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**PUC DOCKET NO. 55067  
SOAH DOCKET NO. 473-23-21216**

<b>APPLICATION OF ONCOR ELECTRIC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DELIVERY LLC TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY FOR THE</b>	<b>§</b>	
<b>RAMHORN HILL - DUNHAM 345-KV</b>	<b>§</b>	
<b>TRANSMISSION LINE IN DENTON</b>	<b>§</b>	
<b>AND WISE COUNTIES</b>	<b>§</b>	

**ORDER OF REFERRAL  
AND PRELIMINARY ORDER**

On June 8, 2023, Oncor Electric Delivery Company LLC filed an application to amend its certificate of convenience and necessity (CCN) to construct and operate a 345-kilovolt (kV) transmission line and associated facilities in Denton and Wise counties.

The Commission refers this docket to the State Office of Administrative Hearings (SOAH) and requests the assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision if the parties contest one or more issues. The Commission has delegated authority to the Office of Policy and Docket Management to issue this preliminary order, which is required under Texas Government Code § 2003.049(e). This preliminary order identifies the issues that must be addressed in this proceeding and an issue not to be addressed.

All subsequent pleadings in this docket must contain both the SOAH and Commission docket numbers to allow for efficient processing. Parties must make filings in accordance with 16 Texas Administrative Code (TAC) § 22.71(c) regarding the number of copies to be filed or 16 TAC § 22.71(d)(1)(C) regarding the number of confidential items to be provided. In addition, if any party has filed confidential material before referral of this matter to SOAH, that party must provide a copy of each such confidential filing to the SOAH ALJ assigned to this matter, if ordered.

**I. Procedural History**

The proposed transmission line is designated as the Ramhorn Hill–Dunham 345-kV transmission line. Oncor proposes to construct, own, and operate a new double-circuit 345-kV transmission line on triple-circuit capable structures between the proposed Ramhorn Hill Switch and the proposed Dunham Switch. The structures will have two 345-kV circuits initially installed

with a vacant third circuit position capable of accommodating a future 138-kV circuit. The proposed transmission line and associated facilities are the second in a series of projects, collectively named the Roanoke Area Upgrades Project, that will address the identified reliability issues and provide additional operational flexibility on the transmission system in the Roanoke area. The project has been endorsed by the Electric Reliability Council of Texas, Inc. (ERCOT) board of directors to address reliability challenges and serve existing and projected electricity demand growth in the Dallas and Fort Worth Metroplex. The applicant proposed 74 alternative routes for the proposed transmission line. The total estimated cost for the routes, including associated substation costs, ranges from approximately \$239,439,000 to \$299,849,000 and the estimated length of the routes ranges from approximately 20 miles to 23 miles. The Commission can approve any route presented in the application. The Commission can also approve any combination of routes or route links.

## **II. Notice**

Oncor must give notice of its intent to secure a CCN as required by 16 TAC § 22.52(a).

Oncor states that prior to the filing of their application they provided direct mail notice of a public meeting by first-class mail to each of the persons listed on the current county tax rolls as an owner of land within 500 feet of the centerline of the transmission project and provided written notice to the Department of Defense Siting Clearinghouse. No determination has been made that notice of the public meeting required by 16 TAC § 22.52(a)(4) was given prior to the filing of the application.

Oncor states they have mailed notice of their application at the time of filing to all cities and neighboring utilities within five miles of the proposed transmission facilities, the county governments of all counties in which any portion of the proposed transmission facilities is located, the Department of Defense Siting Clearinghouse and have served the notice on the Office of Public Utility Counsel. An affidavit attesting to the provision of notice to municipalities, utilities, counties, the Department of Defense Siting Clearinghouse, and the Office of Public Utility Counsel must specify the dates of the provision of notice and the identity of the individual municipalities, utilities, and counties to which such notice was provided. No determination has been made that the notice required by 16 TAC § 22.52(a)(2) was given on the date of the filing of the application.

Oncor also states they have mailed notice of their application at the time of filing to the owners of land, as stated on the current county tax rolls, who would be directly affected by the requested certificate. Oncor must provide proof of notice by mail by filing an affidavit listing the names and addresses of the entities notified by mail and the date the notice was mailed to these entities. A copy of the letter and map sent to the entities must be included. The deadline for Oncor to file its proof of the mailed notice by affidavit required by 16 TAC § 22.52(a)(3)(D) is **June 28, 2023**. No determination has been made that the notice required by 16 TAC § 22.52(a)(3) was mailed on the date of the filing of the application.

Oncor also states that they provided a copy of each environmental impact study or assessment for the proposed transmission facility to the Texas Parks and Wildlife Department (TPWD) for its review within seven days of filing the application. Oncor must provide proof of submission of this information to the Commission in the form of an affidavit that specifies the date the information was mailed or otherwise provided to TPWD and provides a copy of the cover letter or other documentation confirming that the information required by 16 TAC § 22.52(a)(1)(E) was provided to TPWD. No determination has been made that the notice required by 16 TAC § 22.52(a)(1)(E) was given to TPWD within seven days of the filing of the application.

Oncor must publish notice of their intent to secure a certificate of convenience and necessity once in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, no later than the week after the application is filed with the Commission as required by 16 TAC § 22.52(a)(1)(A)-(C). No determination has been made that the notice required by 16 TAC § 22.52(a)(1) was published no later than the week after the application was filed with the Commission. Oncor must provide proof of publication of notice in accordance with 16 TAC § 22.52(a)(1)(D) by filing a publisher's affidavit specifying the newspapers in which the notice was published, each county where the newspaper is of general circulation, the dates upon which the notice was published, and a copy of the notice as published. Oncor must file its proof of publication as soon as it is available. No deadline has been established for the filing of the proof of publication and no determination has been made that the proof of publication of notice complies with 16 TAC § 22.52(a)(1)(D).

### **III. Intervention**

In this proceeding, the intervention deadline is 45 days after the filing of the formal application with the Commission. The deadline for intervention is **July 24, 2023**.

### **IV. Recommendation on Application Sufficiency**

Under 16 TAC § 22.75(d)(2), if material deficiencies exist in an application, the presiding officer shall issue a written order within 35 days of the application's filing. The 35th day after the application's filing in this proceeding is **July 13, 2023**.

### **V. Deadline for Decision**

The ERCOT independent system operator deemed this transmission line to be critical to the reliability of the ERCOT system. Under PURA § 37.057, the Commission must render a decision approving or denying the application within one year of the date that a complete CCN application is filed. However, under 16 TAC § 25.101(b)(3)(D), the Commission must consider any application for a transmission line that ERCOT deems critical to the ERCOT system's reliability on an expedited basis. Under that rule, the Commission is required to render a decision approving or denying the application within 180 days of the date that a complete CCN application is filed unless good cause for extending the 180-day period is demonstrated. Therefore, the Commission must render a decision in this proceeding by **December 5, 2023**.

### **VI. Conditional Approval**

If the Commission determines that it should grant the amendment to the applicant's CCN, the Commission will limit the authority granted in the order. The authority granted by the order will be limited to a period of seven years from the date the order is signed unless the transmission line is commercially energized before that time. It is reasonable, appropriate, and in the public interest for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance. The Commission may extend the seven-year time period if good cause is shown by demonstrating that the circumstances of this line are such that the above condition should be changed (e.g., a longer period of time may be more appropriate).

## **VII. Issues to be Addressed**

Under Texas Government Code § 2003.049(e), the Commission must provide to the ALJ a list of issues or areas to be addressed in any proceeding referred to SOAH. The Commission identifies the following issues that must be addressed in this docket:

### **Application**

1. Is the applicant's application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration must be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated proposed transmission facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under consideration and to any analysis and reasoned justification presented for a limited number of alternative routes. A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ must allow the applicant to amend the application and to provide proper notice to affected landowners; however, if the applicant chooses not to amend the application, then the ALJ may dismiss the case without prejudice.

### **Notice**

2. Did the applicant provide notice of the application in accordance with 16 TAC § 22.52(a)(1), (2), and (3)?
3. Did the applicant provide notice of the public meeting in accordance with 16 TAC § 22.52(a)(4)?

### **Public Input**

4. What were the principal concerns expressed in the questionnaire responses received at or after any public meetings held by the applicant regarding the proposed transmission facilities?

**Need**

5. Taking into account the factors set out in the Public Utility Regulatory Act (PURA)<sup>1</sup> § 37.056(c), are the proposed transmission facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a)? In addition, please address the following issues:
  - a. How do the proposed transmission facilities support the reliability and adequacy of the interconnected transmission system?
  - b. Do the proposed transmission facilities facilitate robust wholesale competition?
  - c. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed transmission facilities?
  - d. Are the proposed transmission facilities needed to interconnect a new transmission service customer?
6. In considering the need for additional service under PURA § 37.056(c)(2) for a reliability transmission project, please address the historical load, forecasted load growth, and additional load currently seeking interconnection.
7. Are the proposed transmission facilities the better option to meet this need when compared to using distribution facilities? If the applicant is not subject to the unbundling requirements of PURA § 39.051, are the proposed transmission facilities the better option to meet the need when compared to a combination of distribution facilities, distributed generation, and energy efficiency? In answering this issue, if the proposed transmission facilities include a transmission line to address distribution load growth, please address the following:
  - a. The data used to calculate the applicant's load-growth projections that support the need for a transmission-line solution;
  - b. The date, origin, and relevance of the data used to calculate the applicant's load-growth projections;

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

- c. The assumptions made and relied on to generate the load-growth projections, including but not limited to the assumed rates of load growth, the factors (if any) applied to calculate forecasted loads for new developments in the need study area, and adjustments (if any) made to forecasted loads to account for customer load served by any other electric utilities also providing electric service within the applicant's need study area;
- d. The location, described in writing and depicted on a map, of the boundaries of the need study area and all existing transmission facilities (including proposed substations or switching stations) within the need study area used for the load-growth projections;
- e. If included in the applicant's load-growth projections, the nature, scope, and location depicted on a map of the following loads:
  - i. the applicant's current consumers,
  - ii. the applicant's pending load request, and
  - iii. future development projects included in the applicant's load-growth projections;
- f. The location depicted on a map of the existing load center, the load center including existing load and currently requested loads, and the load center including existing load, currently requested loads, and the applicant's projected load growth;
- g. The location and identity of any existing transmission lines, whether inside or outside the need study area, that are as close as, or closer to, any load-serving substation proposed in this application compared to the existing transmission line or substation used for the proposed interconnection or tap;
- h. The location and identity of any existing substations with remaining transformer capacity, whether inside or outside the need study area, that are as close as, or closer to, any load-serving substation proposed in this application compared to the existing transmission line or substation used for the proposed interconnection or tap;
- i. If other utilities are providing distribution service within the applicant's need study area, the location and nature of the other utilities' distribution facilities described in writing and depicted on a map;

- j. An analysis of the feasibility, design, and cost effectiveness of a distribution-voltage-level alternative that uses the same point(s) of interconnection or tap and endpoint(s) and that is routed along the same alternative routes as the transmission-level radial line that is requested to be approved;
- k. The applicant's planning study or other reports reflecting the nature and scope of new-build distribution facilities or existing distribution-facility upgrades necessary for projected load growth anticipated before the projected load growth that is the basis for this application; and
- l. A comparative cost analysis between all new-build distribution facilities or existing distribution-facility upgrades and the proposed radial transmission facilities that segregates the distribution-alternative costs to support the pending load requests and specific future development loads from general load growth in the need study area.

**Route**

- 8. Weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), which proposed transmission-line route is the best alternative?
- 9. Are there alternative routes or configurations of facilities that would have a less negative effect on landowners? What would be the incremental cost of those routes or configurations of facilities?
- 10. If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues:
  - a. Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?
  - b. Have the accommodations to landowners diminished the electric efficiency of the line or reliability?

**Cost to Consumers**

- 11. Are the proposed transmission facilities necessary to meet state or federal reliability standards?
- 12. What is the estimated cost of the proposed transmission facilities to consumers?

13. What is the estimated congestion cost savings for consumers that may result from the proposed transmission facilities considering both current and future expected congestion levels and the ability of the proposed transmission facilities to reduce those congestion levels?

**Best Management Practices**

14. Are the best management practices for construction and operating transmission facilities that are standard in the Commission's electric CCN orders adequate? If not, what additional practices should be required for the proposed transmission facilities?
15. For each additional practice proposed, please address the following:
- What is the additional cost to design, construct, and operate the proposed transmission facilities, including the cost to consumers?
  - What benefit, if any, will the proposed practice provide?
  - What effect, if any, will the proposed practice have on the reliability of the transmission system?
  - What effect, if any, will the proposed practice have on the design, construction, or operation of the proposed transmission facilities?
  - What effect, if any, will the proposed practice have on the expected date to energize the proposed transmission facilities?

**Texas Parks and Wildlife Department**

16. Did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with section 12.0011(b) of the Texas Parks and Wildlife Code? If so, how should the Commission respond through its order?

**Permits**

17. What permits, licenses, plans, or permission will be required for construction and operation of the proposed transmission facilities? If any alternative route requires permission or an easement from a state or federal agency, please address in detail the following:
- What agency is involved, and what prior communication has the applicant had with the agency regarding the proposed transmission facilities?

- b. Has the agency granted the required permission or easement? If not, when is a decision by the agency expected?
- c. What contingencies are in place if the agency does not grant the required permission or easement or if the process to obtain the required permission or easement would materially affect the estimated cost, proposed design plans, or anticipated timeline to construct the proposed transmission facilities?

**Coastal Management Program**

18. Is any part of the proposed transmission facilities located within the coastal management program boundary as defined in 31 TAC § 27.1(a)? If so, please address the following issues:
- a. Do the facilities comply with the goals and applicable policies of the Coastal Management Program in accordance with 16 TAC § 25.102(a)?
  - b. Will the facilities have any direct and significant effects on any of the applicable coastal natural resource areas specified in 31 TAC § 26.3(b)?

**Limitation of Authority**

19. Are the circumstances for this line such that the seven-year limit discussed in section III of this Order should be changed?

**Other Issues**

20. Will anything occur during construction that will preclude or limit a generator from generating or delivering power or that will adversely affect the reliability of the ERCOT system?
21. If complete or partial agreement of the parties is reached on a route that relies on modifications to the route segments as noticed in the application, please address the following issues:
- a. Did the applicant comply with the additional notice requirements of 16 TAC § 22.52(a)(2) and (a)(3)(C)?
  - b. Was written consent obtained from landowners directly affected by the proposed modifications to the route segments?

This list of issues is not intended to be exhaustive. The parties and the ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the ALJ or by the Commission in future orders issued in this docket. The Commission

may identify and provide to the ALJ in the future any additional issues or areas that must be addressed, as permitted under Texas Government Code § 2003.049(e).

**VIII. Issue Not to Be Addressed**

The Commission identifies the following issue that need not be addressed in this proceeding for the reasons stated.

**1. What is the appropriate compensation for right-of-way or condemnation of property?**

The Commission does not have the authority to adjudicate or set the amount of compensation for rights-of-way or for condemnation.

**IX. Effect of Preliminary Order**

The Commission's discussion and conclusions in this Order regarding issues that are not to be addressed should be considered dispositive of those matters. Questions, if any, regarding issues that are not to be addressed may be certified to the Commission for clarification if the SOAH ALJ determines that clarification is necessary. As to all other issues, this Order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this Order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from the non-dispositive rulings of this Order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this Order may be appealed to the Commission. The Commission will not address whether this Order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this Order is not subject to motions for rehearing or reconsideration.

**Signed at Austin, Texas the 9th day of June 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

**Electronically signed by Stephen Journeay**  
**STEPHEN JOURNEAY**  
**COMMISSION COUNSEL**