add necessary transmission capacity to support the continuing development and economic growth of the local communities in this area of Tarrant County.



**Will environmental studies be conducted to determine the impact of the project?**

Yes. Halff, a well-respected environmental consulting and engineering firm headquartered in Richardson, Texas, is preparing an Environmental Assessment to support Oncor's Application for a Certificate of Convenience and Necessity (CCN) from the PUCT. The Environmental Assessment will assess the impact of the Proposed Project on existing environmental and land uses.

**How will property owners or other interested persons receive information regarding the status of the Proposed Project and the certification process?**

There are several ways members of the public may: (1) be made aware of Oncor's filing of its CCN application at the PUCT; (2) participate or provide comment in the certification process; (3) monitor the proceeding as it progresses; and (4) determine the outcome of the PUCT proceeding regarding the Proposed Project.

First, as part of the formal application for PUCT approval, a formal notice will be provided via first-class mail to (1) any property owner whose land will be crossed by the Proposed Project (2) any owner of property within 320 feet of the centerline of the Proposed Project. As required by PUCT rules, property ownership for this notice has been determined by current county appraisal district tax records.

Second, public notice will be provided in newspapers of general circulation within the county during the week after Oncor files its application at the PUCT. Information about Oncor's application and the PUCT proceeding can be obtained on the PUCT's online Interchange, which provides free access to documents that are officially filed with the Commission. You may access the Interchange by visiting the PUCT's website at [www.puc.state.tx.us](http://www.puc.state.tx.us).

The docket number (also called a control number on the PUCT website) of a PUCT proceeding is a key piece of information used in locating documents in the proceeding. The docket number will be available once Oncor files its CCN application with the PUCT and will be provided in the mailed and published notices.

One way to become involved in a case before the PUCT is to become an "intervenor." An intervenor is a person who, upon showing a justiciable interest, is permitted to become a party to the proceeding. Intervenors may fully participate in the proceeding and can make legal arguments, conduct discovery, file testimony, cross-examine witnesses, and are themselves, if they testify,

subject to cross-examination by the other parties in the case. For more information and rules about participating as an intervenor, visit the PUCT's website at: <http://www.puc.texas.gov/agency/rulesnlaws/Participate.aspx>.

If you do not wish to be a full participant in this proceeding, you may become a "protestor." Protestors are not parties to the case and may not conduct discovery, cross-examine witnesses or present a direct case. Protestors may, however, make a written or verbal statement in support of, or in opposition to, the CCN application and give information to the PUCT staff that they believe may be helpful. If you intend to be a protestor, you can either send written comments stating your position regarding the application, or, if the docket progresses to a hearing, you can make a statement of protest on the first day of the hearing. Although public comments are not sworn and therefore not treated as evidence, they help to inform the PUCT and its staff of the public's concerns and to identify issues to be explored. The PUCT welcomes such participation in its proceedings.

Finally, if the PUCT approves the Proposed Project, a notice will be sent, via first-class mail, to the property owners who were provided formal notice of Oncor's application, as described above, indicating that the PUCT issued a Final Order for the Proposed Project.

### **When will construction of the proposed transmission line begin?**

Before construction can begin, Oncor must seek and receive approval from the PUCT. This process, along with typical time frames for each step of the process, is provided in the attached document titled **Licensing Process for New Transmission Facilities**. Based on an in-service date of 2024, we anticipate filing an application for PUCT approval in early 2023 and that, if approved, construction could begin in late 2023.

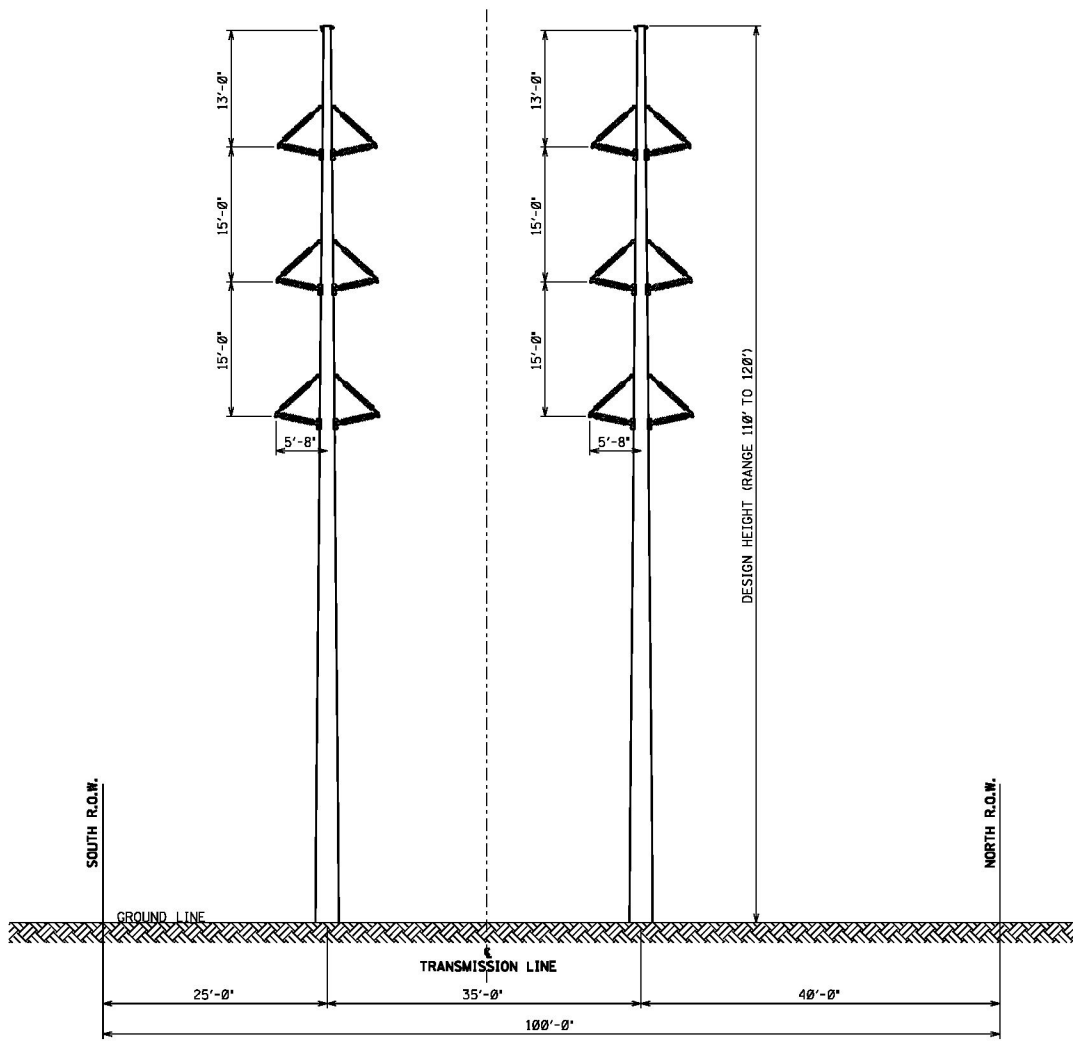
### **If I have additional questions following this meeting, who should I contact?**

Additional information concerning this and other Oncor transmission line projects can be obtained at the following website: <http://www.oncor.com/transmissionprojects>. You may also contact the project manager for this project, Mr. Michael Moore by phone at: (214) 486-2093, or by email at: [transmissionprojects@oncor.com](mailto:transmissionprojects@oncor.com).

**Thank you again for attending this open house!**

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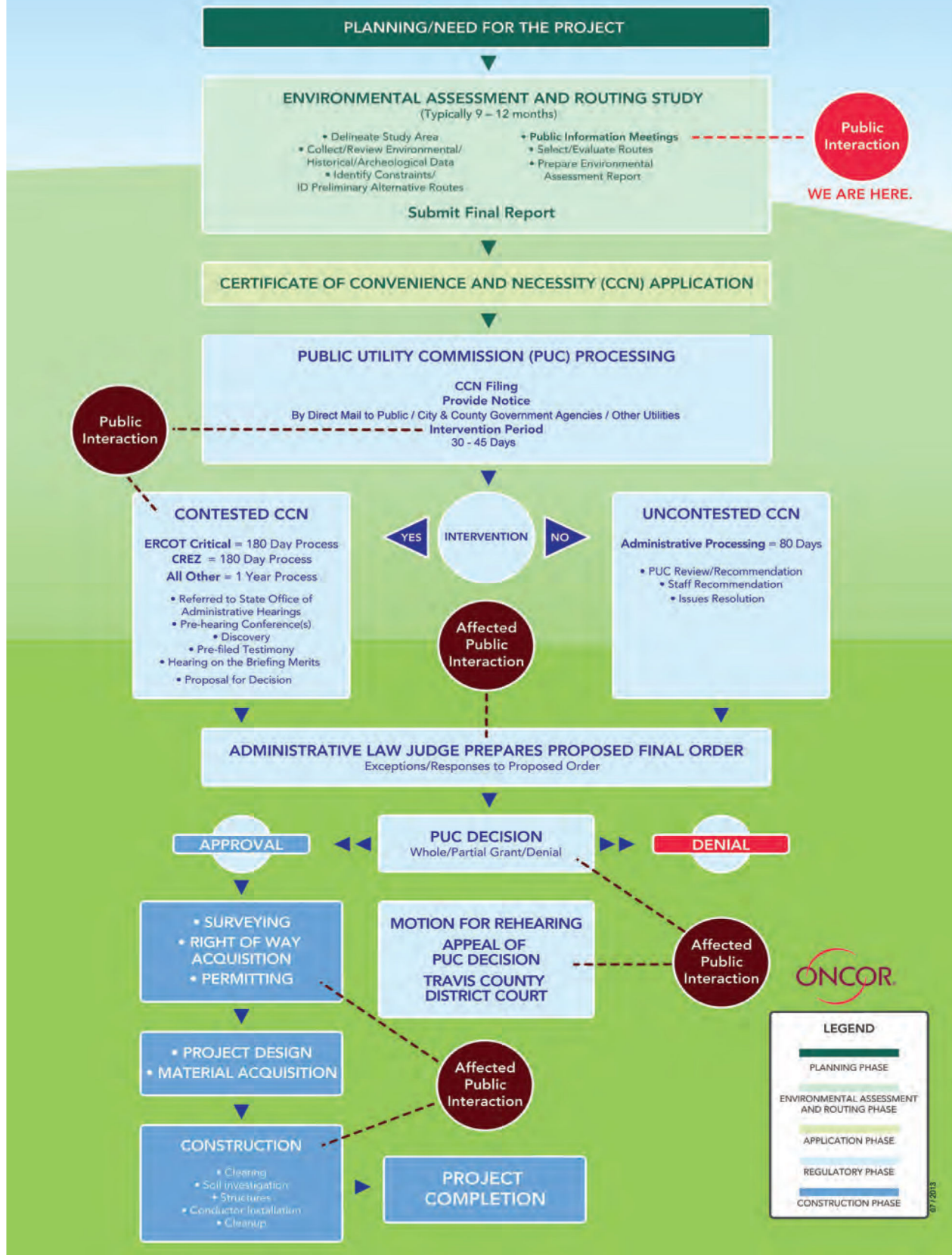


TYPICAL 138 KV TANGENT  
DOUBLE CIRCUIT TWO-POLE





# Licensing Process for New Transmission Facilities



# Licensing Process for New Transmission Facilities

## Texas Utilities Code

The governance of the licensing process for new transmission facilities is included within the Texas Utilities Code, Title II – Public Utilities Regulatory Act, Section 37.056.

### Sec 37.056 GRANT OR DENIAL OF CERTIFICATE

- (a) The commission may approve applications and grant a certificate only if the commission finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public.
- (b) The commission may:
  - (1) issue the certificate as requested;
  - (2) grant the certificate for the construction of a portion of the requested system, facility, or extension or the partial exercise of the requested right or privilege; or
  - (3) refuse to grant the certificate.
- (c) The commission shall grant each certificate on a nondiscriminatory basis after considering:
  - (1) the adequacy of existing service;
  - (2) the need for additional service;
  - (3) the effect of granting the certificate on the recipient of the certificate and on any electric utility serving the proximate area; and
  - (4) other factors, such as:
    - (A) community values;
    - (B) recreational and park areas;
    - (C) historical and aesthetic values;
    - (D) environmental integrity; and
    - (E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted.

If you have additional questions or would like additional information, you may contact the Public Utility Commission of Texas at P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120, or (888) 782-8477. Hearing impaired and speech-impaired individuals with text telephones may contact the commission at (512) 936-7136.

09/2011





THE STATE OF TEXAS

# LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt to condemn your property. The contents of this Bill of Rights are set out by the Texas Legislature in Texas Government Code section 402.031 and chapter 21 of the Texas Property Code. Any entity exercising eminent domain authority must provide a copy of this Bill of Rights to you.

1. You are entitled to receive adequate compensation if your property is condemned.
2. Your property can only be condemned for a public use.
3. Your property can only be condemned by a governmental entity or private entity authorized by law to do so.
4. The entity that wants to acquire your property must notify you that it intends to condemn your property.
5. The entity proposing to acquire your property must provide you with a written appraisal from a certified appraiser detailing the adequate compensation you are owed for your property.
6. If you believe that a registered easement or right-of-way agent acting on behalf of the entity that wants to acquire your property has engaged in misconduct, you may file a written complaint with the Texas Real Estate Commission (TREC) under section 1101.205 of the Texas Occupations Code. The complaint should be signed and may include any supporting evidence.
7. The condemning entity must make a bona fide offer to buy the property before it files a lawsuit to condemn the property—meaning the condemning entity must make a good faith offer that conforms with chapter 21 of the Texas Property Code.
8. You may hire an appraiser or other professional to determine the value of your property or to assist you in any condemnation proceeding.
9. You may hire an attorney to negotiate with the condemning entity and to represent you in any legal proceedings involving the condemnation.
10. Before your property is condemned, you are entitled to a hearing before a court-appointed panel of three special commissioners. The special commissioners must determine the amount of compensation the condemning entity owes for condemning your property. The commissioners must also determine what compensation, if any, you are entitled to receive for any reduction in value of your remaining property.
11. If you are unsatisfied with the compensation awarded by the special commissioners, or if you question whether the condemnation of your property was proper, you have the right to a trial by a judge or jury. You may also appeal the trial court's judgment if you are unsatisfied with the result.



PREPARED BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS • JANUARY 2022



## CONDEMNATION PROCEDURE

Eminent domain is the legal authority certain governmental and private entities have to condemn private property for public use in exchange for adequate compensation. Only entities authorized by law to do so may condemn private property. Private property can include land and certain improvements that are on that property.

### WHO CAN I HIRE TO HELP ME?

You can hire an appraiser or real estate professional to help you determine the value of your property as well as an attorney to negotiate with a condemning entity or to represent you during condemnation proceedings.

### WHAT QUALIFIES AS A PUBLIC PURPOSE OR USE?

Your property may be condemned only for a purpose or use that serves the general public. This could include building or expanding roadways, public utilities, parks, universities, and other infrastructure serving the public. Texas law does not allow condemning authorities to exercise eminent domain for tax revenue or economic development.

### WHAT IS ADEQUATE COMPENSATION?

Adequate compensation typically means the market value of the property being condemned. It could also include certain damages if your remaining property's market value is diminished by the condemnation or the public purpose for which it is being condemned.

### OTHER THAN ADEQUATE COMPENSATION, WHAT OTHER COMPENSATION COULD I BE OWED?

If you are displaced from your residence or place of business, you may be entitled to reimbursement for reasonable expenses incurred while moving to a new site. However, reimbursement costs may not be available if those expenses are recoverable under another law. Also, reimbursement costs are capped at the market value of the property.

### WHAT DOES A CONDEMNOR HAVE TO DO BEFORE CONDEMNING MY PROPERTY?

- ◆ Provide you a copy of this Landowner's Bill of Rights before, or at the same time as, the entity first represents that it possesses eminent domain authority. It is also required to send this Landowner's Bill of Rights to the last known

address of the person listed as the property owner on the most recent tax roll at least seven days before making its final offer to acquire the property.

- If the condemnor seeks to condemn a right-of-way easement for a pipeline or electric transmission line and is a private entity, the condemnor must also provide you a copy of the Landowner's Bill of Rights addendum.
- The addendum describes the standard terms required in an instrument conveying property rights (such as a deed transferring title or an easement spelling out the easement rights) and what terms you can negotiate.
- ◆ Make a bona fide offer to purchase the property. This process is described more fully in chapter 21 of the Texas Property Code. A "bona fide offer" involves both an initial written offer as well as a final written offer.
  - The initial written offer must include:
    - » a copy of the Landowner's Bill of Rights and addendum (if applicable);
    - » either a large-font, bold-print statement saying whether the offered compensation includes damages to the remainder of your remaining property or a formal appraisal of the property that identifies any damages to the remaining property (if any);
    - » the conveyance instrument (such as an easement or deed); and
    - » the name and telephone number of an employee, affiliate, or legal representative of the condemning entity.
  - The final written offer must be made at least 30 days after the initial written offer and must include, if not previously provided:
    - » compensation equal to or more than the amount listed in a written, certified appraisal that is provided to you;
    - » copies of the conveyance instrument; and
    - » the Landowner's Bill of Rights.
- ◆ Disclose any appraisal reports. When making its initial offer, the condemning entity must share its appraisal reports that relate to the property from the past 10 years. You have the right to discuss the offer with others and to either accept or reject the offer made by the condemning entity.



### **WHAT IF I DO NOT ACCEPT AN OFFER BY THE CONDEMNING AUTHORITY?**

The condemnor must give you at least 14 days to consider the final offer before filing a lawsuit to condemn your property, which begins the legal condemnation process.

### **HOW DOES THE LEGAL CONDEMNATION PROCESS START?**

The condemnor can start the legal condemnation process by filing a lawsuit to acquire your property in the appropriate court of the county where the property is located. When filing the petition, the condemnor must send you a copy of the petition

by certified mail, return receipt requested, and first class mail. It must also send a copy to your attorney if you are represented by counsel.

### **WHAT DOES THE CONDEMNOR HAVE TO INCLUDE IN THE LAWSUIT FILED WITH THE COURT?**

The lawsuit must describe the property being condemned and state the following: the public use; your name; that you and the condemning entity were unable to agree on the value of the property; that the condemning entity gave you the Landowner's Bill of Rights; and that the condemning entity made a bona fide offer to voluntarily purchase the property from you.

## **SPECIAL COMMISSIONERS' HEARING AND AWARD**

No later than 30 days after the condemning entity files a condemnation lawsuit in court, the judge will appoint three local landowners to serve as special commissioners and two alternates. The judge will promptly give the condemnor a signed order appointing the special commissioners and the condemnor must give you, your lawyer, and other parties a copy of the order by certified mail, return receipt requested. The special commissioners will then schedule a condemnation hearing at the earliest practical time and place and to give you written notice of the hearing.



### **WHAT DO THE SPECIAL COMMISSIONERS DO?**

The special commissioners' job is to decide what amount of money is adequate to compensate you for your property. The special commissioners will hold a hearing where you and other interested parties may introduce evidence. Then the special commissioners will determine the amount of money that is adequate compensation and file their written decision, known as an "Award," in the court with notice to all parties. Once the Award is filed, the condemning entity may take possession and start using the property being condemned, even if one or more parties object to the Award of the special commissioners.

### **ARE THERE LIMITATIONS ON WHAT THE SPECIAL COMMISSIONERS CAN DO?**

Yes. The special commissioners are tasked only with determining

monetary compensation for the value of the property condemned and the value of any damages to the remaining property. They do not decide whether the condemnation is necessary or if the public use is proper. Further, the special commissioners do not have the power to alter the terms of an easement, reduce the size of the land acquired, or say what access will be allowed to the property during or after the condemnation. The special commissioners also cannot determine who should receive what portion of the compensation they award. Essentially, the special commissioners are empowered only to say how much money the condemnor should pay for the land or rights being acquired.

### **WHO CAN BE A SPECIAL COMMISSIONER?**

Special commissioners must be landowners and residents in the county where the condemnation proceeding is filed, and they must take an oath to assess the amount of adequate compensation fairly, impartially, and according to the law.

### **WHAT IF I WANT TO OBJECT TO A SPECIAL COMMISSIONER?**

The judge must provide to the parties the names and contact information of the special commissioners and alternates. Each party will have up to 10 days after the date of the order appointing the special commissioners or 20 days after the date the petition was filed, whichever is later, to strike one of the three special commissioners. If a commissioner is struck, an alternate will serve as a replacement. Another party may strike a special commissioner from the resulting panel within three days after the date the initial strike was filed or the date of the initial strike deadline, whichever is later.

### **WHAT WILL HAPPEN AT THE SPECIAL COMMISSIONERS' HEARING?**

The special commissioners will consider any evidence (such as appraisal reports and witness testimony) on the value of your condemned property, the damages or value added to remaining property that is not being condemned, and the condemning entity's proposed use of the property.

### **WHAT ARE MY RIGHTS AT THE SPECIAL COMMISSIONERS' HEARING?**

You have the right to appear or not appear at the hearing. If you do appear, you can question witnesses or offer your own evidence on the value of the property. The condemning entity must give you all existing appraisal reports regarding your property used to determine an opinion of value at least three days before the hearing. If you intend to use appraisal reports to support your claim about adequate compensation, you must provide them to the condemning entity 10 days after you receive them or three business days before the hearing, whichever is earlier.

### **DO I HAVE TO PAY FOR THE SPECIAL COMMISSIONERS' HEARING?**

If the special commissioners' award is less than or equal to the amount the condemning entity offered to pay before the proceedings began, then you may be financially responsible for the cost of the condemnation proceedings. But, if the award is more than the condemning entity offered to pay before the proceedings began, then the condemning entity will be responsible for the costs.

### **WHAT DOES THE CONDEMNOR NEED TO DO TO TAKE POSSESSION OF THE PROPERTY?**

Once the condemning entity either pays the amount of the award to you or deposits it into the court's registry, the entity may take possession of the property and put the property to public use. Non-governmental condemning authorities may also be required to post bonds in addition to the award amount. You have the right to withdraw funds that are deposited into the registry of the court, but when you withdraw the money, you can no longer challenge whether the eminent domain action is valid—only whether the amount of compensation is adequate.

## **OBJECTING TO THE SPECIAL COMMISSIONERS' AWARD**

If you, the condemning entity, or any other party is unsatisfied with the amount of the award, that party can formally object. The objection must be filed in writing with the court and is due by the first Monday following the 20th day after the clerk gives notice that the commissioners have filed their award with the court. If no party timely objects to the special commissioners' award, the court will adopt the award amount as the final compensation due and issue a final judgment in absence of objection.

### **WHAT HAPPENS AFTER I OBJECT TO THE SPECIAL COMMISSIONERS' AWARD?**

If a party timely objects, the court will hear the case just like other civil lawsuits. Any party who objects to the award has the

right to a trial and can elect whether to have the case decided by a judge or jury.

### **WHO PAYS FOR TRIAL?**

If the verdict amount at trial is greater than the amount of the special commissioners' award, the condemnor may be ordered to pay costs. If the verdict at trial is equal to or less than the amount the condemnor originally offered, you may be ordered to pay costs.

### **IS THE TRIAL VERDICT THE FINAL DECISION?**

Not necessarily. After trial any party may appeal the judgment entered by the court.





## DISMISSAL OF THE CONDEMNATION ACTION

A condemnation action may be dismissed by either the condemning authority itself or on a motion by the landowner.

### WHAT HAPPENS IF THE CONDEMNING AUTHORITY NO LONGER WANTS TO CONDEMN MY PROPERTY?

If a condemning entity decides it no longer needs your condemned property, it can file a motion to dismiss the condemnation proceeding. If the court grants the motion to dismiss, the case is over, and you can recover reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses up to that date.

### WHAT IF I DO NOT THINK THE CONDEMNING ENTITY HAS THE RIGHT TO CONDEMN MY PROPERTY?

You can challenge the right to condemn your property by filing a motion to dismiss the condemnation proceeding. For example, a landowner could challenge the condemning entity's claim that it seeks to condemn the property for a public use. If

the court grants the landowner's motion, the court may award the landowner reasonable and necessary fees and expenses incurred to that date.

### CAN I GET MY PROPERTY BACK IF IT IS CONDEMNED BUT NEVER PUT TO A PUBLIC USE?

You may have the right to repurchase your property if your property is acquired through eminent domain and:

- ◆ the public use for which the property was acquired is canceled before that property is put to that use,
- ◆ no actual progress is made toward the public use within 10 years, or
- ◆ the property becomes unnecessary for public use within 10 years.

The repurchase price is the price you were paid at the time of the condemnation.

## ADDITIONAL RESOURCES AND ADDENDA

For more information about the procedures, timelines, and requirements outlined in this document, see chapter 21 of the Texas Property Code. An addenda discussing the terms required for an instrument of conveyance under Property Code section 21.0114(c), and the conveyance terms that a property owner may negotiate under Property Code section 21.0114(d), is attached to this statement.

The information in this statement is intended to be a summary of the applicable portions of Texas state law as required by HB 1495, enacted by the 80th Texas Legislature, Regular Session, and HB 2730, enacted by the 87th Texas Legislature, Regular Session. This statement is not legal advice and is not a substitute for legal counsel.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM A:**

**Required Terms for an Instrument Conveying a Pipeline Right-of-Way Easement  
or an Easement Related to Pipeline Appurtenances<sup>1</sup>**

(1) The maximum number of pipelines that may be installed in the right-of-way acquired through this instrument is \_\_\_\_.

(2) The types of pipeline appurtenances that are authorized to be installed under this instrument for pipeline-related appurtenances, such as pipes, valves, compressors, pumps, meters, pigging stations, dehydration facilities, electric facilities, communication facilities, and any other appurtenances that may be necessary or desirable in connection with a pipeline, are described as follows: \_\_\_\_.

(3) The maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed under this instrument for a pipeline right-of-way is \_\_\_\_.

(4) For each pipeline to be installed under this instrument, the type or category of substances permitted to be transported through each pipeline is \_\_\_\_.

(5) Any aboveground equipment or facility that Grantee<sup>2</sup> intends to install, maintain, or operate under this instrument on the surface of the pipeline easement is described as follows: \_\_\_\_.

(6) A description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit \_\_\_\_.

(7) The maximum width of the easement under this instrument is \_\_\_\_.

(8) For each pipeline to be installed under this instrument, the minimum depth at which the pipeline will initially be installed is \_\_\_\_.

(9) The entity installing pipeline(s) under this instrument: (check one)

- intends to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.
- does not intend to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.

(10) Grantee shall provide written notice to Grantor<sup>3</sup>, at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property, if and when Grantee assigns any interest conveyed under this instrument to another entity, provided that this provision does not require notice by Grantee for assignment to an affiliate or to a successor through merger, consolidation, or other sale or transfer of all or substantially all of its assets and businesses.

(11) The easement rights conveyed by this instrument are: (check one)

- exclusive.
- nonexclusive.

<sup>1</sup> The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

<sup>2</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the pipeline easement.

<sup>3</sup> "Grantor" is the property owner from whom the Grantee is acquiring the pipeline easement.

(12) Grantee may not grant to a third party access to the easement area for a purpose that is not related to one of the following: the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument or of pipeline appurtenances to be installed under this instrument.

(13) Grantor: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.

(14) After initial construction and installation of each pipeline installed under this instrument, Grantor: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.

(15) Grantor: (check one)

- and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: \_\_\_\_\_.
- may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

(16) With regard to restoring the pipeline easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable and maintaining the easement in a manner consistent with the purposes for which the easement is to be used under this instrument: (check one)

- Grantee will be responsible for the restoration.
- Grantee will reimburse Grantor for monetary damages that arise from damage to the pipeline easement area or the Grantor's remaining property, if any, caused by the Grantee and not restored or paid for as part of the consideration for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the pipeline easement area or the Grantor's remaining property.

(17) Grantee's rights of ingress, egress, entry, and access on, to, over, and across Grantor's property under this instrument are described as follows: \_\_\_\_\_.

(18) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(19) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.



THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM B:**

Required Terms for an Instrument Conveying  
an Electric Transmission Line Right-of-Way Easement<sup>4</sup>

(1) The uses of the surface of the property to be encumbered by the electric transmission line right-of-way easement acquired by Grantee<sup>5</sup> under this instrument are generally described as follows: \_\_\_\_\_.

(2) A description or illustration of the location of the electric transmission line right-of-way easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit \_\_\_\_\_.

(3) The maximum width of the electric transmission line right-of-way easement acquired by this instrument is \_\_\_\_\_.

(4) Grantee will access the electric transmission line right-of-way easement acquired under this instrument in the following manner: \_\_\_\_\_.

(5) Grantee may not grant to a third party access to the electric transmission line right-of-way easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of the electric and appurtenant facilities installed under this instrument.

(6) Grantor<sup>6</sup>: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement, if any.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement.

(7) Grantor: (check one)

- and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: \_\_\_\_\_
- may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

<sup>4</sup> The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

<sup>5</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the electric transmission line right-of-way easement.

<sup>6</sup> "Grantor" is the property owner from whom the Grantee is acquiring the electric transmission line right-of-way easement.

(8) Grantee shall restore the easement area and Grantor's remaining property to their original contours and grades, to the extent reasonably practicable, unless Grantee's safety or operational needs and the electric facilities located on the easement would be impaired. With regard to restoring the electric transmission line right-of-way easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable following future damages, if any, directly attributed to Grantee's use of the easement: (check one)

- Grantee will be responsible for the restoration, unless the safety or operational needs of Grantee and the electric facilities would be impaired.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes future damages, if any, caused by Grantee to the easement area or the Grantor's remaining property.

(9) The easement rights acquired under this instrument are: (check one)

- exclusive.
- nonexclusive.
- otherwise limited under the terms of the instrument as follows: \_\_\_\_\_.

(10) Grantee may not assign Grantee's interest in the property rights acquired under this instrument to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to Grantor at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property.

(11) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(12) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM C:**

Optional Terms for an Instrument Conveying a Pipeline Right-of-Way Easement,  
an Easement Related to Pipeline Appurtenances,  
or an Electric Transmission Line Right-of-Way Easement<sup>7</sup>

(1) With regard to the specific vegetation described as follows: \_\_\_\_\_, Grantor<sup>8</sup>: (check one):

- may recover from Grantee<sup>9</sup> payment for monetary damages, if any, caused by Grantee to the vegetation.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the vegetation.

(2) With regard to income loss from disruption of existing agricultural production or existing leases based on verifiable loss or lease payments caused by Grantee's use of the easement acquired under this instrument, Grantor: (check one)

- may recover from Grantee payment for monetary damages, if any, caused by Grantee to Grantor's income.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to Grantor's income.

(3) Grantee shall maintain commercial liability insurance or self-insurance at all times, including during Grantee's construction and operations on the easement, while Grantee uses the easement acquired under this instrument. The insurance must insure Grantor against liability for personal injuries and property damage sustained by any person to the extent caused by the negligence of Grantee or Grantee's agents or contractors and to the extent allowed by law. If Grantee maintains commercial liability insurance, it must be issued by an insurer authorized to issue liability insurance in the State of Texas.

(4) If Grantee is subject to the electric transmission cost-of-service rate jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, Grantee shall maintain commercial liability insurance or self-insurance at levels approved by the Public Utility Commission of Texas in the entity's most recent transmission cost-of-service base rate proceeding.

<sup>7</sup> Pursuant to Section 21.0114(d) of the Texas Property Code, in addition to the terms set forth in Addenda A and B, a property owner may negotiate for the inclusion of the terms in this Addendum in any instrument conveying an easement to a private entity, as defined by Section 21.0114(a) of the Texas Property Code. The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

<sup>8</sup> "Grantor" is the property owner from whom the Grantee is acquiring the pipeline or electric transmission line right-of-way easement.

<sup>9</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the easement.

**Oncor Electric Delivery Company LLC**  
**Keller Wall Price Substation—Keller Magnolia 138 kV Transmission Line**  
**Project and Keller Wall Price Substation—Roanoke 138 kV Rebuild Project**  
**Public Participation Meeting**

TUESDAY  
NOVEMBER 29, 2022  
4:00 – 7:00 PM  
**SUITES OF KELLER CONFERENCE CENTER**  
1211 SOUTH MAIN STREET, SUITE 400  
KELLER, TEXAS

1. In your opinion, has the need for the project been adequately explained to you?  
Yes \_\_\_\_\_ No \_\_\_\_\_

How could we have improved this effort?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Were the exhibits and explanations for the need for the project helpful to you?  
Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you believe that the information presented was helpful for your understanding of the project?  
Yes \_\_\_\_\_ No \_\_\_\_\_

4. The Public Utility Commission of Texas requires that several factors be considered when evaluating an electric transmission line, including:
- Proximity to single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools;
  - Proximity to commercial radio transmitters, microwave relay stations or other electronic installations;
  - Proximity to parks and recreational areas;
  - Proximity to FAA-registered airports, private airstrips, and heliports;
  - Proximity to historical or archeological sites;

- Agricultural areas irrigated by traveling irrigation systems;
- Environmentally sensitive areas; and.
- Protected or endangered species.

Halff has plotted all of these features that we know about on the Environmental and Land Use Constraints Map. To your knowledge, are those features shown on this map accurately plotted?

Yes \_\_\_ No \_\_\_

Are you aware of any of these features that are not presently shown or are incorrectly located on this map?

Yes \_\_\_ No \_\_\_

If so, please help us identify the approximate location of any missing or incorrectly located features on the Environmental and Land Use Constraints Map:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. How did you learn about this public participation meeting?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Which of the following applies to your situation?

- \_\_\_\_\_ (a) Proposed project is near my home
- \_\_\_\_\_ (b) Proposed project is near my business
- \_\_\_\_\_ (c) Proposed project is on my land
- \_\_\_\_\_ (d) Other please specify

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. If you would like, please enter your name and address below:

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_



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**Appendix C**  
**Habitable Structures within 300 Feet of the Project**



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APPENDIX C

TABLE 5-2. HABITABLE STRUCTURES WITHIN 300 FEET OF  
KELLER WALL PRICE—KELLER MAGNOLIA 138 kV TRANSMISSION LINE PROJECT

Habitable Structure	Distance†	Direction*	Description
1	251	NE	SFR‡
2	311	SW	SFR
3	252	SW	SFR
4	189	SW	SFR
5	127	SW	SFR
6	66	SW	SFR
7	55	NE	SFR
8	135	NE	SFR
9	189	NE	SFR
10	266	NE	SFR
12	255	SW	SFR
13	210	SW	SFR
14	140	SW	SFR
15	70	SW	SFR
16	45	NE	SFR
17	112	NE	SFR
18	176	NE	SFR
19	244	NE	SFR
21	264	SW	SFR
22	183	SW	SFR
23	109	SW	SFR
24	175	NE	SFR
25	311	NE	SFR
26	79	SW	SFR
27	85	SW	SFR
28	142	NE	SFR
29	289	NE	SFR
31	256	SW	SFR
32	103	SW	SFR
33	120	NE	SFR
34	276	NE	SFR
35	272	NE	SFR
37	250	SW	SFR
38	103	SW	SFR
39	107	NE	SFR
40	78	SW	SFR
41	111	NE	SFR
42	274	NE	SFR
43	79	SW	SFR
44	113	NE	SFR

Habitable Structure	Distance†	Direction*	Description
45	314	SW	SFR
46	252	SW	SFR
47	165	SW	SFR
48	142	NE	SFR
49	202	NE	SFR
50	293	NE	SFR
52	261	SW	SFR
53	195	SW	SFR
54	132	SW	SFR
55	74	SW	SFR
56	47	NE	SFR
57	120	NE	SFR
58	181	NE	SFR
59	263	NE	SFR
60	307	NE	SFR
61	272	NE	SFR
62	285	NE	SFR
63	306	NE	SFR
64	310	NE	SFR
65	288	SW	SFR
66	225	SW	SFR
67	161	SW	SFR
68	92	SW	SFR
69	34	NE	SFR
70	104	NE	SFR
71	124	E	SFR
72	109	E	SFR
73	116	E	SFR
74	129	E	SFR
75	120	NE	SFR
76	143	NE	SFR
77	261	NE	SFR
78	227	NE	SFR
81	267	NE	SFR

END OF TABLE 5-2.

**Notes:**

\* Direction represents the distance beginning from the habitable structure towards the provided project.

† To account for photographic interpretation limitations such as shadows, tree canopies, and horizontal accuracy of the photography, Half identified all habitable structures within a measured distance of 320 feet of the alternative route centerline.

‡ Denotes single family residence.

**APPENDIX C**

**TABLE 5-3. HABITABLE STRUCTURES WITHIN 300 FEET OF  
KELLER WALL PRICE—ROANOKE 138 kV REBUILD PROJECT**

Habitable Structure	Distance†	Direction*	Description
1	278	NE	SFR‡
2	276	SW	SFR
3	217	SW	SFR
4	154	SW	SFR
5	92	SW	SFR
6	31	SW	SFR
7	90	NE	SFR
8	170	NE	SFR
9	224	NE	SFR
10	301	NE	SFR
11	306	SW	SFR
12	220	SW	SFR
13	175	SW	SFR
14	105	SW	SFR
15	35	SW	SFR
16	80	NE	SFR
17	147	NE	SFR
18	211	NE	SFR
19	279	NE	SFR
20	296	SW	SFR
21	229	SW	SFR
22	148	SW	SFR
23	74	SW	SFR
24	210	NE	SFR
26	44	SW	SFR
27	50	SW	SFR
28	177	NE	SFR
30	292	SW	SFR
31	221	SW	SFR
32	68	SW	SFR
33	155	NE	SFR
34	310	NE	SFR
35	306	NE	SFR
36	291	SW	SFR
37	216	SW	SFR
38	68	SW	SFR
39	141	NE	SFR
40	44	SW	SFR
41	144	NE	SFR
42	307	NE	SFR

Habitable Structure	Distance†	Direction*	Description
43	46	SW	SFR
44	145	NE	SFR
45	281	SW	SFR
46	220	SW	SFR
47	133	SW	SFR
48	173	NE	SFR
49	233	NE	SFR
51	291	SW	SFR
52	230	SW	SFR
53	164	SW	SFR
54	101	SW	SFR
55	43	SW	SFR
56	76	NE	SFR
57	149	NE	SFR
58	210	NE	SFR
59	291	NE	SFR
65	258	SW	SFR
66	196	SW	SFR
67	132	SW	SFR
68	63	SW	SFR
69	61	NE	SFR
70	131	NE	SFR
71	198	NE	SFR
72	253	NE	SFR
81	300	NE	SFR

END OF TABLE 5-3.

**Notes:**

\* Direction represents the distance beginning from the habitable structure towards the provided project.

† To account for photographic interpretation limitations such as shadows, tree canopies, and horizontal accuracy of the photography, Half identified all habitable structures within a measured distance of 320 feet of the alternative route centerline.

‡ Denotes single family residence.

**Appendix D**  
**Environmental and Land Use Constraints Map**

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MAP FEATURES	
	STUDY AREA BOUNDARY
	EXISTING TRANSMISSION LINE TO BE REMOVED (CENTERLINE)
	PROPOSED STATION EXPANSION
	CITY BOUNDARY
	TRACT NUMBER AND BOUNDARY
	PARK / RECREATIONAL AREA
	EXISTING TRANSMISSION LINE
	KELLER WALL PRICE -- ROANOKE 138 KV REBUILD PROJECT
	KELLER WALL PRICE -- KELLER MAGNOLIA 138 KV TRANSMISSION LINE PROJECT
	EXISTING TRANSMISSION LINE TO BE REMOVED (CENTERLINE)
	RAILROAD
	PUBLIC ROAD
	PIPELINE*
	RIVER / STREAM
	PROJECT ENDPOINT
	HABITABLE STRUCTURE ( WITHIN 320 FEET OF ROUTE )
	RAILROAD COMMISSION WELL DATA
	AIRPORT / AIRSTRIP*
	HELIPORT*
	HISTORICAL MARKER*
	TRAVELING IRRIGATION*
	NATIONAL REGISTER OF HISTORIC PLACES SITE*
	CEMETERY*
	COMMUNICATION TOWER*
	SCHOOL*
	TEXAS WATER DEVELOPMENT BOARD GROUNDWATER WELL DATA

MAP VIEW EXTENT	LOCATION MAP

**Notes:**

- Some legend symbols are enlarged for easier identification.
- Aerial photography is from the most recent available database (Nov/Dec, 2022).
- Some other cultural resource data are not shown on this map as those data are not to be reproduced, distributed, or released to the public.
- Data are for display purposes only. All features and boundaries have been approximated based on information gathered from review of public resources and from field verification. Railroad Commission of Texas GIS data was last updated on August 30, 2022.
- This map contains county appraisal district data. Property types shown are approximate and are not verified by field survey. Property data prepared by Lone Star Realty Services with data locations furnished by HALFF.
- Legend items indicated by (\*) represent features that were researched, verified, and recorded but are otherwise beyond the map extent, and cannot be located on the map.

Date Plotted: 2/15/2023      Date Revised: 2/15/2023







# ERCOT Independent Review of Oncor Roanoke Area Upgrades Project



## Document Revisions

Date	Version	Description	Author(s)
July 19, 2022	1.0	Final	A. Benjamin Richardson
		Reviewed by	Sun Wook Kang, Prabhu Gnanam

## Executive Summary

Oncor submitted the Roanoke Area Upgrades Project to the Regional Planning Group (RPG) in February 2022. Oncor proposed this project to address rapid load growth, existing transmission capacity limitations and forecasted reliability needs in the north Fort Worth/Roanoke – Alliance area. According to the RPG submittal, beginning in late 2021, Oncor has since received several requests for load interconnections at both distribution and transmission levels within this area; however, Oncor has been limited in fulfilling or unable to fulfill some requests for service due to transmission capacity limitations. Some project additions require Certificate of Convenience and Necessity (CCN) applications, and Oncor estimates the total cost of the project at approximately \$286 Million. Therefore, this submitted RPG project was classified as a Tier 1 project pursuant to ERCOT Protocol Section 3.11.4.3 categorization of proposed transmission projects.

ERCOT performed an Independent Review of the RPG submittal and confirmed the reliability needs in the north Fort Worth/Roanoke – Alliance area. Based on this independent review of various transmission improvement options, ERCOT recommends Option 2 (Same as Oncor’s Proposal) to address the reliability needs in the area.

Oncor is expecting this project to be in-service by May 2025. If reliability issues arise before the entire recommended project is constructed, ERCOT and Oncor will work together to develop mitigation plans as necessary. Oncor has requested that ERCOT designate the recommended project “critical” to the reliability of the system per PUCT Substantive Rule 25.101(b)(3)(D). Since there is a reliability need to have the project in place as early as 2023 based on the 2021 ERCOT Regional Transmission Plan (RTP) and the RPG submittal, ERCOT deems the project critical to reliability.

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# 1 Introduction

Oncor submitted the Roanoke Area Upgrades Project to RPG in February 2022. Oncor proposed this project to address rapid load growth, existing transmission capacity limitations and forecasted reliability needs in the north Fort Worth/Roanoke – Alliance area. According to the RPG submittal, beginning in late 2021, Oncor has since received several requests for load interconnections at both the distribution and transmission levels within this area; however, Oncor has been limited in fulfilling or unable to fulfill some requests for service due to transmission capacity limitations. The approximate geographic locations with the rapid load growth are shown in Figure 1.

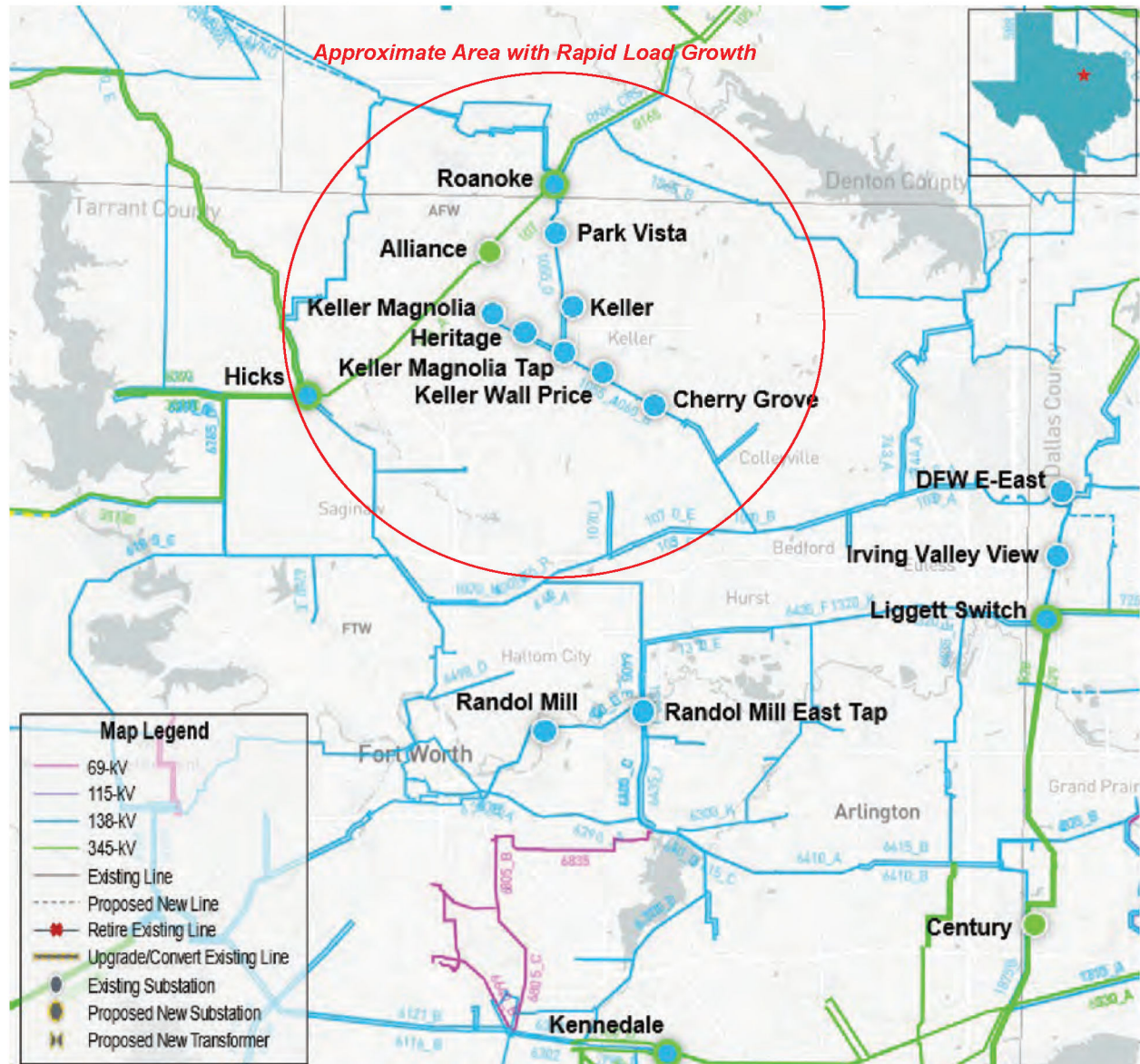


Figure 1: Map of Study Area

To address these reliability needs, the Oncor Roanoke Area Upgrades Project submittal proposed an approximately \$286 Million transmission improvement project to:



- Construct a new Ramhorn Hill 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing double-circuit Hicks to Willow Creek 345-kV lines
- Construct a new Dunham 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing Lewisville to Krum West and Lewisville to Roanoke 345-kV lines
- Construct two new Ramhorn Hill to Dunham 345-kV transmission lines, with conductor rated to at least 2987 MVA, in a new (estimated 18.4-mile) right-of-way installed on new triple-circuit towers leaving one 138-kV vacant position
- Rebuild Exchange to Roanoke 345-kV double-circuit lines, upgrading both with conductors rated to at least 2987 MVA, using separate double-circuit capable structures for each line. The line rating will be 1912/1912 MVA limited by terminal equipment at Roanoke
- Construct a new Exchange to Roanoke 138-kV circuit, with conductor rated to at least 764 MVA, using one of the Exchange to Roanoke 345-kV line double-circuit capable structures
- Construct a new Exchange 345/138-kV Switching Station, adjacent to Alliance 345-kV substation, with two new 600 MVA (nameplate) transformers in an 8-breaker 345-kV breaker-and-a-half bus arrangement and a 9-breaker 138-kV breaker-and-a-half arrangement. The normal/emergency ratings of the new transformers will be 700/750 MVA
- Convert the existing Alliance 345-kV load serving substation to 138-kV load serving operation
- Construct a new Exchange to Alliance 138-kV double-circuit line with conductors rated to at least 746 MVA
- Construct a new Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit line with conductors rated to at least 746 MVA in a new (estimated 1.4-mile) right-of-way
- Upgrade the existing Keller Magnolia to Heritage 138-kV line with conductor rated to at least 746 MVA to be installed on the Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit towers.
- Upgrade the existing Heritage to Keller Magnolia Tap double-circuit lines with conductors rated to at least 746 MVA
- Construct a new 138-kV switching station at Keller Wall Price in a 6-breaker ring bus arrangement
- Disconnect the double-circuit Heritage to Keller Magnolia Tap lines at Keller Magnolia Tap and terminate both at Keller Wall Price by constructing two new 0.3-mile 138-kV transmission lines added to the existing Keller Magnolia Tap to Keller Wall Price right-of-way with both new line conductors rated to at least 746 MVA
- Retire Keller Magnolia Tap

Oncor also requested that ERCOT designate the recommended project “critical” to the reliability of the system per PUCT Substantive Rule 25.101(b)(3)(D).

ERCOT performed an Independent Review for this RPG project to identify the reliability need and evaluate various transmission upgrade options to address the reliability need. This report describes the study assumptions, methodology and the results of the ERCOT Independent Review (EIR) of the project.

## 2 Study Assumptions and Methodology

This section describes study assumptions and methodology that ERCOT employed to perform this independent review of the Oncor Roanoke Area Upgrades Project.

### 2.1 Study Assumptions for Reliability Analysis

The study area for this review included transmission facilities in the North Central Weather Zone that are electrically close to the north Fort Worth/Roanoke – Alliance area.

#### 2.1.1 Steady-State Study Base Case

The Final 2021 RTP cases, published on the Market Information System (MIS) on December 23, 2021, were used as reference cases in this study. Year 2026 Summer was selected for the study period. The steady-state study base case for the North Central weather zone was constructed by updating transmission, generation, and loads of the following 2026 Summer Peak Load case for the North/North Central (NNC) weather zone.

- Case: 2021RTP\_2026\_SUM\_NNC\_12232021<sup>1</sup>

##### 2.1.1.1 Transmission Topology

Other transmission projects within the study area with in-service dates (ISD) by May 2025 were added to the study base case. The ERCOT Transmission Project Information and Tracking (TPIT)<sup>2</sup> report posted in February 2022 was used as reference to determine these other transmission projects for inclusion. All approved Tier 1, 2, and 3 projects in addition to Tier 4 projects were already modeled in the base case. Therefore, no new Tier 1, 2, 3 or 4 transmission projects were added.

Transmission projects within the study area that are not approved by RPG were removed from the base case. These projects are listed in Table 1 below.

*Table 1: List of transmission projects removed from the study base case*

RTP Project Index	Project Name	County
2021-NC8	Roanoke Area Upgrade Project	Wise, Tarrant

##### 2.1.1.2 Generation

Based on the January 2022 Generator Interconnection Status (GIS)<sup>3</sup> report posted on the ERCOT website on February 2, 2022, generators in the study area that met Planning Guide Section 6.9(1) conditions with Commercial Operations Dates (COD) prior to May 2025 were added to the study base case. These generation additions are listed in Table 2 below. All new generation dispatches were consistent with the 2021 RTP methodology.

<sup>1</sup> 2021 Regional Transmission Plan Postings: <https://mis.ercot.com/secure/data-products/grid/regional-planning?id=PG3-2178-M>

<sup>2</sup> TPIT Report: <https://www.ercot.com/files/docs/2022/03/02/ERCOT%20February%20TPIT%20No%20Cost%20020122.xlsx>

<sup>3</sup> GIS Report: <https://www.ercot.com/mp/data-products/data-product-details?id=PG7-200-ER>



**Table 2: List of generation added to the study base case based on January 2022 GIS Report**

GINR	Project Name	Project COD	Capacity (MW)	County
19INR0169	Sun Valley Solar	Dec 2022	252.00	Hill
20INR0091	Fagus Solar Park	Jul 2023	517.35	Childress
20INR0205	Roseland Solar	Jul 2022	254.00	Falls
20INR0214	Noble Solar	May 2022	279.00	Denton
20INR0230	Markum Solar	Feb 2024	161.00	McLennan
21INR0375	Grizzly Ridge Solar	Aug 2022	101.68	Hamilton
21INR0434	Golinda Solar	Feb 2023	103.10	Falls
21INR0473	Vortex BESS	May 2022	121.83	Throckmorton
21INR0474	Anchor BESS	Apr 2022	71.45	Eastland
21INR0490	Samson Solar 2	Jun 2023	200.00	Lamar
21INR0493	Ellis Solar	Jun 2022	81.00	Ellis
21INR0539	Anchor Wind II	Apr 2022	128.70	Eastland
22INR0270	Brass Fork Solar 1	May 2023	304.78	Haskell
22INR0436	Noble Storage	Aug 2022	127.00	Denton
22INR0506	Roseland Solar II	Jul 2022	254.00	Falls

The status of the units either indefinitely mothballed or retired at the time of the study were reviewed, and no units were turned off that were not already reflected in the Final 2021RTP cases.

### 2.1.1.3 Loads

New confirmed loads in the study area were also added to the study base case. Load outside the NNC weather zone was adjusted to meet the minimum reserve to be consistent with the 2021 RTP assumptions.

## 2.2 Study Assumptions for Congestion Analysis

Congestion analysis was conducted to identify any new congestion in the study area with the addition of the preferred transmission upgrade option.

### 2.2.1 Economic Study Base Case

The 2026 economic starting case from the 2021 RTP available at the time of the study was used as the base case for congestion analysis. The 2026 study year was selected based on the proposed in-service date of the project.

#### 2.2.1.1 Transmission Topology

The project listed in Table 3 below was removed from the economic base case, since it was a placeholder project for the Roanoke Area Upgrades Project subject of this review.

**Table 3: Transmission projects removed from Economic base case**

RTP Project Index	Project Name	County
2021-NC8	Roanoke Area Upgrade Project	Wise, Tarrant

### 2.2.1.2 Generation

New generation listed in Table 4 were added to the economic base case.

**Table 4: List of Generation added to the economic base case**

GINR	Project Name	Project COD	Capacity (MW)	County
19INR0169	Sun Valley Solar	Dec 2022	252.00	Hill
20INR0091	Fagus Solar Park	Jul 2023	517.35	Childress
20INR0205	Roseland Solar	Jul 2022	254.00	Falls
20INR0214	Noble Solar	May 2022	279.00	Denton
20INR0230	Markum Solar	Feb 2024	161.00	McLennan
21INR0375	Grizzly Ridge Solar	Aug 2022	101.68	Hamilton
21INR0434	Golinda Solar	Feb 2023	103.10	Falls
21INR0473	Vortex BESS	May 2022	121.83	Throckmorton
21INR0474	Anchor BESS	Apr 2022	71.45	Eastland
21INR0490	Samson Solar 2	Jun 2023	200.00	Lamar
21INR0493	Ellis Solar	Jun 2022	81.00	Ellis
21INR0539	Anchor Wind II	Apr 2022	128.70	Eastland
22INR0270	Brass Fork Solar 1	May 2023	304.78	Haskell
22INR0436	Noble Storage	Aug 2022	127.00	Denton
22INR0506	Roseland Solar II	Jul 2022	254.00	Falls

### 2.2.1.3 Loads

New confirmed loads in the study area were also added to create the economic base case.

## 2.3 Methodology

The reliability assessments were performed based on NERC Reliability Standard TPL-001-4, the applicable ERCOT Nodal Protocols, and Planning Criteria<sup>4</sup>.

### 2.3.1 Contingencies

Contingencies<sup>5</sup> were updated based on the changes made to the topology as described in Section 2.1.1.1 above. The following steady state contingencies were simulated for the study area:

- P0 (System Intact)
- P1, P2-1, P7 (N-1 conditions)

<sup>4</sup> ERCOT Planning Criteria: <http://www.ercot.com/mktrules/guides/planning/current>

<sup>5</sup> Details of each event and contingency category is defined in the NERC reliability standard TPL-001-4

- P2-2, P2-3, P4, and P5 (EHV only)
- P3-1: G-1 + N-1 (G-1: generation outages)
- P6-2: X-1 + N-1 (X-1: EHV transformers only)

### 2.3.2 Criteria

All 69-kV and above buses, transmission lines, and transformers in the study area were monitored (excluding generator step-up transformers), and the following thermal and voltage limits were enforced:

- Thermal
  - Rate A for pre-contingency conditions
  - Rate B for post-contingency conditions
- Voltages
  - Voltages exceeding pre-contingency and post-contingency limits
  - Voltage deviations exceeding 8% on non-radial load buses

### 2.3.3 Study Tool

ERCOT utilized the following software tools to perform this independent study:

- PowerWorld Simulator version 21 for Security Constrained Optimal Power flow (SCOPF) and steady-state contingency analysis
- UPLAN version 11.4.0.27191 to perform congestion analysis

## 3 Project Need

This section describes transmission overloads and voltage violations that were observed in the study area with no new system upgrades.

### 3.1 Steady-State reliability Analysis

Steady-state reliability analysis was performed in accordance with NERC TPL-001-4 and ERCOT Planning Criteria described in Section 2.3 above. This analysis indicated thermal overload and low voltage issues in the study area under NERC Category P1, P3, and P6 contingencies. These issues are summarized in the tables below while Figure 2 illustrates the need visually.

*Table 5: Thermal overloads observed in the study area for 2026 Summer Peak*

NERC Contingency Category	Overloaded Element	Voltage Level (kV)	Length (miles)	Loading %
P1: N-1	Roanoke Transformer #1 and #2	345/138	-	101.68
P6: (X-1 + N-1)	Roanoke Transformer #1 and #2	345/138		117.27
P6: (X-1 + N-1)	Hicks Transformer #1 and #2	345/138	-	100.00
P3: (G-1 + N-1)	Hicks to Roanoke	345	9.6	100.73
P3: (G-1 + N-1)	Hicks to Alliance	345	5.8	100.28
P6: (X-1 + N-1)	Kennedale to Century	345	10.5	100.69
P6: (X-1 + N-1)	Randol Mill Tap East to Randol Mill	138	2.2	100.63
P6: (X-1 + N-1)	Liggett Switch to DFW E East	138	3.0	100.96
P6: (X-1 + N-1)	Liggett Switch to Irving Valley View	138	1.5	104.96

P6: (X-1 + N-1)	Bennett Road Switch to Decatur	138	0.8	100.29
-----------------	--------------------------------	-----	-----	--------

**Table 6: Voltage Violations observed in the study area for 2026 Summer Peak**

NERC Contingency Category	Substation	Voltage Level (kV)	Post-contingency Voltage (pu)
P3: (G-1 + N-1)	Park Vista	138	0.89
P3: (G-1 + N-1)	Keller Tap	138	0.90
P3: (G-1 + N-1)	Keller Magnolia Tap	138	0.90
P6: (X-1 + N-1)	Heritage	138	0.90
P3: (G-1 + N-1)	Cherry Grove	138	0.90



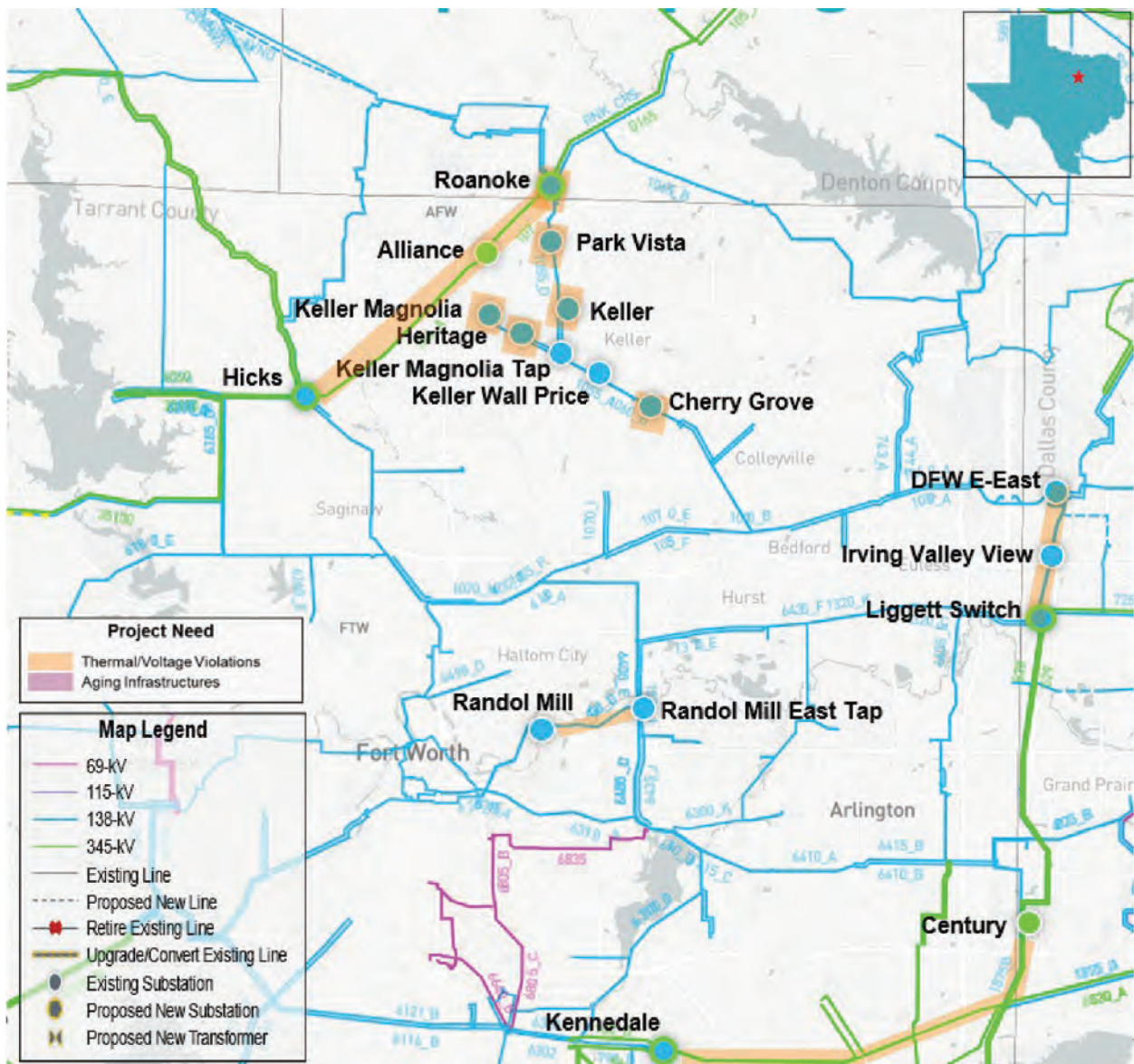


Figure 2: Study area Map showing project need(s)

### 3.2 Initial Options

ERCOT initially evaluated four system improvement options to address the thermal overloads and voltage violations that were observed in the study base case in the north Fort Worth/Roanoke – Alliance area. Table 7 shows the components of the four initial options.

**Table 7: Components of the four initial options studied**

Transmission Upgrade	Approximate Length of Line (mile)	Normal / Emergency Rating (MVA)	Options			
			1	2	3	4
Construct a new Ramhorn Hill 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing double-circuit Hicks to Willow Creek 345-kV lines				✓	✓	✓
Construct a new Dunham 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing Lewisville to Krum West and Lewisville to Roanoke 345-kV lines				✓	✓	✓
Construct two new Ramhorn Hill to Dunham 345-kV transmission lines, with conductor rated to at least 2987 MVA, in a new (estimated 18.4-mile) right-of-way installed on new triple-circuit towers leaving one 138-kV vacant position	18.4	2987/2987		✓	✓	✓
Upgrade Hicks to Exchange 345-kV double-circuit line with conductors rated to at least 2987 MVA	5.8	2987/2987	✓			
Rebuild Exchange to Roanoke 345-kV double-circuit lines, upgrading both with conductors rated to at least 2987 MVA, using separate double-circuit capable structures for each line	3.6	1912/1912*		✓		
Construct a new Exchange to Roanoke 138-kV circuit, with conductor rated to at least 764 MVA, using one of the Exchange to Roanoke 345-kV line double-circuit capable structures	3.8	764/764		✓		
Upgrade Exchange to Roanoke 345-kV double-circuit lines with conductor rating to at least 2987 MVA	3.6	1912/1912*	✓		✓	
Construct a new Exchange 345/138-kV Switching Station, adjacent to Alliance 345-kV substation, with two new 600 MVA transformers (nameplate) in an 8-breaker 345-kV breaker-and-a-half bus arrangement and a 9-breaker 138-kV breaker-and-a-half arrangement		700/750	✓	✓	✓	✓
Convert the existing Alliance 345-kV load serving substation to 138-kV load serving operation			✓	✓	✓	✓
Construct a new Exchange to Alliance 138-kV double-circuit line with conductors rated to at least 746 MVA	0.1	746/746	✓	✓	✓	✓
Construct a new Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit line with conductors rated to at least 746 MVA	1.4 Keller Magnolia 2.5 Heritage	746/746	✓	✓	✓	✓
Upgrade the existing Keller Magnolia to Heritage 138-kV line with conductor rated to at least 746 MVA to be installed on the Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit towers	1.0	746/746	✓	✓	✓	✓
Upgrade the existing Heritage to Keller Magnolia Tap double-circuit lines with conductors rated to at least 746 MVA	1.3	746/746	✓	✓	✓	✓
Construct a new 138-kV switching station at Keller Wall Price in a 6-breaker ring bus arrangement			✓	✓	✓	✓
Disconnect the double-circuit Heritage to Keller Magnolia Tap lines at Keller Magnolia Tap and terminate both at Keller Wall Price by constructing two new 0.3-mile 138-kV transmission lines added to	0.3	746/746	✓	✓	✓	✓



the existing Keller Magnolia Tap to Keller Wall Price right-of-way with both new line conductors rated to at least 746 MVA						
Retire Keller Magnolia Tap			✓	✓	✓	✓

\* Exchange to Roanoke 345-kV conductor will be capable of 2987/2987 MVA, however terminal equipment at Roanoke will limit the line ratings to 1912/1912 MVA.

### 3.3 Initial Reliability Assessment Results

All initial options were evaluated based on the contingencies described in Methodology Section 2.3 above, and no reliability criteria violations were identified for Option 2, 3, and 4 as shown in Table 8. Based on the review of these results, Option 1 was eliminated from further evaluation due to identification of thermal overload violation.

*Table 8: Results of initial reliability assessment of all four Options*

Option	N-1		X-1 + N-1		G-1 + N-1	
	Thermal Overload	Voltage Violation	Thermal Overload	Voltage Violation	Thermal Overload	Voltage Violation
1	No	No	Yes	No	No	No
2	No	No	No	No	No	No
3	No	No	No	No	No	No
4	No	No	No	No	No	No

## 4 Short-listed Options

As shown in Table 8 above, Option 2, 3 and 4 met all the reliability criteria, and these options were short-listed for further assessment. These short-listed options are visually illustrated in Figures 3, 4, and 5 below.

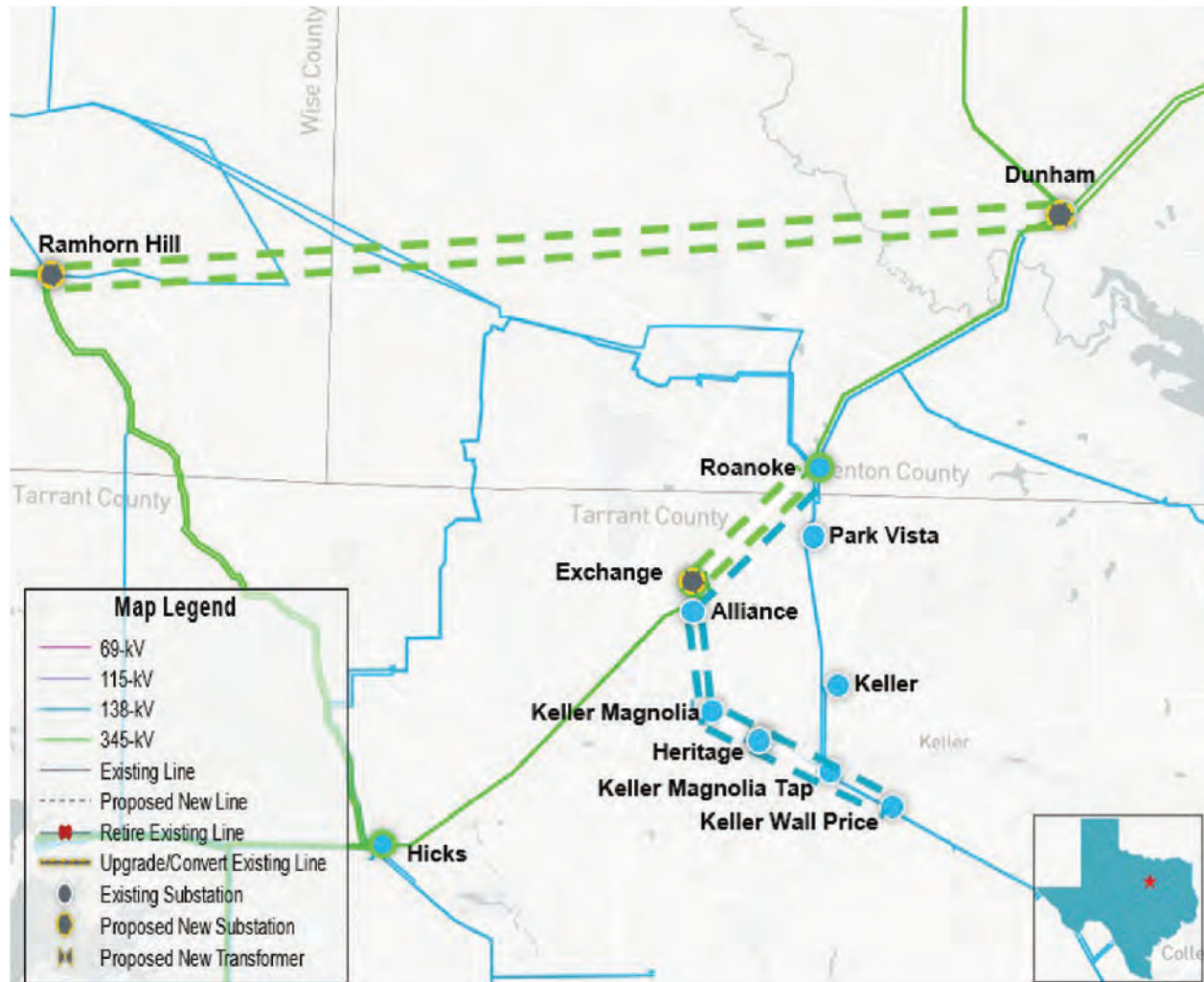


Figure 3: Map of Option 2

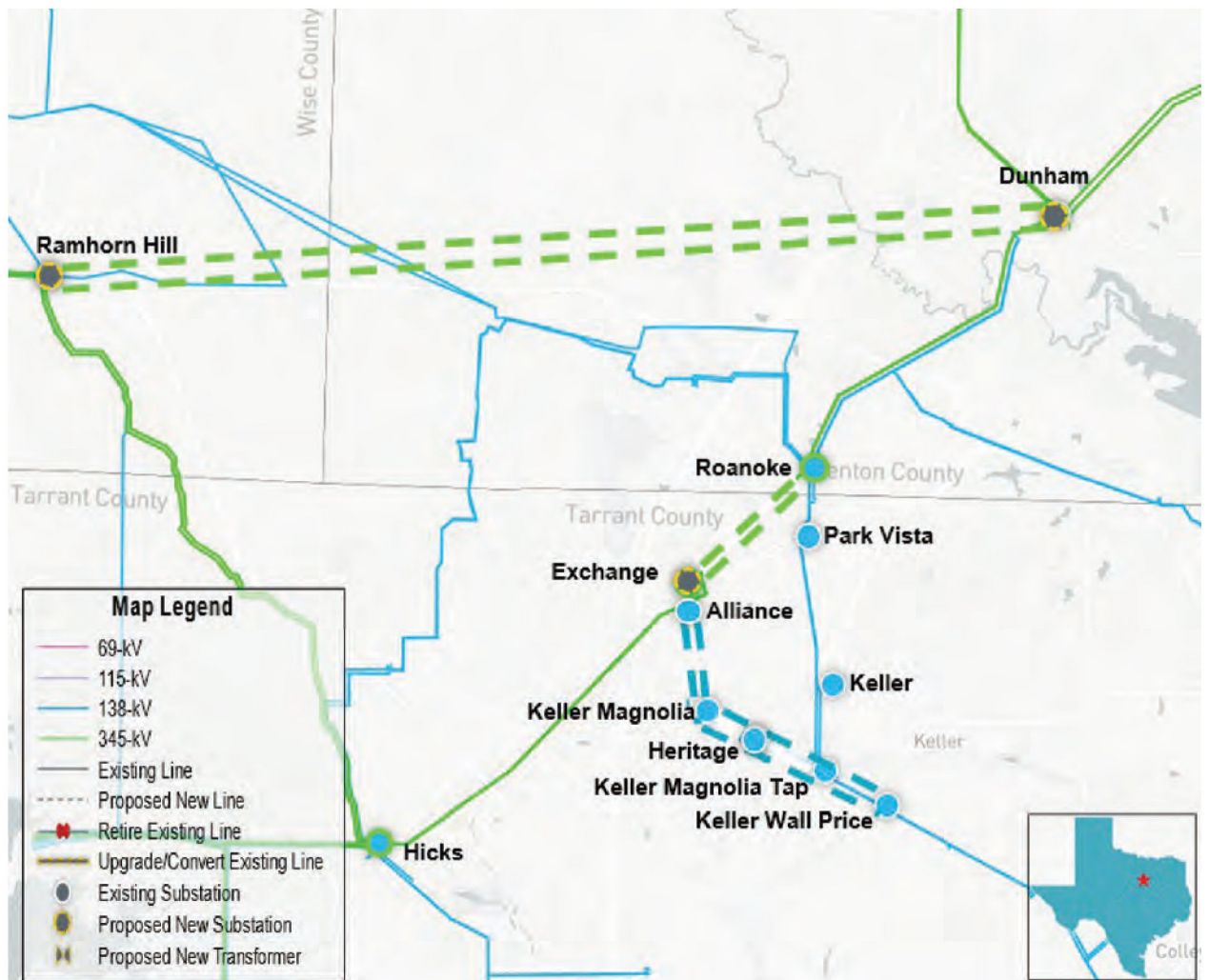


Figure 4: Map of Option 3



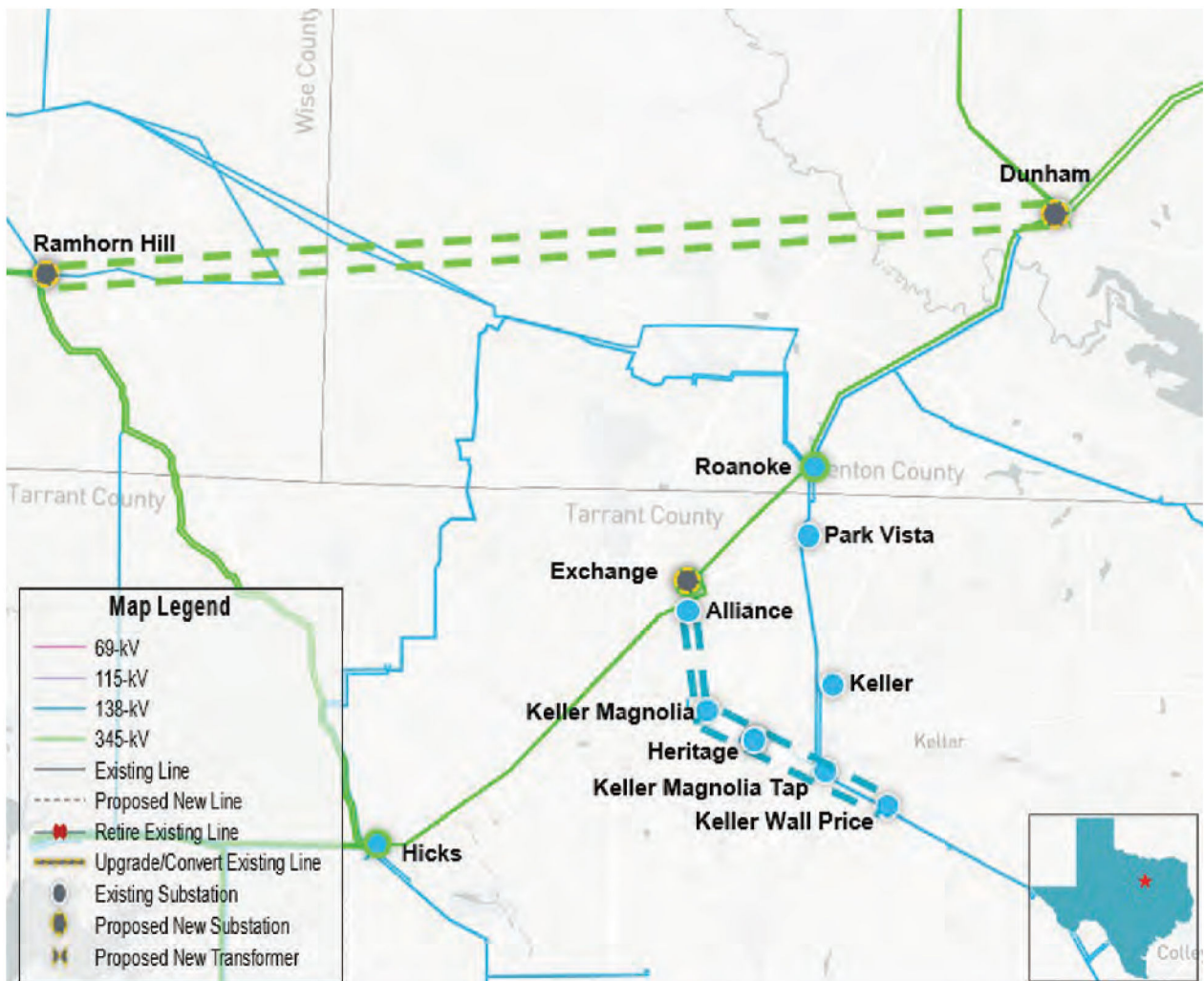


Figure 5: Map of Option 4

### 4.1 Planned Maintenance Outage (N-1-1) Analysis

ERCOT developed an off-peak scenario for planned maintenance outage (N-1-1) analysis to evaluate the operational flexibility of the short-listed options.

The load levels in the North Central Weather Zone were set to 89.3% of Summer Peak, excluding non-conforming loads, to reflect assumed off-peak season load. This was based on the review of historical real-time load data of the North Central Weather Zone.

To represent system element outages under planned maintenance conditions in the area, ERCOT conducted an N-1-1 contingency analyses based on selected single-circuit prior outages as well as based on selected double-circuit common tower prior outages for each short-listed option. As shown in Table 9, the performance of the three short-listed options was similar.

**Table 9: Results of planned maintenance outage analysis**

	Planned Maintenance Single Circuit Prior Outage		Planned Maintenance Double Circuit Common Tower Prior Outage	
	Thermal Overloads	Voltage Instability	Thermal <sup>6</sup> Overloads	Voltage Instability
Option 2	No	No	No	No
Option 3	No	No	No	No
Option 4	No	No	No	No

To further evaluate the operational flexibility of the short-listed options, an additional prior outage maintenance scenario was conducted based on input from Oncor. The results of this scenario are shown in Table 10.

**Table 10: Results of TSP Requested planned maintenance outage analysis**

	Planned Maintenance TSP Requested Scenario (X-1 + Double-Circuit Line Segment)	
	Thermal Overloads	Voltage Stability
Option 2	No	Ok
Option 3	Yes*	Ok
Option 4	Yes*	Ok

\*Roanoke 345/138-kV transformer overload

Option 2 performed better under the TSP-requested maintenance scenario.

## 4.2 Long-term Load Serving Capability Analysis

To estimate and compare the long-term load serving capability of the three short-listed options, ERCOT adjusted load up in the substations identified in the “Area Load Growth Description” Section of Oncor’s RPG submittal. To balance power, conforming load outside of the North Central weather zone was adjusted down, and N-1 contingencies were simulated.

The results of the analysis revealed that six 138-kV and one 345-kV transmission line thermal overloads would need to be addressed for all short-listed options to increase long-term load serving capability. In addition, Options 3 and 4 would require additional transmission improvements to address the overloads of the two existing 345/138-kV transformers at Roanoke in order to further increase load serving capability. The lack of a need of the additional major transmission improvements indicates that Option 2 offers a more favorable path for increasing long-term load serving capability.

<sup>6</sup> Terminal upgrade may be needed at Argyle to Corinth 138-kV line based on the double-circuit prior outage results. Independent from this RPG review, Oncor will perform more detailed review and determine the need to upgrade the terminal equipment.

## 5 Preferred Option

The study results demonstrated that all three short-listed options addressed the reliability criteria violations in the north Fort Worth/Roanoke – Alliance area. A comparison of the short-listed options, with corresponding cost estimates provided by Oncor, is summarized in Table 11.

**Table 11: Results of TSP Requested planned maintenance outage analysis**

	Option 2	Option 3	Option 4
Met ERCOT and NERC Reliability Criteria	Yes	Yes	Yes
Improved Operational Flexibility	Better	Yes	Yes
Long-term Load Serving Performance	Better	Yes	Yes
Capital Cost Estimates*	\$286 M	\$264 M	\$254 M

\* Cost estimates provided by TSP

Although Option 2 is slightly more expensive than Option 3 and 4, Option 2 provides the following benefits over the other options:

- Better long-term load serving capability
- Better operational flexibility during transformer prior outage conditions
- Eliminates 345-kV (P7) double-circuit contingency associated with transmission between Exchange and Roanoke
- Better flexibility for future utilization associated with transmission between Exchange and Roanoke

Based on the comparison of the short-listed options, ERCOT recommends Option 2 as the preferred option to address the reliability need issues in the north Fort Worth/Roanoke – Alliance area. Figure 6 shows visual depiction of the option recommended by ERCOT.



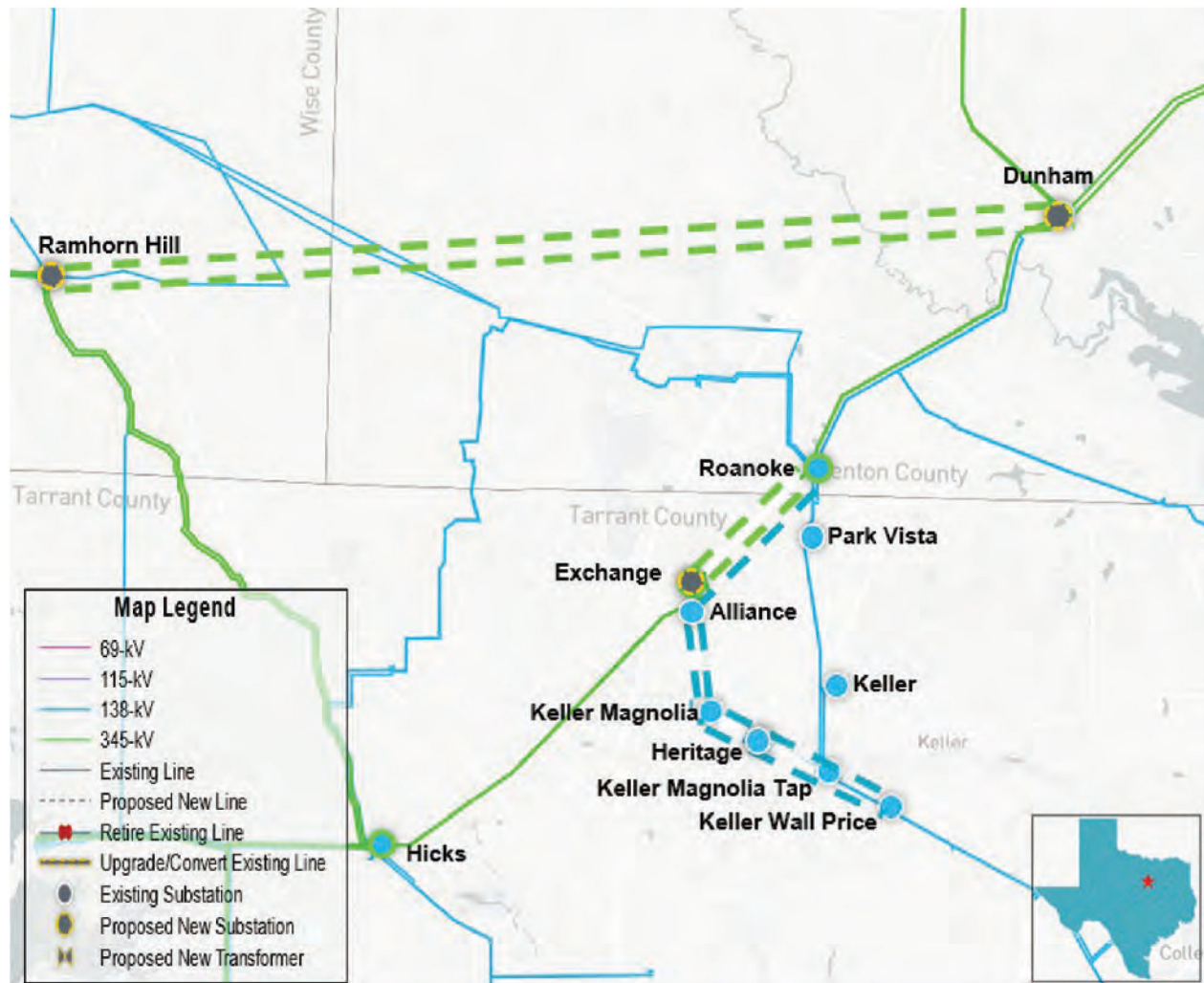


Figure 6: Map of ERCOT's Recommended Option (Option 2)

## 6 Sensitivity Studies and Sub-synchronous Resonance (SSR) Assessment

The preferred option (Option 2) is categorized as a Tier 1 project, pursuant to ERCOT Protocol Section 3.11.4.3. Therefore, ERCOT performed additional studies as required by the ERCOT Protocols and Planning Guide.

### 6.1 Planning Guide Section 3.1.1(4) Sensitivities

As required by Planning Guide Section 3.1.3(4), ERCOT performed the following generation and load sensitivity studies.

#### 6.1.1 Generation Addition Sensitivity Analysis

ERCOT performed a generation addition sensitivity analysis based on Planning Guide Section 3.1.3(4)(a). Applicable generating units were taken from the May 2022 GIS<sup>7</sup> reports and are shown in Table 12.

**Table 12: Generators with Interconnection Agreement (IA) but not Meeting Planning Guide Sec. 6.9 Conditions**

INR	Project Name	Capacity	County
20INR0208	Signal Solar	50.00	Hunt
21INR0362	Oystercatcher Solar	220.33	Ellis
21INR0421	Armadillo Solar	204	Navarro
21INR0458	Porter Solar	245	Denton
22INR0327	Hummingbird Storage	103.8	Denton
22INR0335	Estonian Solar Farm	204.47	Delta
22INR0336	Estonian Energy Storage	102.5	Delta
22INR0552	Sowers Storage	203	Kaufman
22INR0598	Noble Storage Phase II	62.5	Denton

Contingency analysis was performed with all the generators in Table 12 modeled in the study base case and dispatched based on the 2021 RTP assumptions. The results of this sensitivity analysis indicated that the generation addition cannot resolve the reliability criteria violations that serve as the need drivers for this project.

#### 6.1.2 Load Scaling Sensitivity Analysis

Planning Guide Section 3.1.3(4)(b) requires an evaluation of the potential impact of load scaling on the criteria violations seen in this ERCOT independent review. As stated in Section 2.1, ERCOT used the 2026 NNC summer peak case from the 2021 RTP and adjusted the load to create the 2026 North Central summer peak case to study the north Fort Worth/Roanoke – Alliance area. This study base case, which was created in accordance with the 2021 RTP Study Scope and Process document and Section 2.1 of this document, included load scaled down from the respective non-coincident peaks in the West, Far West, East, Coast, South and South-Central Weather Zones.

<sup>7</sup> May 2022 GIS Report: <https://www.ercot.com/mp/data-products/data-product-details?id=PG7-200-ER>

The Outage Transfer Distribution Factors (OTDFs) of overloaded elements with respect to the load transfer for each Weather Zone (excluding North and North Central Weather Zones) were calculated using PowerWorld Simulator. The OTDFs were less than 2.5% for each of the overloaded elements, i.e., they were not significant enough to have an impact on the overloaded elements. ERCOT concluded that the load scaling used to develop the base case in this study did not have a material impact on the project need.

## **6.2 Sub-synchronous Resonance (SSR) Assessment and Sensitivity Studies**

Pursuant to Nodal Protocol Section 3.22.1.3(2), ERCOT conducted a sub-synchronous-resonance (SSR) screening for the preferred option (Option 2) and found no adverse SSR impacts to the existing and planned generation resources in the study area.

## **7 Congestion Analysis**

ERCOT conducted a congestion analysis to identify any potential impact on system congestion related to the addition of the preferred option, Option 2, using the 2026 RTP 2021 economic study case.

The results of congestion analysis indicated no additional new congestion in the area with the addition of the recommended transmission upgrades.



## 8 Conclusion

The results of this independent review revealed that Option 2 can reliably address system improvement needs; improving operational flexibility and offer improved long-term load serving capability for future load growth in the north Fort Worth/Roanoke – Alliance area. Option 2, the ERCOT recommended option, includes the following system improvements:

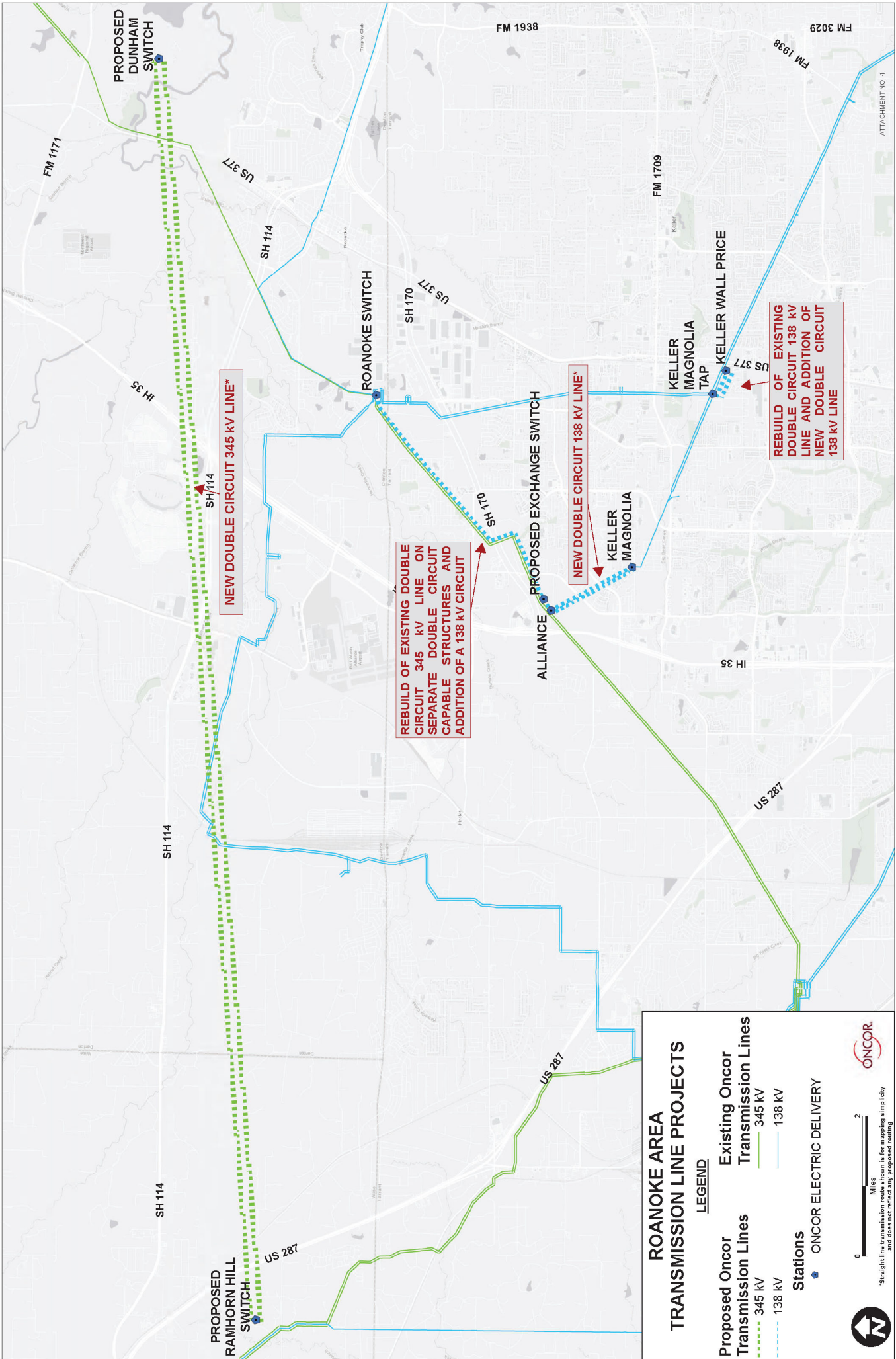
- Construct a new Ramhorn Hill 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing double-circuit Hicks to Willow Creek 345-kV lines
- Construct a new Dunham 345-kV switching station in a 10-breaker breaker-and-a-half arrangement tapped into existing Lewisville to Krum West and Lewisville to Roanoke 345-kV lines
- Construct two new Ramhorn Hill to Dunham 345-kV transmission lines, with conductor rated to at least 2987 MVA, in a new (estimated 18.4-mile) right-of-way installed on new triple-circuit towers leaving one 138-kV vacant position
- Rebuild Exchange to Roanoke 345-kV double-circuit lines, upgrading both with conductors rated to at least 2987 MVA, using separate double-circuit capable structures for each line. The line rating will be 1912/1912 MVA limited by terminal equipment at Roanoke
- Construct a new Exchange to Roanoke 138-kV circuit, with conductor rated to at least 764 MVA, using one of the Exchange to Roanoke 345-kV line double-circuit capable structures
- Construct a new Exchange 345/138-kV Switching Station, adjacent to Alliance 345-kV substation, with two new 600 MVA (nameplate) transformers in an 8-breaker 345-kV breaker-and-a-half bus arrangement and a 9-breaker 138-kV breaker-and-a-half arrangement. The normal/emergency ratings of the new transformers will be 700/750 MVA
- Convert the existing Alliance 345-kV load serving substation to 138-kV load serving operation
- Construct a new Exchange to Alliance 138-kV double-circuit line with conductors rated to at least 746 MVA
- Construct a new Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit line with conductors rated to at least 746 MVA in a new (estimated 1.4-mile) right-of-way
- Upgrade the existing Keller Magnolia to Heritage 138-kV line with conductor rated to at least 746 MVA to be installed on the Alliance to Keller Magnolia and Alliance to Heritage 138-kV double-circuit towers
- Upgrade the existing Heritage to Keller Magnolia Tap double-circuit lines with conductors rated to at least 746 MVA
- Construct a new 138-kV switching station at Keller Wall Price in a 6-breaker ring bus arrangement
- Disconnect the double-circuit Heritage to Keller Magnolia Tap lines at Keller Magnolia Tap and terminate both at Keller Wall Price by constructing two new 0.3-mile 138-kV transmission lines added to the existing Keller Magnolia Tap to Keller Wall Price right-of-way with both new line conductors rated to at least 746 MVA
- Retire Keller Magnolia Tap

The recommended project is a Tier 1 project estimated to cost approximately \$286 Million. According to Oncor, this project will require applications for Certificate of Convenience and Necessity (CCN) for the following new line sections:

- Exchange – Keller Magnolia 138-kV double-circuit line

- Keller Magnolia Tap – Keller Wall Price 138 kV Double-circuit line
- Ramhorn Hill – Dunham 345-kV double-circuit line
- Exchange – Roanoke 138-kV line

Oncor is expecting this project to be in-service by May 2025. If reliability issues arise before the entire recommended project is constructed, ERCOT and Oncor will work together to develop mitigation plans as necessary. Oncor has requested ERCOT designate the recommended project “critical” to the reliability of the system per PUCT Substantive Rule 25.101(b)(3)(D). Since there is a reliability need to have the project in place as early as 2023 based on the 2021 ERCOT Regional Transmission Plan (RTP) and the RPG submittal, ERCOT deems the project critical to reliability.



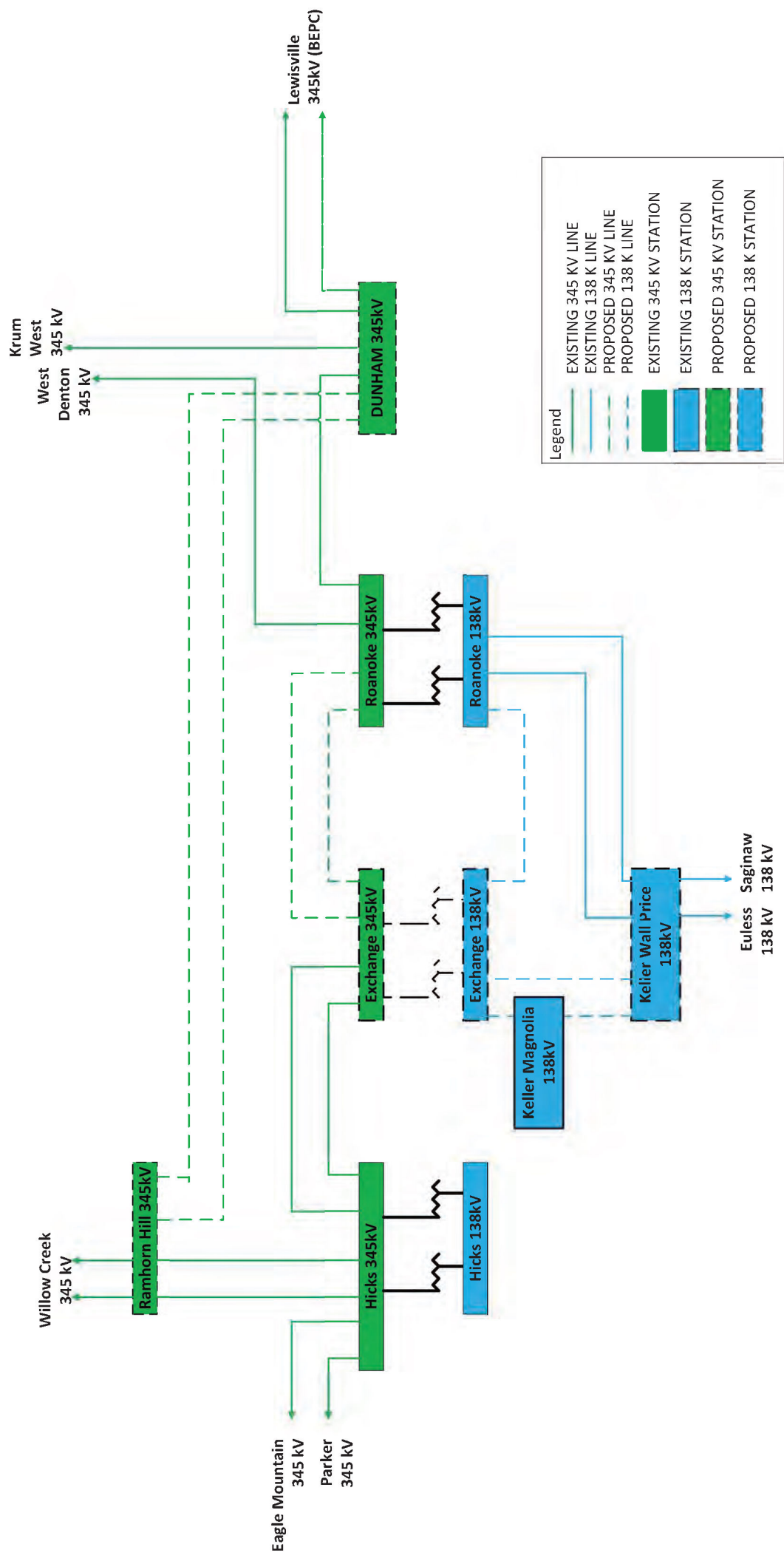
### ROANOKE AREA TRANSMISSION LINE PROJECTS

**LEGEND**

- Proposed Oncor Transmission Lines**
  - 345 KV (dashed green line)
  - 138 KV (dashed blue line)
- Existing Oncor Transmission Lines**
  - 345 KV (solid green line)
  - 138 KV (solid blue line)
- Stations**
  - ONCOR ELECTRIC DELIVERY (blue dot)

0 1 2 Miles  
 \*Straight line transmission shown is for mapping simplicity and does not reflect any proposed routing





TRACT	HABITABLE STRUCTURE	LAST NAME	FIRST NAME	BUSINESS NAME	ATTN TO/CARE OF:	ADDRESS	CITY	STATE	ZIP
01				CITY OF KELLER		PO BOX 770	KELLER	TX	76244-0770
02				PIONEER TRUCK & EQUIPMENT SALES INC		1175 N WALTON WALKER BLVD	IRVING	TX	75061
03				ONCOR ELECTRIC DELIVERY CO LLC	STATE & LOCAL TAX	PO BOX 139100	DALLAS	TX	75313
04	1.81	CORLEW	BRADLEY			26 RANCHO DR N	FORT WORTH	TX	76244-5005
04	1.81	CORLEW	LINDA			26 RANCHO DR N	FORT WORTH	TX	76244-5005
04	1.81	CORLEW	MATTHEW			26 RANCHO DR N	FORT WORTH	TX	76244-5005
05				BC III SHOPPING CENTER LLC		82 W ARMSTRONG DR	MUSTANG	OK	73064
06				BEAR CREEK PLAZA LTD		82 W ARMSTRONG DR	MUSTANG	OK	73064-3102
07	64	WILSON	JAMES S			24 RANCHO DR N	KELLER	TX	76244
08		KNAPP	ROY			30 RANCHO DR N	KELLER	TX	76244
09	50	ALLISON	ALAN D & BEATRICE			373 LA QUINTA CIR S	KELLER	TX	76248-5074
10	49	TADLOCK	STEPHEN W			365 LA QUINTA CIR N	KELLER	TX	76248-4985
11	48	SHEAFER	MARK L & SONIA Y			357 LA QUINTA CIR N	KELLER	TX	76248-4985
12	44	EHLERS	ALLEN			349 LA QUINTA CIR N	KELLER	TX	76248
12	44	FORSTER	JULIE			349 LA QUINTA CIR N	KELLER	TX	76248
13	41	SHARMA	HIMANSHU & PRACHI			341 LA QUINTA CIR N	KELLER	TX	76248
14	39	SURANI	SHAHEN			420 HILLVIEW DR	HURST	TX	76054
15	33	WINGFIELD	CRAIG D			325 LA QUINTA CIR N	KELLER	TX	76248-4985
16	28	WACKER	LAWRENCE C & RITA F			317 LA QUINTA CIR N	KELLER	TX	76248-4985
17	19	EARLY	ARLIN CREGG & TINA			825 WESTERN TR	KELLER	TX	76248-4919
18	59			THE GREGG AND DEANA SWITZER LIVING TRUST	GREGG SWITZER & DEANNA SWITZER, TRUSTEES	2712 WOODSIDE DR	ARLINGTON	TX	76016
19		MAHMOUD	MARWAN			3904 PENNY ROYAL DR	KELLER	TX	76244
19		NAJM	FAHED			3904 PENNY ROYAL DR	KELLER	TX	76244
20	10	EVERETT	GARY			824 WESTERN TRL	KELLER	TX	76248
21	9			SWAY 2014-1 BORROWER LLC		1131 W WARNER RD STE 102	TEMPE	AZ	85284
22	69			ROGER HUDGINS IRA	C/O PENSCO TRUST CO LLC, FBO SANDRA GEERS KILDAS	PO BOX 173859	DENVER	CO	80217
23	70			SANDRA GEERS KILDAS REVOCABLE LIVING TRUST		849 SANTA FE TRL	KELLER	TX	76248
24	71			ANTHONY ROGAN ESTATE & CHRISTINE ROGAN		857 SANTA FE TR	KELLER	TX	76248-4911
25	72	HALCROW	HEATHER			865 SANTA FE TR	KELLER	TX	76248-4911
26	56	JONES	JAMES SCOTT			2244 LAKE COVES DR	FLOWER MOUND	TX	75022
27	57	MOODY	GARY L AND MARY DIANE			6900 LITTLE RANCH RD	NORTH RICHLAND HILLS	TX	76182
28	58	METCALF	JAMES D AND CINDY			848 SANTA FE TR	KELLER	TX	76248-4910
29	24	MOSER	TIMOTHY A AND JERI A			309 LA QUINTA CIR N	KELLER	TX	76248
30	18	NORRELL	PAMELA			817 WESTERN TR	KELLER	TX	76248-4919
31	17	MILLER	JAZZLYN			809 WESTERN TRL	KELLER	TX	76248
31	17	OCKIMEY	JOSHUA			809 WESTERN TRL	KELLER	TX	76248
32	16	WARE	DAVID R AND GLORIA J			801 WESTERN TR	KELLER	TX	76248-4919
33	8	HENDERSON	JASON			808 WESTERN TR	KELLER	TX	76248-4918
34	7	SCHILD	GRANT L			800 WESTERN TR	KELLER	TX	76248-4918
35	2	KOSTADINOVA	NINA AND EMIL			388 LA QUINTA CIR	KELLER	TX	76248
36	3	LEVERETT	HAROLD AND PATRICIA			768 WESTERN TR	KELLER	TX	76248-4916
37	4	WHITE	LARRY RAY AND JOY ANN			776 WESTERN TR	KELLER	TX	76248-4916
38	5	LEWIS II	MARK E			784 WESTERN TRL	KELLER	TX	76248
39	6	HERSHNER	LONZIE J AND NADINE L			792 WESTERN TRL	KELLER	TX	76248
40	15	WAUGAMAN	BRIAN AND JENNIFER			773 WESTERN TR	KELLER	TX	76248-4992
41	14	HOOD	LAWRENCE AND JACQUELIN			765 WESTERN TR	KELLER	TX	76248-4992
42	13	HALE	DANIEL			9829 MAKIPOSA LN	FORT WORTH	TX	76177
43	12	SHELTON	JUSTIN D			749 WESTERN TRL	KELLER	TX	76248
44	11	MCNEILL	LINDA G			265 RANCHO GRANDE TR	KELLER	TX	76248-4991
45	20	BAILEY	SAMI D'ANNE			708 CALIFORNIA TR	KELLER	TX	76248-4914
46	21	DONNELLY	LIAM			713 CALIFORNIA TRL	KELLER	TX	76248
46	21	KARJINGI	JACQUELINE			712 CALIFORNIA TRL	KELLER	TX	76248
47	22	MULLINS, JR	MARK ALLEN			716 CALIFORNIA TRL	KELLER	TX	76248
48	23	RECH	CORDELL			720 CALIFORNIA TR	KELLER	TX	76248-4914
49	26	RAY	MICHAEL A AND MARY			724 CALIFORNIA TR	KELLER	TX	76248-4914
50	27	MENDOZA	CHRISTY A AND STEPHEN E			728 CALIFORNIA TRL	KELLER	TX	76248
51	32	COOK	ZACHERY AND SALLY			732 CALIFORNIA TRL	KELLER	TX	76248
52	38	STEVENS	RACHELLE AND ARYN			738 CALIFORNIA TRL	KELLER	TX	76248
53	40	BALDWIN	CHRISTINE			740 CALIFORNIA TRL	KELLER	TX	76248-4914
54	43	FERRELL	JUSTIN H			744 CALIFORNIA TRL	KELLER	TX	76248
55	47	BROWN	MARY K AND JACK E			748 CALIFORNIA TR	KELLER	TX	76248-4914

TRACT	HABITABLE STRUCTURE	LAST NAME	FIRST NAME	BUSINESS NAME	ATTN TO/CARE OF:	ADDRESS	CITY	STATE	ZIP
56	46	PITMAN	AMY			752 CALIFORNIA TR	KELLER	TX	76248-4914
57	45	ROGERS	COURTNEY D AND CHAD			756 CALIFORNIA TRL	KELLER	TX	76248
58	51	MORRIS	DANIEL AND TINA			792 SANTA FE TR	KELLER	TX	76248
59	52	ALLRED, JR.	MONTE			800 SANTA FE TR	KELLER	TX	76248-4910
60	53			MARQUART REVOCABLE TRUST	PETER ALEXANDER MARQUART AND BEVERLY BELANGER MARQUART, CO-TRUSTEES	501 TUMBLEWEED TR	COLLEVILLE	TX	76034
61	54	DEVINE	JOHN			816 SANTA FE TR	KELLER	TX	76248-4910
62	55	LOTT	JESSE AND GARNELL			824 SANTA FE TR	KELLER	TX	76248-4910
63	30	JANSEN	KELLY L			725 CALIFORNIA TR	KELLER	TX	76248-4915
63	30	JANSEN, JR	JAMES			725 CALIFORNIA TR	KELLER	TX	76248-4915
64	31	SILAGI	STEVEN AND CORI L			733 CALIFORNIA TR	KELLER	TX	76248-4915
65	37	GONZALES	ROBERT D AND MIRNA			741 CALIFORNIA TR	KELLER	TX	76248-4915
66	36	STAPLES	WALTER AND LYNN			749 CALIFORNIA TR	KELLER	TX	76248-4915
67	65	BARNES	SEAN AND MARIA			809 SANTA FE TRL	KELLER	TX	76248
68	66	HAROLDSON	ALIZA N AND DAVID J			817 SANTA FE TRL	KELLER	TX	76248
69	67	OTTO	ELLEN L AND JAMES E			825 SANTA FE TRL	KELLER	TX	76248
70	68	CROWDER	WILLIAM D AND DEB			833 SANTA FE TR	KELLER	TX	76248-4911
71, 82, 87	25, 77			SWH 2017-1 BORROWER LP		1717 MAIN ST STE 2000	DALLAS	TX	75201
72	29	WASHMON	TIMOTHY AND RENDA			324 LA QUINTA CIR N	KELLER	TX	76248-4937
73	34	JOHNSON	MARQUES R AND JOELLE L			332 LAQUINTA CIR N	KELLER	TX	76248
74	35	FISCUS	CHELSEA			340 LA QUINTA CIR	KELLER	TX	76248
75	42	CAGE	VERNON AND SUZANNE	QUEST IRA, INC FBO GLEN IDELL IRA #1429411		17171 PARK ROW # 100	HOUSTON	TX	77084
76						356 LA QUINTA CIR N	KELLER	TX	76248-4937
77	73	KIM	STACY			873 SANTA FE TR	KELLER	TX	76248-4911
78	74	LULLARD	PHYLLIS ANN			901 SANTA FE TR	KELLER	TX	76248-4913
79	75	GANDEE	LINDA ROSE			909 SANTA FE TR	KELLER	TX	76248-4913
80	76	KELLY	VELVET D & FARRIS R			917 SANTA FE TR	KELLER	TX	76248
81	78			CSH PROPERTY ONE LLC		1717 MAIN ST STE 2000	DALLAS	TX	75201
83		FORSTER	BRET ALAN			217 KING TR	KELLER	TX	76248-4927
84	62	GILLEY	STEPHEN			908 SANTA FE TRL	KELLER	TX	76248
85	61	NICHOLSON	MISTY	MWJ LTD LLC		900 SANTA FE TR	KELLER	TX	76248-4912
86	60					3220 MEANDERING WAY	GRANBURY	TX	76049
88				HAMPTON EMBASSY LTD		PO BOX 5287	CULVER CITY	CA	90231-5287
89				IMF & ASSEMBLY INC	TAX DEPT	1075 CHISOLM TR	KELLER	TX	76248-7000
92	63	FLORES	HARRISON & AUBREY			916 SANTA FE TR	KELLER	TX	76248
93		KING	MICHAEL & DELISA			257 RANCHO GRANDE TR	KELLER	TX	76248-4991
94		DEARING	KEELY R			801 SANTA FE TRL	KELLER	TX	76248
94		GLUECK	TYLER R			801 SANTA FE TRL	KELLER	TX	76248

COURTESY NOTICES

			Permian Basin Petroleum Association	601 N MARIENFELD ST STE 200	MIDLAND	TX	79701
			Permian Basin Petroleum Association	1122 COLORADO STREET STE 2320	AUSTIN	TX	78701
			Texas Oil and Gas Association	304 W 13TH ST	AUSTIN	TX	78701
			Texas Pipeline Association	604 W 14TH ST	AUSTIN	TX	78701
			DOD Sting Clearinghouse	3400 DEFENSE PENTAGON, ROOM 5C646	WASHINGTON	DC	20301-3400

**HABITABLE STRUCTURES WITHIN 300 FEET OF KELLER WALL PRICE —KELLER  
MAGNOLIA 138 KV TRANSMISSION LINE PROJECT**

Habitable Structure	Distance†	Direction	Description
1	251	NE	SFR‡
2	311	SW	SFR
3	252	SW	SFR
4	189	SW	SFR
5	127	SW	SFR
6	66	SW	SFR
7	55	NE	SFR
8	135	NE	SFR
9	189	NE	SFR
10	266	NE	SFR
12	255	SW	SFR
13	210	SW	SFR
14	140	SW	SFR
15	70	SW	SFR
16	45	NE	SFR
17	112	NE	SFR
18	176	NE	SFR
19	244	NE	SFR
21	264	SW	SFR
22	183	SW	SFR
23	109	SW	SFR
24	175	NE	SFR
25	311	NE	SFR
26	79	SW	SFR
27	85	SW	SFR
28	142	NE	SFR
29	289	NE	SFR
31	256	SW	SFR
32	103	SW	SFR
33	120	NE	SFR
34	276	NE	SFR
35	272	NE	SFR
37	250	SW	SFR
38	103	SW	SFR
39	107	NE	SFR
40	78	SW	SFR
41	111	NE	SFR
42	274	NE	SFR
43	79	SW	SFR
44	113	NE	SFR
45	314	SW	SFR
46	252	SW	SFR

Habitable Structure	Distance†	Direction	Description
47	165	SW	SFR
48	142	NE	SFR
49	202	NE	SFR
50	293	NE	SFR
52	261	SW	SFR
53	195	SW	SFR
54	132	SW	SFR
55	74	SW	SFR
56	47	NE	SFR
57	120	NE	SFR
58	181	NE	SFR
59	263	NE	SFR
60	307	NE	SFR
61	272	NE	SFR
62	285	NE	SFR
63	306	NE	SFR
64	310	NE	SFR
65	288	SW	SFR
66	225	SW	SFR
67	161	SW	SFR
68	92	SW	SFR
69	34	NE	SFR
70	104	NE	SFR
71	124	E	SFR
72	109	E	SFR
73	116	E	SFR
74	129	E	SFR
75	120	NE	SFR
76	143	NE	SFR
77	261	NE	SFR
78	227	NE	SFR
81	267	NE	SFR

**Notes:**

\* Direction represents the distance beginning from the habitable structure towards the provided project.

† To account for photographic interpretation limitations such as shadows, tree canopies, and horizontal accuracy of the photography, Half identified all habitable structures within a measured distance of 320 feet of the alternative route centerline.

‡ Denotes single family residence.

**HABITABLE STRUCTURES WITHIN 300 FEET OF KELLER WALL PRICE —ROANOKE 138  
KV REBUILD PROJECT**

Habitable Structure	Distance†	Direction	Description
1	278	NE	SFR‡
2	276	SW	SFR
3	217	SW	SFR
4	154	SW	SFR
5	92	SW	SFR
6	31	SW	SFR
7	90	NE	SFR
8	170	NE	SFR
9	224	NE	SFR
10	301	NE	SFR
11	306	SW	SFR
12	220	SW	SFR
13	175	SW	SFR
14	105	SW	SFR
15	35	SW	SFR
16	80	NE	SFR
17	147	NE	SFR
18	211	NE	SFR
19	279	NE	SFR
20	296	SW	SFR
21	229	SW	SFR
22	148	SW	SFR
23	74	SW	SFR
24	210	NE	SFR
26	44	SW	SFR
27	50	SW	SFR
28	177	NE	SFR
30	292	SW	SFR
31	221	SW	SFR
32	68	SW	SFR
33	155	NE	SFR
34	310	NE	SFR
35	306	NE	SFR
36	291	SW	SFR
37	216	SW	SFR
38	68	SW	SFR
39	141	NE	SFR
40	44	SW	SFR
41	144	NE	SFR
42	307	NE	SFR
43	46	SW	SFR
44	145	NE	SFR

Habitable Structure	Distance†	Direction	Description
45	281	SW	SFR
46	220	SW	SFR
47	133	SW	SFR
48	173	NE	SFR
49	233	NE	SFR
51	291	SW	SFR
52	230	SW	SFR
53	164	SW	SFR
54	101	SW	SFR
55	43	SW	SFR
56	76	NE	SFR
57	149	NE	SFR
58	210	NE	SFR
59	291	NE	SFR
65	258	SW	SFR
66	196	SW	SFR
67	132	SW	SFR
68	63	SW	SFR
69	61	NE	SFR
70	131	NE	SFR
71	198	NE	SFR
72	253	NE	SFR
81	300	NE	SFR

**Notes:**

\* Direction represents the distance beginning from the habitable structure towards the provided project.

† To account for photographic interpretation limitations such as shadows, tree canopies, and horizontal accuracy of the photography, Half identified all habitable structures within a measured distance of 320 feet of the alternative route centerline.

‡ Denotes single family residence.

***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 Project and Keller Wall Price - Roanoke 138 kV Rebuild Project in Keller, Texas***

**PUBLIC UTILITY COMMISSION OF TEXAS (“PUC”) DOCKET NO. 54733**

*Landowner*

This notice is provided to notify you that Oncor Electric Delivery Company LLC (“Oncor”) intends (1) to rebuild an existing double-circuit 138 kilovolt (kV) transmission line beginning at the existing Keller Wall Price Substation and extending approximately 0.3 miles to the northwest, and (2) to build a new double-circuit 138 kV transmission line parallel to the existing transmission line, beginning at the proposed Keller Wall Price Switch and extending approximately 0.3 miles to the northwest. The existing Keller Wall Price Substation is located west of State Highway 377, northeast of and adjacent to the intersection of Chisolm Trail and King Trail in Keller. The proposed Keller Wall Price Switch will be located directly adjacent to and south of the existing substation on Oncor’s fee-owned property. Both transmission lines will be located entirely within Oncor’s existing transmission line easement area. New structures will be needed to accommodate the new and re-built transmission lines. The estimated cost of this project is \$12,018,000.

Your land may be directly affected by this docket. If the applicant’s route is approved by the PUC, the applicant will have the right to build a facility that may directly affect your land. This docket will not determine the value of your land or the value of an easement if one is needed by the applicant to build the facility. If you have questions about this project, you may contact Michael Moore of Oncor at (214) 486-2093.

A detailed routing map may be reviewed at the following location:

<b>Display Location</b>	<b>Address</b>
Keller Town Hall	1100 Bear Creek Parkway Keller, TX 76248

***All routes and route segments included in this notice are available for selection and approval by the Public Utility Commission of Texas.***

The enclosed brochure entitled “Landowners and Transmission Line Cases at the PUC” provides basic information about how you may participate in this docket, and how you may contact the PUC. Please read this brochure carefully. The brochure includes sample forms for making comments and for making a request to intervene as a party in this docket. ***The only way to fully participate in the PUC’s decision on where to locate the transmission line is to intervene in the docket. It is important for an affected person to intervene because the utility is not obligated to keep affected persons informed of the PUC’s proceedings and cannot predict which route may or may not be approved by the PUC.***



In addition to the contacts listed in the brochure, you may call the PUC's Customer Assistance Hotline at (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the PUC's Customer Assistance Hotline at (512) 936-7136 or toll free at (800) 735-2989. If you wish to participate in this proceeding by becoming an intervenor, the deadline for intervention in the proceeding is **May 8, 2023**, which is 46 days after the filing of the application. The PUC must receive a letter from you requesting intervention by that date if you choose to intervene. The request to intervene form is included with your brochure.

The preferred method for you to file your request for intervention is electronically. If you decide to file a request for intervention, you will be required to serve the request on all other parties by email. Therefore, please include your own email address on the intervention form. Instructions for electronic filing via the "PUC Filer" on the PUC's website can be found here: <https://interchange.puc.texas.gov/filer>. Instructions for using the PUC Filer are available at [https://ftp.puc.texas.gov/public/puct-info/industry/filings/E-Filing\\_Instructions.pdf](https://ftp.puc.texas.gov/public/puct-info/industry/filings/E-Filing_Instructions.pdf). For assistance with your electronic filing, please contact the PUC's Help Desk at (512) 936-7100 or [helpdesk@puc.texas.gov](mailto:helpdesk@puc.texas.gov). You can review materials filed in this docket on the PUC Interchange at: <http://interchange.puc.texas.gov>.

While the preferred method for submitting a request for intervention is electronically, you may file your request for intervention by mailing a hard copy of your request to the PUC. Any request must be received by the intervention deadline date of **May 8, 2023**. If you are not filing your request for intervention electronically, mail the request for intervention and 10 copies of the request to:

Public Utility Commission of Texas  
Central Records  
Attn: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

Persons who wish to intervene in the docket must also email or mail a copy of their request for intervention to all parties in the docket and all persons that have pending motions to intervene, at or before the time the request for intervention is electronically filed with, or mailed to, the PUC. In addition to the intervention deadline, other important deadlines may already exist that affect your participation in this docket. You should review the orders and other filings already made in the docket. The enclosed brochure explains how you can access these filings.

Enclosures:

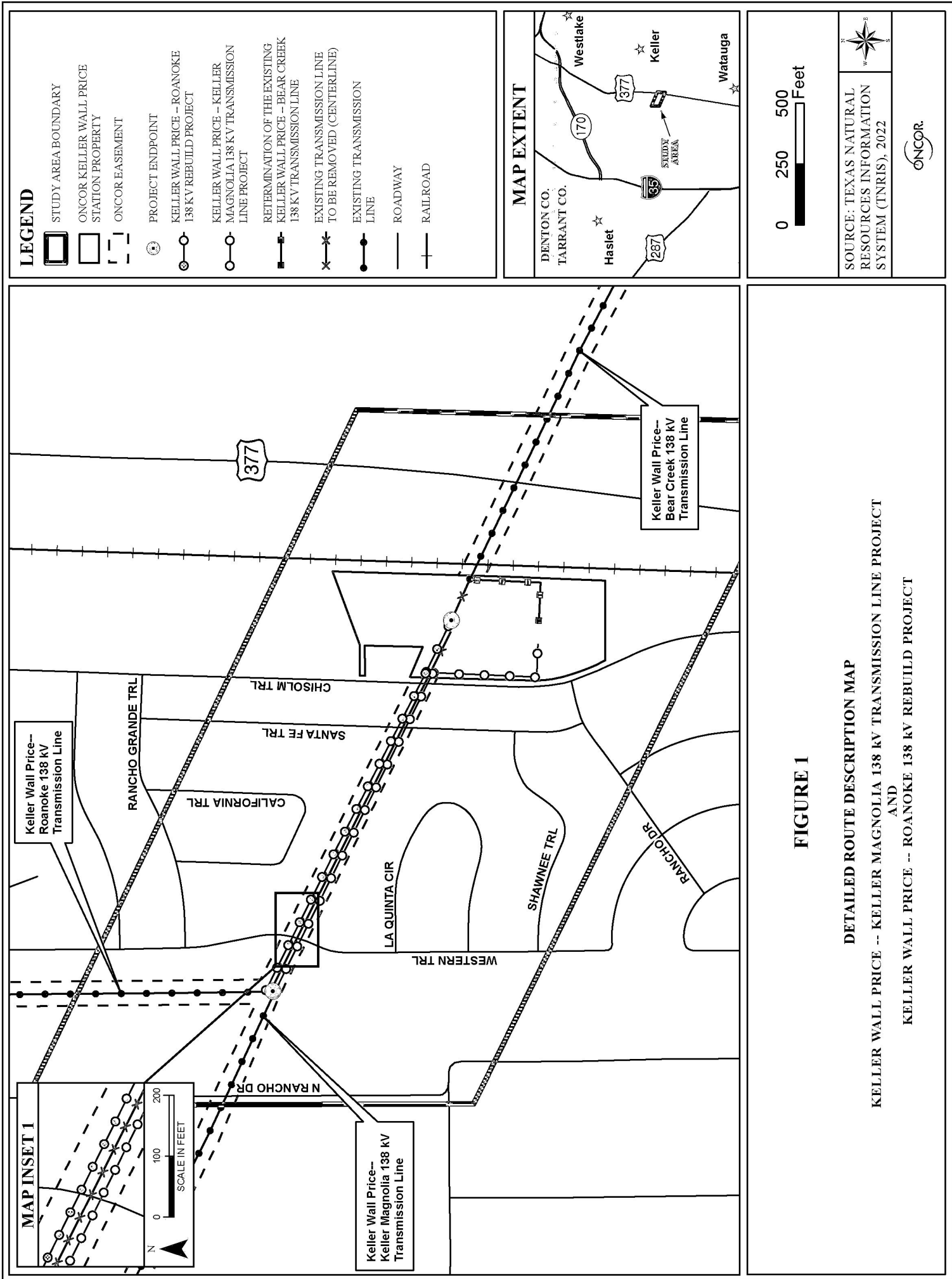
- Route Description and Map
- Brochure: Landowners & Transmission Line Cases at the PUC
- Request to Intervene Form
- Comment Form
- The State of Texas Landowner's Bill of Rights

### **KELLER WALL PRICE—KELLER MAGNOLIA 138 kV TRANSMISSION LINE PROJECT**

This project begins from Oncor's existing Keller Wall Price station property, extending west approximately 135 feet to an angle point. From this angle point, the project extends approximately 425 feet in a northerly direction parallel to Chisolm Trail, within Oncor-owned property, to an angle point. From this angle point, the project extends in a northwesterly direction approximately 1,475 feet within existing Oncor easement areas to the project endpoint within an existing Oncor easement. This portion of the project crosses Chisolm Trail, Santa Fe Trail, and Western Trail.

### **KELLER WALL PRICE—ROANOKE 138 kV REBUILD PROJECT**

This project begins from Oncor's existing Keller Wall Price station property and extends in a northwesterly direction approximately 1,700 feet within existing Oncor easement areas to the project endpoint within an existing Oncor easement. The project crosses Chisolm Trail, Santa Fe Trail, and Western Trail.



**FIGURE 1**

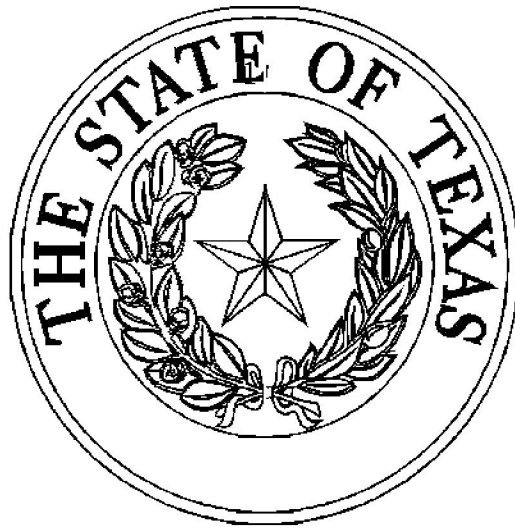
**DETAILED ROUTE DESCRIPTION MAP**  
**KELLER WALL PRICE -- KELLER MAGNOLIA 138 KV TRANSMISSION LINE PROJECT**  
**AND**  
**KELLER WALL PRICE -- ROANOKE 138 KV REBUILD PROJECT**

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# Landowners and Transmission Line Cases at the PUC

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*Public Utility Commission of Texas*



1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7260  
[www.puc.state.tx.us](http://www.puc.state.tx.us)

Effective: June 1, 2011

## ***Purpose of This Brochure***

This brochure is intended to provide landowners with information about proposed new transmission lines and the Public Utility Commission's ("PUC" or "Commission") process for evaluating these proposals. At the end of the brochure is a list of sources for additional information.

The following topics are covered in this brochure:

- How the PUC evaluates whether a new transmission line should be built,
- How you can participate in the PUC's evaluation of a line, and
- How utilities acquire the right to build a transmission line on private property.

You are receiving the enclosed formal notice because one or more of the routes for a proposed transmission line may require an easement or other property interest across your property, or the centerline of the proposed project may come within 300 feet of a house or other habitable structure on your property. This distance is expanded to 500 feet if the proposed line is greater than 230 kilovolts (kV). For this reason, your property is considered **directly affected land**. This brochure is being included as part of the formal notice process.

If you have questions about the proposed routes for a transmission line, you may contact the applicant. The applicant also has a more detailed map of the proposed routes for the transmission line and nearby habitable structures. The applicant may help you understand the routing of the project and the application approval process in a transmission line case but cannot provide legal advice or represent you. *The applicant cannot predict which route may or may not be approved by the PUC. The PUC decides which route to use for the transmission line, and the applicant is not obligated to keep you informed of the PUC's proceedings. The only way to fully participate in the PUC's decision on where to locate the transmission line is to intervene, which is discussed below.*

The PUC is sensitive to the impact that transmission lines have on private property. At the same time, transmission lines deliver electricity to millions of homes and businesses in Texas, and new lines are sometimes needed so that customers can obtain reliable, economical power.

The PUC's job is to decide whether a transmission line application should be approved and on which route the line should be constructed. The PUC values input from landowners and encourages you to participate in this process by intervening in the docket.

## ***PUC Transmission Line Case***

Texas law provides that most utilities must file an application with the PUC to obtain or amend a Certificate of Convenience and Necessity (CCN) in order to build a new transmission line in Texas. The law requires the PUC to consider a number of factors in deciding whether to approve a proposed new transmission line.

The PUC may approve an application to obtain or amend a CCN for a transmission line after considering the following factors:

- Adequacy of existing service;
- Need for additional service;
- The effect of approving the application on the applicant and any utility serving the proximate area;
- Whether the route utilizes existing compatible rights-of-way, including the use of vacant positions on existing multiple-circuit transmission lines;
  - Whether the route parallels existing compatible rights-of-way;
  - Whether the route parallels property lines or other natural or cultural features;
  - Whether the route conforms with the policy of prudent avoidance (which is defined as the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort); and
  - Other factors such as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in the area.

If the PUC decides an application should be approved, it will grant to the applicant a CCN or CCN amendment to allow for the construction and operation of the new transmission line.



### ***Application to Obtain or Amend a CCN:***

An application to obtain or amend a CCN describes the proposed line and includes a statement from the applicant describing the need for the line and the impact of building it. In addition to the routes proposed by the applicant in its application, the possibility exists that additional routes may be developed, during the course of a CCN case, that could affect property in a different manner than the original routes proposed by the applicant.

The PUC conducts a case to evaluate the impact of the proposed line and to decide which route should be approved. Landowners who would be affected by a new line can:

- informally file a protest, or
- formally participate in the case as an intervenor.

### ***Filing a Protest (informal comments):***

If you do not wish to intervene and participate in a hearing in a CCN case, you may file **comments**. An individual or business or a group who files only comments for or against any aspect of the transmission line application is considered a “protestor.”

Protestors make a written or verbal statement in support of or in opposition to the utility’s application and give information to the PUC staff that they believe supports their position.

Protestors are *not* parties to the case, however, and do not have the right to:

- Obtain facts about the case from other parties;
- Receive notice of a hearing, or copies of testimony and other documents that are filed in the case;
- Receive notice of the time and place for negotiations;
- File testimony and/or cross-examine witnesses;
- Submit evidence at the hearing; or
- Appeal P.U.C. decisions to the courts.

If you want to make comments, you may either send written comments stating your position, or you may make a statement on the first day of the hearing. If you have not intervened, however, you will not be able to participate as a party in the hearing. Only parties may submit evidence and ***the PUC must base its decision on the evidence.***

### ***Intervening in a Case:***

To become an intervenor, you must file a statement with the PUC, no later than the date specified in the notice letter sent to you with this brochure, requesting intervenor status (also referred to as a party). This statement should describe how the proposed transmission line would affect your property. Typically, intervention is granted only to directly affected landowners. However, any landowner may request to intervene and obtain a ruling on his or her specific fact situation and concerns. A sample form for intervention and the filing address are attached to this brochure, and may be used to make your filing. A letter requesting intervention may also be used in lieu of the sample form for intervention.

If you decide to intervene and become a party in a case, you will be required to follow certain procedural rules:

- You are required to timely respond to requests for information from other parties who seek information.
- If you file testimony, you must appear at a hearing to be cross-examined.
- If you file testimony or any letters or other documents in the case, you must send copies of the documents to every party in the case and you must file multiple copies with the PUC.

If you intend to participate at the hearing and you do not file testimony, you must at least file a statement of position, which is a document that describes your position in the case.

Failure to comply with these procedural rules may serve as grounds for you to be dismissed as an intervenor in the case.

If you wish to participate in the proceedings it is very important to attend any prehearing conferences.

Intervenors may represent themselves or have an attorney to represent them in a CCN case. If you intervene in a case, you may want an attorney to help you understand the PUC’s procedures and the laws and rules that the PUC applies in deciding whether to approve a transmission line. The PUC encourages landowners to intervene and become parties.

### *Stages of a CCN Case:*

If there are persons who intervene in the case and oppose the approval of the line, the PUC may refer the case to an administrative law judge (ALJ) at the State Office of Administrative Hearings (SOAH) to conduct a hearing, or the Commission may elect to conduct a hearing itself. The hearing is a formal proceeding, much like a trial, in which testimony is presented. In the event the case is referred to SOAH, the ALJ makes a recommendation to the PUC on whether the application should be approved and where and how the line should be routed.

There are several stages of a CCN case:

- The ALJ holds a prehearing conference (usually in Austin) to set a schedule for the case.
  - Parties to the case have the opportunity to conduct discovery; that is, obtain facts about the case from other parties.
  - A hearing is held (usually in Austin), and parties have an opportunity to cross-examine the witnesses.
  - Parties file written testimony before the date of the hearing. Parties that do not file written testimony or statements of position by the deadline established by the ALJ may not be allowed to participate in the hearing on the merits. Parties may file written briefs concerning the evidence presented at the hearing, but are not required to do so.
- In deciding where to locate the transmission line and other issues presented by the application, the ALJ and Commission rely on factual information submitted as evidence at the hearing by the parties in the case. In order to submit factual information as evidence (other than through cross-examination of other parties' witnesses), a party must have intervened in the docket and filed written testimony on or before the deadline set by the ALJ.
- The ALJ makes a recommendation, called a **proposal for decision**, to the Commission regarding the case. Parties who disagree with the ALJ's recommendation may file exceptions.
- The Commissioners discuss the case and decide whether to approve the application. The Commission may approve the ALJ's recommendation, approve it with specified changes, send the case back to the ALJ for further consideration, or deny the application. The written decision rendered by the Commission is called a **final order**. Parties who believe that the Commission's decision is in error may file motions for rehearing, asking the Commission to reconsider the decision.
- After the Commission rule on the motion for rehearing, parties have the right to appeal the decision to district court in Travis County.

### *Right to Use Private Property*

The Commission is responsible for deciding whether to approve a CCN application for a proposed transmission line. If a transmission line route is approved that impacts your property, the electric utility must obtain the right from you to enter your property and to build, operate, and maintain the transmission line. This right is typically called an easement.

Utilities may buy easements through a negotiated agreement, but they also have the power of eminent domain (condemnation) under Texas law. Local courts, not the PUC, decide issues concerning easements for rights-of-way. The PUC does not determine the value of property.

The PUC final order in a transmission case normally requires a utility to take certain steps to minimize the impact of the new transmission line on landowners' property and on the environment. For example, the order normally requires steps to minimize the possibility of erosion during construction and maintenance activities.

## HOW TO OBTAIN MORE INFORMATION

The PUC's online filings interchange on the PUC website provides free access to documents that are filed with the Commission in Central Records. The docket number, also called a control number on the PUC website, of a case is a key piece of information used in locating documents in the case. You may access the Interchange by visiting the PUC's website home page at [www.puc.state.tx.us](http://www.puc.state.tx.us) and navigate the website as follows:

- Select "Filings."  
Select "Filings Search."  
Select "Filings Search."  
Enter 5-digit Control (Docket) Number. *No other information is necessary.*  
Select "Search." *All of the filings in the docket will appear in order of date filed.*  
Scroll down to select desired filing.  
Click on a blue "Item" number at left.  
Click on a "Download" icon at left.

Documents may also be purchased from and filed in Central Records. For more information on how to purchase or file documents, call Central Records at the PUC at 512-936-7180.

PUC Substantive Rule 25.101, Certification Criteria, addresses transmission line CCNs and is available on the PUC's website, or you may obtain copies of PUC rules from Central Records.

***Always include the docket number on all filings with the PUC. You can find the docket number on the enclosed formal notice.*** Send documents to the PUC at the following address.

Public Utility Commission of Texas  
Central Records  
Attn: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

The information contained within this brochure is not intended to provide a comprehensive guide to landowner rights and responsibilities in transmission line cases at the PUC. This brochure should neither be regarded as legal advice nor should it be a substitute for the PUC's rules. However, if you have questions about the process in transmission line cases, you may call the PUC's Legal Division at 512-936-7260. The PUC's Legal Division may help you understand the process in a transmission line case but cannot provide legal advice or represent you in a case. You may choose to hire an attorney to decide whether to intervene in a transmission line case, and an attorney may represent you if you choose to intervene.

### ***Communicating with Decision-Makers***

***Do not contact the ALJ or the Commissioners by telephone or email. They are not allowed to discuss pending cases with you. They may make their recommendations and decisions only by relying on the evidence, written pleadings, and arguments that are presented in the case.***

**Request to Intervene in PUC Docket No. 54733**

The following information must be submitted by the person requesting to intervene in this proceeding. This completed form will be provided to all parties in this docket. **If you DO NOT want to be an intervenor, but still want to file comments, please complete the "Comments" page.**

For USPS, send one copy to:

For all other delivery or courier services, send one copy to:

Public Utility Commission of Texas  
Central Records  
P.O. Box 13326  
Austin, TX 78711-3326

Public Utility Commission of Texas  
Central Records  
1701 N. Congress Ave.  
Austin, TX 78701

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Address, City, State: \_\_\_\_\_

Email Address: \_\_\_\_\_

**I am requesting to intervene in this proceeding. As an INTERVENOR, I understand the following:**

- I am a party to the case;
- I am required to respond to all discovery requests from other parties in the case;
- If I file testimony, I may be cross-examined in the hearing;
- If I file any documents in the case, I will have to provide a copy of that document to every other party in the case; and
- I acknowledge that I am bound by the Procedural Rules of the Public Utility Commission of Texas (PUC) and the State Office of Administrative Hearings (SOAH).

**Please check one of the following:**

- I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- One or more of the utility's proposed routes would cross my property.
- Other. Please describe and provide comments. You may attach a separate page, if necessary.

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**Signature of person requesting intervention:**

\_\_\_\_\_ Date: \_\_\_\_\_

Effective: April 8, 2020

# Comments in Docket No. 54733

**If you want to be a PROTESTOR only, please complete this form.** Although public comments are not treated as evidence, they help inform the PUC and its staff of the public concerns and identify issues to be explored. The PUC welcomes such participation in its proceedings.

For USPS, send one copy to:

Public Utility Commission of Texas  
Central Records  
P.O. Box 13326  
Austin, TX 78711-3326

For all other delivery or courier services, send one copy to:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress Ave.  
Austin, TX 78701

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Address, City, State: \_\_\_\_\_

**I am NOT requesting to intervene in this proceeding. As a PROTESTOR, I understand the following:**

- I am NOT a party to this case;
- My comments are not considered evidence in this case; and
- I have no further obligation to participate in the proceeding.

**Please check one of the following:**

- I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- One or more of the utility's proposed routes would cross my property.
- Other. Please describe and provide comments. You may attach a separate page, if necessary. \_\_\_\_\_

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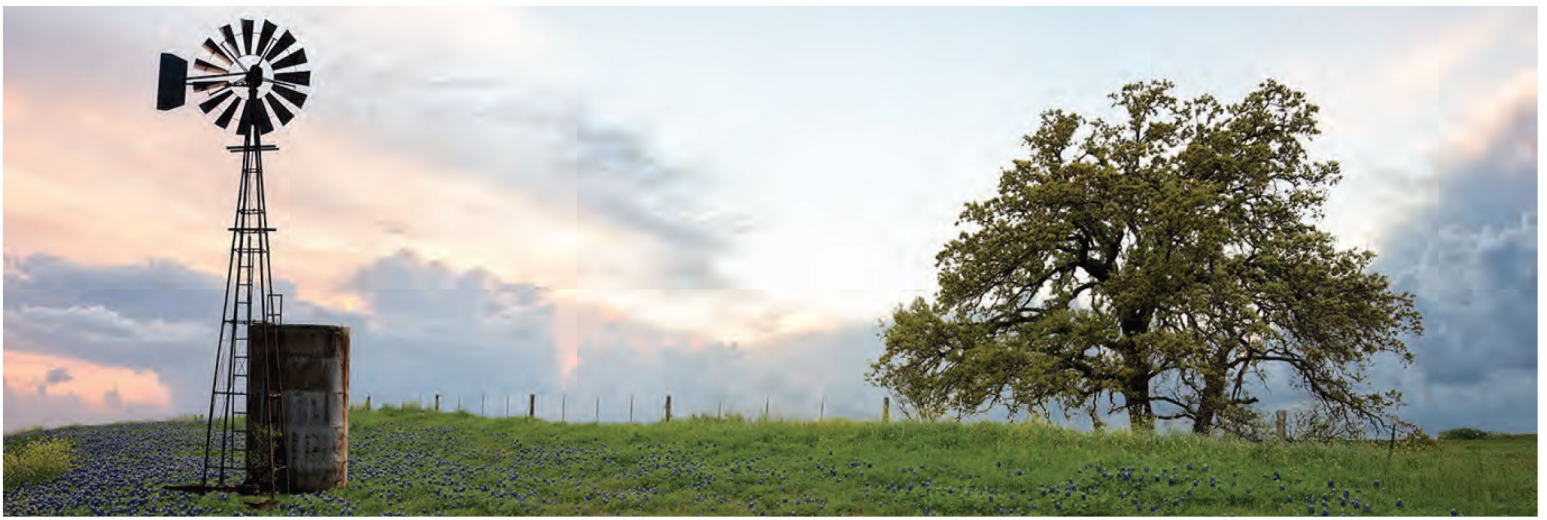
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**Signature of person submitting comments:**

\_\_\_\_\_ Date: \_\_\_\_\_





THE STATE OF TEXAS

# LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt to condemn your property. The contents of this Bill of Rights are set out by the Texas Legislature in Texas Government Code section 402.031 and chapter 21 of the Texas Property Code. Any entity exercising eminent domain authority must provide a copy of this Bill of Rights to you.

1. You are entitled to receive adequate compensation if your property is condemned.
2. Your property can only be condemned for a public use.
3. Your property can only be condemned by a governmental entity or private entity authorized by law to do so.
4. The entity that wants to acquire your property must notify you that it intends to condemn your property.
5. The entity proposing to acquire your property must provide you with a written appraisal from a certified appraiser detailing the adequate compensation you are owed for your property.
6. If you believe that a registered easement or right-of-way agent acting on behalf of the entity that wants to acquire your property has engaged in misconduct, you may file a written complaint with the Texas Real Estate Commission (TREC) under section 1101.205 of the Texas Occupations Code. The complaint should be signed and may include any supporting evidence.
7. The condemning entity must make a bona fide offer to buy the property before it files a lawsuit to condemn the property—meaning the condemning entity must make a good faith offer that conforms with chapter 21 of the Texas Property Code.
8. You may hire an appraiser or other professional to determine the value of your property or to assist you in any condemnation proceeding.
9. You may hire an attorney to negotiate with the condemning entity and to represent you in any legal proceedings involving the condemnation.
10. Before your property is condemned, you are entitled to a hearing before a court-appointed panel of three special commissioners. The special commissioners must determine the amount of compensation the condemning entity owes for condemning your property. The commissioners must also determine what compensation, if any, you are entitled to receive for any reduction in value of your remaining property.
11. If you are unsatisfied with the compensation awarded by the special commissioners, or if you question whether the condemnation of your property was proper, you have the right to a trial by a judge or jury. You may also appeal the trial court's judgment if you are unsatisfied with the result.



PREPARED BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS • JANUARY 2022



## CONDEMNATION PROCEDURE

Eminent domain is the legal authority certain governmental and private entities have to condemn private property for public use in exchange for adequate compensation. Only entities authorized by law to do so may condemn private property. Private property can include land and certain improvements that are on that property.

### WHO CAN I HIRE TO HELP ME?

You can hire an appraiser or real estate professional to help you determine the value of your property as well as an attorney to negotiate with a condemning entity or to represent you during condemnation proceedings.

### WHAT QUALIFIES AS A PUBLIC PURPOSE OR USE?

Your property may be condemned only for a purpose or use that serves the general public. This could include building or expanding roadways, public utilities, parks, universities, and other infrastructure serving the public. Texas law does not allow condemning authorities to exercise eminent domain for tax revenue or economic development.

### WHAT IS ADEQUATE COMPENSATION?

Adequate compensation typically means the market value of the property being condemned. It could also include certain damages if your remaining property's market value is diminished by the condemnation or the public purpose for which it is being condemned.

### OTHER THAN ADEQUATE COMPENSATION, WHAT OTHER COMPENSATION COULD I BE OWED?

If you are displaced from your residence or place of business, you may be entitled to reimbursement for reasonable expenses incurred while moving to a new site. However, reimbursement costs may not be available if those expenses are recoverable under another law. Also, reimbursement costs are capped at the market value of the property.

### WHAT DOES A CONDEMNOR HAVE TO DO BEFORE CONDEMNING MY PROPERTY?

- ◆ Provide you a copy of this Landowner's Bill of Rights before, or at the same time as, the entity first represents that it possesses eminent domain authority. It is also required to send this Landowner's Bill of Rights to the last known

address of the person listed as the property owner on the most recent tax roll at least seven days before making its final offer to acquire the property.

- If the condemnor seeks to condemn a right-of-way easement for a pipeline or electric transmission line and is a private entity, the condemnor must also provide you a copy of the Landowner's Bill of Rights addendum.
- The addendum describes the standard terms required in an instrument conveying property rights (such as a deed transferring title or an easement spelling out the easement rights) and what terms you can negotiate.
- ◆ Make a bona fide offer to purchase the property. This process is described more fully in chapter 21 of the Texas Property Code. A "bona fide offer" involves both an initial written offer as well as a final written offer.
  - The initial written offer must include:
    - » a copy of the Landowner's Bill of Rights and addendum (if applicable);
    - » either a large-font, bold-print statement saying whether the offered compensation includes damages to the remainder of your remaining property or a formal appraisal of the property that identifies any damages to the remaining property (if any);
    - » the conveyance instrument (such as an easement or deed); and
    - » the name and telephone number of an employee, affiliate, or legal representative of the condemning entity.
  - The final written offer must be made at least 30 days after the initial written offer and must include, if not previously provided:
    - » compensation equal to or more than the amount listed in a written, certified appraisal that is provided to you;
    - » copies of the conveyance instrument; and
    - » the Landowner's Bill of Rights.
- ◆ Disclose any appraisal reports. When making its initial offer, the condemning entity must share its appraisal reports that relate to the property from the past 10 years. You have the right to discuss the offer with others and to either accept or reject the offer made by the condemning entity.



### **WHAT IF I DO NOT ACCEPT AN OFFER BY THE CONDEMNING AUTHORITY?**

The condemnor must give you at least 14 days to consider the final offer before filing a lawsuit to condemn your property, which begins the legal condemnation process.

### **HOW DOES THE LEGAL CONDEMNATION PROCESS START?**

The condemnor can start the legal condemnation process by filing a lawsuit to acquire your property in the appropriate court of the county where the property is located. When filing the petition, the condemnor must send you a copy of the petition

by certified mail, return receipt requested, and first class mail. It must also send a copy to your attorney if you are represented by counsel.

### **WHAT DOES THE CONDEMNOR HAVE TO INCLUDE IN THE LAWSUIT FILED WITH THE COURT?**

The lawsuit must describe the property being condemned and state the following: the public use; your name; that you and the condemning entity were unable to agree on the value of the property; that the condemning entity gave you the Landowner's Bill of Rights; and that the condemning entity made a bona fide offer to voluntarily purchase the property from you.

## **SPECIAL COMMISSIONERS' HEARING AND AWARD**

No later than 30 days after the condemning entity files a condemnation lawsuit in court, the judge will appoint three local landowners to serve as special commissioners and two alternates. The judge will promptly give the condemnor a signed order appointing the special commissioners and the condemnor must give you, your lawyer, and other parties a copy of the order by certified mail, return receipt requested. The special commissioners will then schedule a condemnation hearing at the earliest practical time and place and to give you written notice of the hearing.



### **WHAT DO THE SPECIAL COMMISSIONERS DO?**

The special commissioners' job is to decide what amount of money is adequate to compensate you for your property. The special commissioners will hold a hearing where you and other interested parties may introduce evidence. Then the special commissioners will determine the amount of money that is adequate compensation and file their written decision, known as an "Award," in the court with notice to all parties. Once the Award is filed, the condemning entity may take possession and start using the property being condemned, even if one or more parties object to the Award of the special commissioners.

### **ARE THERE LIMITATIONS ON WHAT THE SPECIAL COMMISSIONERS CAN DO?**

Yes. The special commissioners are tasked only with determining

monetary compensation for the value of the property condemned and the value of any damages to the remaining property. They do not decide whether the condemnation is necessary or if the public use is proper. Further, the special commissioners do not have the power to alter the terms of an easement, reduce the size of the land acquired, or say what access will be allowed to the property during or after the condemnation. The special commissioners also cannot determine who should receive what portion of the compensation they award. Essentially, the special commissioners are empowered only to say how much money the condemnor should pay for the land or rights being acquired.

### **WHO CAN BE A SPECIAL COMMISSIONER?**

Special commissioners must be landowners and residents in the county where the condemnation proceeding is filed, and they must take an oath to assess the amount of adequate compensation fairly, impartially, and according to the law.

### **WHAT IF I WANT TO OBJECT TO A SPECIAL COMMISSIONER?**

The judge must provide to the parties the names and contact information of the special commissioners and alternates. Each party will have up to 10 days after the date of the order appointing the special commissioners or 20 days after the date the petition was filed, whichever is later, to strike one of the three special commissioners. If a commissioner is struck, an alternate will serve as a replacement. Another party may strike a special commissioner from the resulting panel within three days after the date the initial strike was filed or the date of the initial strike deadline, whichever is later.

### **WHAT WILL HAPPEN AT THE SPECIAL COMMISSIONERS' HEARING?**

The special commissioners will consider any evidence (such as appraisal reports and witness testimony) on the value of your condemned property, the damages or value added to remaining property that is not being condemned, and the condemning entity's proposed use of the property.

### **WHAT ARE MY RIGHTS AT THE SPECIAL COMMISSIONERS' HEARING?**

You have the right to appear or not appear at the hearing. If you do appear, you can question witnesses or offer your own evidence on the value of the property. The condemning entity must give you all existing appraisal reports regarding your property used to determine an opinion of value at least three days before the hearing. If you intend to use appraisal reports to support your claim about adequate compensation, you must provide them to the condemning entity 10 days after you receive them or three business days before the hearing, whichever is earlier.

### **DO I HAVE TO PAY FOR THE SPECIAL COMMISSIONERS' HEARING?**

If the special commissioners' award is less than or equal to the amount the condemning entity offered to pay before the proceedings began, then you may be financially responsible for the cost of the condemnation proceedings. But, if the award is more than the condemning entity offered to pay before the proceedings began, then the condemning entity will be responsible for the costs.

### **WHAT DOES THE CONDEMNOR NEED TO DO TO TAKE POSSESSION OF THE PROPERTY?**

Once the condemning entity either pays the amount of the award to you or deposits it into the court's registry, the entity may take possession of the property and put the property to public use. Non-governmental condemning authorities may also be required to post bonds in addition to the award amount. You have the right to withdraw funds that are deposited into the registry of the court, but when you withdraw the money, you can no longer challenge whether the eminent domain action is valid—only whether the amount of compensation is adequate.

## **OBJECTING TO THE SPECIAL COMMISSIONERS' AWARD**

If you, the condemning entity, or any other party is unsatisfied with the amount of the award, that party can formally object. The objection must be filed in writing with the court and is due by the first Monday following the 20th day after the clerk gives notice that the commissioners have filed their award with the court. If no party timely objects to the special commissioners' award, the court will adopt the award amount as the final compensation due and issue a final judgment in absence of objection.

### **WHAT HAPPENS AFTER I OBJECT TO THE SPECIAL COMMISSIONERS' AWARD?**

If a party timely objects, the court will hear the case just like other civil lawsuits. Any party who objects to the award has the

right to a trial and can elect whether to have the case decided by a judge or jury.

### **WHO PAYS FOR TRIAL?**

If the verdict amount at trial is greater than the amount of the special commissioners' award, the condemnor may be ordered to pay costs. If the verdict at trial is equal to or less than the amount the condemnor originally offered, you may be ordered to pay costs.

### **IS THE TRIAL VERDICT THE FINAL DECISION?**

Not necessarily. After trial any party may appeal the judgment entered by the court.





## DISMISSAL OF THE CONDEMNATION ACTION

A condemnation action may be dismissed by either the condemning authority itself or on a motion by the landowner.

### WHAT HAPPENS IF THE CONDEMNING AUTHORITY NO LONGER WANTS TO CONDEMN MY PROPERTY?

If a condemning entity decides it no longer needs your condemned property, it can file a motion to dismiss the condemnation proceeding. If the court grants the motion to dismiss, the case is over, and you can recover reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses up to that date.

### WHAT IF I DO NOT THINK THE CONDEMNING ENTITY HAS THE RIGHT TO CONDEMN MY PROPERTY?

You can challenge the right to condemn your property by filing a motion to dismiss the condemnation proceeding. For example, a landowner could challenge the condemning entity's claim that it seeks to condemn the property for a public use. If

the court grants the landowner's motion, the court may award the landowner reasonable and necessary fees and expenses incurred to that date.

### CAN I GET MY PROPERTY BACK IF IT IS CONDEMNED BUT NEVER PUT TO A PUBLIC USE?

You may have the right to repurchase your property if your property is acquired through eminent domain and:

- ◆ the public use for which the property was acquired is canceled before that property is put to that use,
- ◆ no actual progress is made toward the public use within 10 years, or
- ◆ the property becomes unnecessary for public use within 10 years.

The repurchase price is the price you were paid at the time of the condemnation.

## ADDITIONAL RESOURCES AND ADDENDA

For more information about the procedures, timelines, and requirements outlined in this document, see chapter 21 of the Texas Property Code. An addenda discussing the terms required for an instrument of conveyance under Property Code section 21.0114(c), and the conveyance terms that a property owner may negotiate under Property Code section 21.0114(d), is attached to this statement.

The information in this statement is intended to be a summary of the applicable portions of Texas state law as required by HB 1495, enacted by the 80th Texas Legislature, Regular Session, and HB 2730, enacted by the 87th Texas Legislature, Regular Session. This statement is not legal advice and is not a substitute for legal counsel.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM A:**

Required Terms for an Instrument Conveying a Pipeline Right-of-Way Easement  
or an Easement Related to Pipeline Appurtenances<sup>1</sup>

- (1) The maximum number of pipelines that may be installed in the right-of-way acquired through this instrument is \_\_\_\_.
- (2) The types of pipeline appurtenances that are authorized to be installed under this instrument for pipeline-related appurtenances, such as pipes, valves, compressors, pumps, meters, pigging stations, dehydration facilities, electric facilities, communication facilities, and any other appurtenances that may be necessary or desirable in connection with a pipeline, are described as follows: \_\_\_\_.
- (3) The maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed under this instrument for a pipeline right-of-way is \_\_\_\_.
- (4) For each pipeline to be installed under this instrument, the type or category of substances permitted to be transported through each pipeline is \_\_\_\_.
- (5) Any aboveground equipment or facility that Grantee<sup>2</sup> intends to install, maintain, or operate under this instrument on the surface of the pipeline easement is described as follows: \_\_\_\_.
- (6) A description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit \_\_\_\_.
- (7) The maximum width of the easement under this instrument is \_\_\_\_.
- (8) For each pipeline to be installed under this instrument, the minimum depth at which the pipeline will initially be installed is \_\_\_\_.
- (9) The entity installing pipeline(s) under this instrument: (check one)
  - intends to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.
  - does not intend to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.
- (10) Grantee shall provide written notice to Grantor<sup>3</sup>, at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property, if and when Grantee assigns any interest conveyed under this instrument to another entity, provided that this provision does not require notice by Grantee for assignment to an affiliate or to a successor through merger, consolidation, or other sale or transfer of all or substantially all of its assets and businesses.
- (11) The easement rights conveyed by this instrument are: (check one)
  - exclusive.
  - nonexclusive.

<sup>1</sup> The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.  
<sup>2</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the pipeline easement.  
<sup>3</sup> "Grantor" is the property owner from whom the Grantee is acquiring the pipeline easement.



(12) Grantee may not grant to a third party access to the easement area for a purpose that is not related to one of the following: the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument or of pipeline appurtenances to be installed under this instrument.

(13) Grantor: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.

(14) After initial construction and installation of each pipeline installed under this instrument, Grantor: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.

(15) Grantor: (check one)

- and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: \_\_\_\_\_.
- may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

(16) With regard to restoring the pipeline easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable and maintaining the easement in a manner consistent with the purposes for which the easement is to be used under this instrument: (check one)

- Grantee will be responsible for the restoration.
- Grantee will reimburse Grantor for monetary damages that arise from damage to the pipeline easement area or the Grantor's remaining property, if any, caused by the Grantee and not restored or paid for as part of the consideration for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the pipeline easement area or the Grantor's remaining property.

(17) Grantee's rights of ingress, egress, entry, and access on, to, over, and across Grantor's property under this instrument are described as follows: \_\_\_\_\_.

(18) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(19) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM B:**

Required Terms for an Instrument Conveying  
an Electric Transmission Line Right-of-Way Easement<sup>4</sup>

(1) The uses of the surface of the property to be encumbered by the electric transmission line right-of-way easement acquired by Grantee<sup>5</sup> under this instrument are generally described as follows: \_\_\_\_\_.

(2) A description or illustration of the location of the electric transmission line right-of-way easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit \_\_\_\_\_.

(3) The maximum width of the electric transmission line right-of-way easement acquired by this instrument is \_\_\_\_\_.

(4) Grantee will access the electric transmission line right-of-way easement acquired under this instrument in the following manner: \_\_\_\_\_.

(5) Grantee may not grant to a third party access to the electric transmission line right-of-way easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of the electric and appurtenant facilities installed under this instrument.

(6) Grantor<sup>6</sup>: (check one)

- may recover from Grantee actual monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement, if any.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement.

(7) Grantor: (check one)

- and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: \_\_\_\_\_
- may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

<sup>4</sup> The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

<sup>5</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the electric transmission line right-of-way easement.

<sup>6</sup> "Grantor" is the property owner from whom the Grantee is acquiring the electric transmission line right-of-way easement.

(8) Grantee shall restore the easement area and Grantor's remaining property to their original contours and grades, to the extent reasonably practicable, unless Grantee's safety or operational needs and the electric facilities located on the easement would be impaired. With regard to restoring the electric transmission line right-of-way easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable following future damages, if any, directly attributed to Grantee's use of the easement: (check one)

- Grantee will be responsible for the restoration, unless the safety or operational needs of Grantee and the electric facilities would be impaired.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes future damages, if any, caused by Grantee to the easement area or the Grantor's remaining property.

(9) The easement rights acquired under this instrument are: (check one)

- exclusive.
- nonexclusive.
- otherwise limited under the terms of the instrument as follows: \_\_\_\_\_.

(10) Grantee may not assign Grantee's interest in the property rights acquired under this instrument to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to Grantor at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property.

(11) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(12) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

**ADDENDUM C:**

Optional Terms for an Instrument Conveying a Pipeline Right-of-Way Easement,  
an Easement Related to Pipeline Appurtenances,  
or an Electric Transmission Line Right-of-Way Easement<sup>7</sup>

(1) With regard to the specific vegetation described as follows: \_\_\_\_\_, Grantor<sup>8</sup>: (check one):

- may recover from Grantee<sup>9</sup> payment for monetary damages, if any, caused by Grantee to the vegetation.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the vegetation.

(2) With regard to income loss from disruption of existing agricultural production or existing leases based on verifiable loss or lease payments caused by Grantee's use of the easement acquired under this instrument, Grantor: (check one)

- may recover from Grantee payment for monetary damages, if any, caused by Grantee to Grantor's income.
- Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to Grantor's income.

(3) Grantee shall maintain commercial liability insurance or self-insurance at all times, including during Grantee's construction and operations on the easement, while Grantee uses the easement acquired under this instrument. The insurance must insure Grantor against liability for personal injuries and property damage sustained by any person to the extent caused by the negligence of Grantee or Grantee's agents or contractors and to the extent allowed by law. If Grantee maintains commercial liability insurance, it must be issued by an insurer authorized to issue liability insurance in the State of Texas.

(4) If Grantee is subject to the electric transmission cost-of-service rate jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, Grantee shall maintain commercial liability insurance or self-insurance at levels approved by the Public Utility Commission of Texas in the entity's most recent transmission cost-of-service base rate proceeding.

<sup>7</sup> Pursuant to Section 21.0114(d) of the Texas Property Code, in addition to the terms set forth in Addenda A and B, a property owner may negotiate for the inclusion of the terms in this Addendum in any instrument conveying an easement to a private entity, as defined by Section 21.0114(a) of the Texas Property Code. The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

<sup>8</sup> "Grantor" is the property owner from whom the Grantee is acquiring the pipeline or electric transmission line right-of-way easement.

<sup>9</sup> "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the easement.

***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 Project and Keller Wall Price - Roanoke 138 kV Rebuild Project in Keller, Texas***

**PUBLIC UTILITY COMMISSION OF TEXAS (“PUC”) DOCKET NO. 54733**

*DOD Siting Clearinghouse, OPUC, Utility, County, or Municipal Contact Name*

This notice is provided to notify you that Oncor Electric Delivery Company LLC (“Oncor”) intends (1) to rebuild an existing double-circuit 138 kilovolt (kV) transmission line beginning at the existing Keller Wall Price Substation and extending approximately 0.3 miles to the northwest, and (2) to build a new double-circuit 138 kV transmission line parallel to the existing transmission line, beginning at the proposed Keller Wall Price Switch and extending approximately 0.3 miles to the northwest. The existing Keller Wall Price Substation is located west of State Highway 377, northeast of and adjacent to the intersection of Chisolm Trail and King Trail in Keller. The proposed Keller Wall Price Switch will be located directly adjacent to and south of the existing substation on Oncor’s fee-owned property. Both transmission lines will be located entirely within Oncor’s existing transmission line easement area. New structures will be needed to accommodate the new and re-built transmission lines. The estimated cost of this project is \$12,018,000.

Persons with questions about the project may contact Michael Moore of Oncor at (214) 486-2093.

A detailed routing map may be reviewed at the following location:

<b>Display Location</b>	<b>Address</b>
Keller Town Hall	1100 Bear Creek Parkway Keller, TX 76248

***All routes and route segments included in this notice are available for selection and approval by the Public Utility Commission of Texas.***

The preferred method for you to file your request for intervention is electronically. If you decide to file an electronic request for intervention electronically, you will be required to serve the request on all other parties by email. Therefore, please include your own email address on the intervention form. Instructions for electronic filing via the “PUC Filer” on the PUC’s website can be found here: <https://interchange.puc.texas.gov/filer>. Instructions for using the PUC Filer are available at [https://ftp.puc.texas.gov/public/puct-info/industry/filings/E-Filing\\_Instructions.pdf](https://ftp.puc.texas.gov/public/puct-info/industry/filings/E-Filing_Instructions.pdf). For assistance with your electronic filing, please contact the PUC’s Help Desk at (512) 936-7100 or [helpdesk@puc.texas.gov](mailto:helpdesk@puc.texas.gov). You can review materials filed in this docket on the PUC Interchange at: <http://interchange.puc.texas.gov>.

While the preferred method for submitting a request for intervention is electronically, you may file your request for intervention by mailing a hard copy of your request to the PUC. Any request must be received by the intervention deadline date of **May 8, 2023**. If you are not filing your request for intervention electronically, mail the request for intervention and 10 copies of the request to:



Public Utility Commission of Texas  
Central Records  
Attn: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

Persons who wish to intervene in the docket must also email or mail a copy of their request for intervention to all parties in the docket and all persons that have pending motions to intervene, at or before the time the request for intervention is electronically filed with, or mailed to, the PUC. ***The only way to fully participate in the PUC's decision on where to locate the transmission line is to intervene in the docket. It is important for an affected person to intervene because the utility is not obligated to keep affected persons informed of the PUC's proceedings and cannot predict which route may or may not be approved by the PUC.***

The deadline for intervention in the docket is **May 8, 2023**, and the PUC must receive a letter from you requesting intervention by that date if you choose to do so.

The PUC has a brochure titled "Landowners and Transmission Line Cases at the PUC." Copies of the brochure may be requested by contacting Michael Moore of Oncor at (214) 486-2093 or may be downloaded from the PUC's website at [www.puc.state.tx.us](http://www.puc.state.tx.us). To obtain additional information about this docket, you may contact the PUC's Customer Assistance Hotline at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the PUC's Customer Assistance Hotline at (512) 936-7136 or toll free at (800) 735-2989. In addition to the intervention deadline, other important deadlines may already exist that affect your participation in this docket. As such, you should review the orders and other filings already made in the docket.

Enclosures:

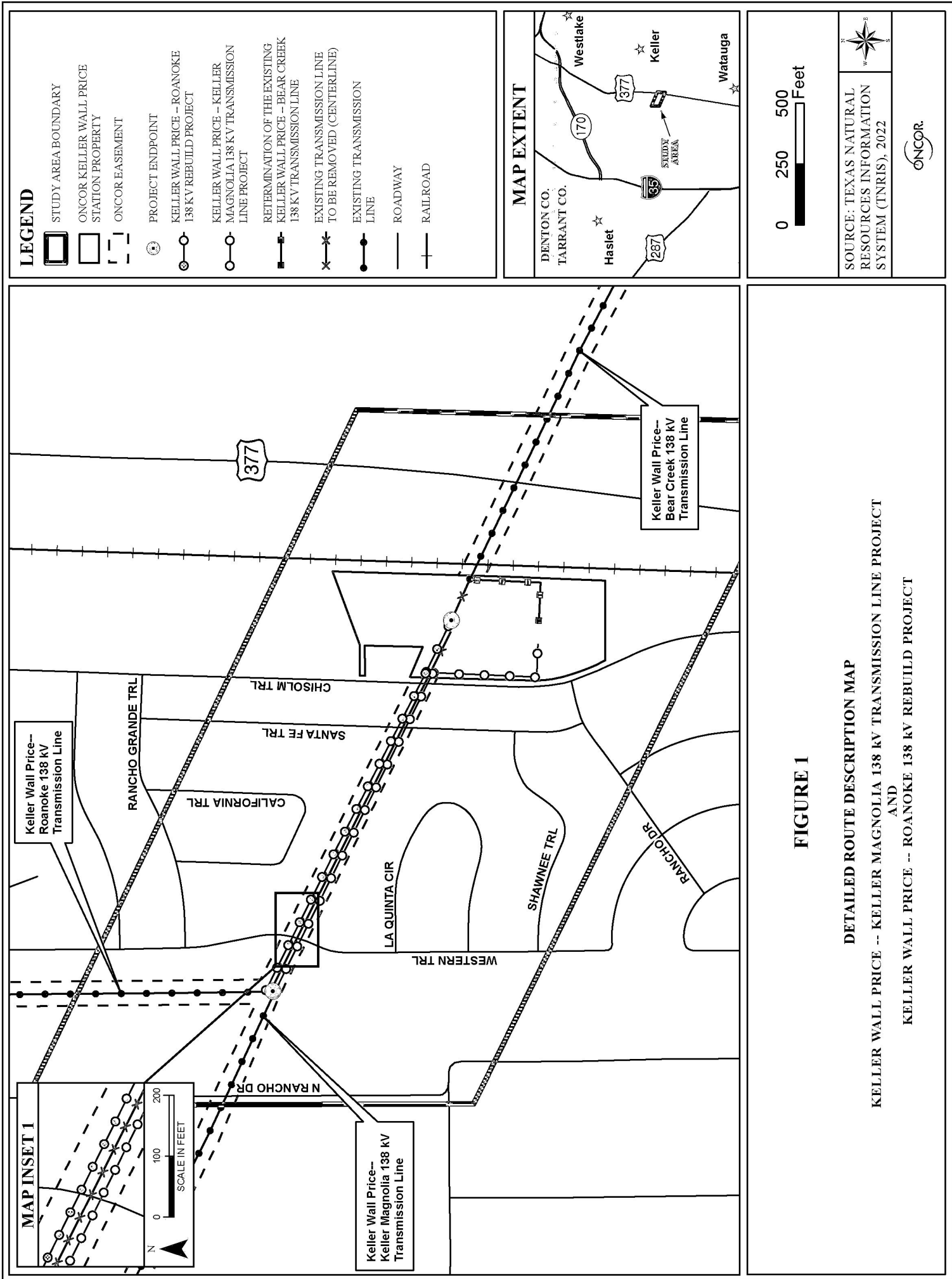
- Route Description and Map

### **KELLER WALL PRICE—KELLER MAGNOLIA 138 kV TRANSMISSION LINE PROJECT**

This project begins from Oncor's existing Keller Wall Price station property, extending west approximately 135 feet to an angle point. From this angle point, the project extends approximately 425 feet in a northerly direction parallel to Chisolm Trail, within Oncor-owned property, to an angle point. From this angle point, the project extends in a northwesterly direction approximately 1,475 feet within existing Oncor easement areas to the project endpoint within an existing Oncor easement. This portion of the project crosses Chisolm Trail, Santa Fe Trail, and Western Trail.

### **KELLER WALL PRICE—ROANOKE 138 kV REBUILD PROJECT**

This project begins from Oncor's existing Keller Wall Price station property and extends in a northwesterly direction approximately 1,700 feet within existing Oncor easement areas to the project endpoint within an existing Oncor easement. The project crosses Chisolm Trail, Santa Fe Trail, and Western Trail.



**FIGURE 1**

**DETAILED ROUTE DESCRIPTION MAP**  
**KELLER WALL PRICE -- KELLER MAGNOLIA 138 KV TRANSMISSION LINE PROJECT**  
**AND**  
**KELLER WALL PRICE -- ROANOKE 138 KV REBUILD PROJECT**