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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF ONCOR ELECTRIC DELIVERY LLC TO
AMEND ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR THE RAMHORN HILL - DUNHAM 345 KV
TRANSMISSION LINE IN DENTON AND WISE COUNTIES**

**SOAH ORDER NO. 1
PROJECT DESCRIPTION; JURISDICTION;
SETTING PREHEARING CONFERENCE; AND
GENERAL PROCEDURES**

I. PROJECT DESCRIPTION

On June 8, 2023, Oncor Electric Company, LLC filed an application with the Public Utility Commission of Texas (Commission or PUC) 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 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.

II. JURISDICTION, DEADLINE FOR DECISION

On June 9, 2023, the Commission issued its Order of Referral and Preliminary Order, referring this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. In the Preliminary Order, the Commission also set forth the issues to be addressed and the issues not to be addressed in this proceeding.

The Commission has jurisdiction and authority over this matter pursuant to the Public Utility Regulatory Act (PURA), Texas Utilities Code sections 32.001, 37.053, 37.056, and 37.057. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this matter pursuant to Texas Government Code section 2003.049 and PURA section 14.053.

The proposed transmission project has been determined by the Electric Reliability Council of Texas (ERCOT) to be critical to the reliability of the ERCOT system. As a result, the Applicants' application is subject to the 180-day deadline set out in 16 Texas Administrative Code section (Rule) 25.101(b)(3)(D). Therefore, the Commission must issue a decision on this application by **December 5, 2023**.

III. COMMENTS ON SUFFICIENCY

Absent an order finding the application materially deficient, the application shall be deemed sufficient within 35 days after filing the application, or July 13, 2023, under Rule 22.75(d)(2). Therefore, Commission staff (Staff) shall, and any other party may, file its comments on the sufficiency of Applicants' application for purposes of further review no later than **June 22, 2023**.

Staff shall, and any other party may, file its comments on the sufficiency of Applicants' proposed notice no later than **June 20, 2023**. If Staff finds the proposed notice sufficient, Applicants shall immediately commence providing notice. Upon completion, proof of notice shall be filed with the Commission.

IV. NOTICE OF PREHEARING CONFERENCE

A prehearing will convene at **10:00 a.m. (CT) on June 26, 2023**, remotely via Zoom videoconference. The parties may attend the prehearing conference in one of these ways:

Computer or smart device:

Go to <https://soah-texas.zoomgov.com>
and enter the following:

Meeting ID: 161 943 7039

Video Passcode: PUC67E

Telephone (audio only):

Call +1 669 254 5252, and then enter
the following:

Meeting ID: 161 943 7039

Telephone Passcode: 130221

The purpose of the prehearing conference, is to discuss the following matters:

- (1) Pending motions and other preliminary matters related to the proceeding;
- (2) A procedural schedule including the scheduling of the hearing on the merits;
- (3) Procedures to be followed before and during the hearing; and
- (4) Any other matter that may assist in the disposition of this proceeding in a fair and efficient manner.

The prehearing conference is open to the public. **Parties are strongly encouraged to attend to learn about the rules and procedures that will govern this case and to ask questions about the process.**

After the prehearing, the parties may wish to hold an informal technical conference without the participation of the ALJ. Applicant is encouraged to establish and host such a post-prehearing technical conference as either an audioconference or videoconference and to have its engineers and staff available to answer questions about the application. If the Applicant decides to hold a post-prehearing technical conference, they should provide the log-in information for that conference to all parties (including potential parties with pending motions to intervene) using the parties' contact information available on the service list.¹

A. PROCEDURAL SCHEDULE GUIDELINES

In developing a proposed procedural schedule, the parties shall anticipate a record close date that ensures the ALJs will have 60 days to write and issue the proposal for decision.²

In addition, the parties must account for three weeks for exceptions and replies after the PFD has been issued. The parties shall also endeavor to provide the Commission with time for two dates for open meetings to discuss the PFD and seven calendar days after the last open meeting to issue an order. This can usually be achieved by allowing the Commission five weeks before the deadline for the Commission to issue an order.

¹ If needed, the Applicants may request a copy of the service list via email to the ALJ's legal secretary Tujuana Tate at Tujuana.tate@soah.texas.gov.

² The record close date is the date the parties' final post-hearing briefs or proposed findings of fact, conclusions of law, and proposed ordering provisions are due, whichever is later. 1 Tex. Admin. Code § 155.425(c).

B. INTERVENTION DEADLINE

Pursuant to the Preliminary Order, the deadline for intervention is **July 24, 2023**.

C. CAUTION TO INTERESTED PARTIES

In this proceeding, Applicant presented 74 alternative routes that the proposed transmission line may ultimately follow. It is the duty of the ALJ and, ultimately, the Commission, to choose the route that best meets the criteria described in the Commission's Preliminary Order. **Any proposed route, or any combination of properly noticed proposed links of routes, could be selected.** It is the duty of interested parties (such as landowners) to provide the decision-makers the information needed to reach a just and reasonable decision.

V. PROCEDURES

All Commission filings are available for viewing and downloading from the Commission's Interchange available at <http://interchange.puc.texas.gov/>, by entering the control number 55067 and selecting the "search" tab. A list of documents filed in this docket will appear, which can be accessed by clicking on the document number (with a few exceptions such as confidential documents, if any). The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant Tujuana Tate at Tujuana.Tate@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

Except as modified by orders issued in this case or by the Commission or SOAH, the Commission's procedural rules govern this case. The parties should review the Commission and SOAH websites as needed for updates regarding any such modifications.

A. FILING AND SERVICE

Filing of pleadings is governed by Rule 22.71 and service is governed by Rule 22.74. However, under the Commission's Second Order entered in Docket No. 55067, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange. **Filings should not be made at SOAH. All filings must contain both the SOAH and PUC docket numbers.**

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. At this time, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address **SHALL file**

a notice informing the parties of the e-mail address to be used for service no later than seven days after the date of this order.

B. MOTIONS

Motions for continuance are governed by Rule 22.79. If a continuance or extension of time is sought, the motion shall propose a range of new dates and state whether the other parties agree. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within five working days from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

C. DISCOVERY

Discovery may begin immediately. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn

affidavits attached thereto, and materials, if any, provided for in camera inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks in camera review of documents in accordance with Rule 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

VI. RESPONSIBILITY OF APPLICANT

Upon receipt of this order, Applicant must review the service list to ensure that all intervenors are on the service list. If the service list is not accurate, Applicants must immediately file a statement of which intervenors are not on the list and need to receive notice of the prehearing conference. Applicant must also review the service list prior to the filing of Staff's direct testimony, and file a written list of all intervenors who did not file testimony or a statement of position. Applicant (and any other party) may obtain the service list by requesting it from the ALJ's administrative assistant at the email address listed above.

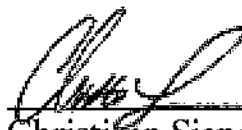
VII. STATEMENTS OF POSITION OR PREFILED TESTIMONY

Pursuant to Rule 22.124(a), parties will be required to file either written testimony or a statement of position in this case. **A request to intervene is not a statement of position.** A statement of position clarifies a party's position but is not

sworn-to, is not evidence, and is not subject to cross-examination. Prefiled direct testimony, on the other hand, is sworn-to, is evidence, and is subject to cross-examination. A deadline for the filing of either a statement of position or testimony will be set in the procedural schedule. **Failure to timely file either written testimony or a position statement will result in dismissal as a party from this proceeding and prohibition from participating in the hearing on the merits and briefing,** in accordance with Rules 22.124 and 22.161.

Intervenors are encouraged to review the guidance document attached to this Order titled “Information for Unrepresented Parties” that provides an overview of the contested case process.

Signed June 14, 2023

A handwritten signature in black ink, appearing to read 'Christian Siano', is written over a horizontal line.

Christian Siano
Presiding Administrative Law Judge

INFORMATION FOR UNREPRESENTED PARTIES

Overview of Contested Case Process

- This contested case hearing will proceed like a trial – with witnesses testifying under oath, subject to cross-examination.
- The administrative law judge (ALJ) presides over this hearing process. The ALJ works for the State Office of Administrative Hearings (SOAH). SOAH is a state agency that provides impartial judges to preside over contested case hearings. SOAH is separate from all other state agencies, including the Public Utility Commission of Texas (PUC or Commission).
- At the end of the hearing process, the ALJ will make a written recommendation about the transmission line route. This is called a Proposal for Decision (PFD).
- The final decision maker will be the five-member Commission.
- The staff of the PUC (Staff) participates in the hearing as a party. Staff is distinct from the five-member Commission that will ultimately decide this case.

Prehearing Conference

- At the prehearing conference, the judge will rule on motions to intervene and set the schedule for prehearing activities and the hearing itself.
- Following the prehearing conference, parties can remain to ask questions of Staff or the Applicants, exchange information, and engage in settlement talks.

The Prehearing Phase

- Two primary things happen before hearing: (1) discovery, and (2) filing of direct testimony and/or position statements. Deadlines for these activities will be established either at the prehearing or shortly thereafter by an order from the ALJ.
- Discovery is the formalized exchange of information among parties.
- Unlike some trials in district court, every witness's direct testimony in this case will be in written form and filed prior to the hearing. At the hearing, each witness will take the stand and be sworn in, and the witness's direct testimony will be admitted if it complies with the rules of evidence. The witness will then be subject to cross-examination by the parties. (Sometimes, parties will waive cross-examination of a witness.)
- Every party in this case must file either testimony or a statement of position according to the schedule that will be established. Parties failing to do so will be dismissed and not allowed to participate further.
- Testimony is evidence and includes assertions of fact (for example, about the location of property, the history and use of property, etc.). A position statement is argument, not evidence. There will be no cross-examination at the hearing of a party who has only filed a position statement. Assertions of fact in a position statement cannot be considered by the ALJ unless they are in some other document or testimony admitted in evidence. A party filing a position statement may ask questions of testifying witnesses.

The Hearing

- The hearing will be convened in Austin or through a videoconference application, such as Zoom.
- All witnesses who prefiled testimony must appear at the hearing unless all parties waive cross examination.
- Prefiled testimony will be admitted (subject to objections based on the rules of evidence), and witnesses will be cross-examined. Testimony not admitted because the witness failed to appear will be treated as a statement of position.

The Post-Hearing Phase

- After the hearing, parties will file written closing arguments (briefs) according to the deadlines that will be established in the schedule.
- The ALJ will issue the PFD recommending an outcome, including a route for the transmission line if the application is granted.
- The ALJ's analysis will be based on the facts (established through evidence introduced in the hearing) and the applicable law (involving a consideration of factors such as community values, number of habitable structures, recreational and park areas, historical and aesthetic values, environmental integrity, and use of compatible rights of way).
- The preferred route carries no special weight in the analysis. Any route consisting of identified links may be recommended and approved.
- Parties who disagree with the ALJ's proposal will be able to file written objections (exceptions) to the PFD.
- The Commission will make a decision at a meeting open to the public. The Commission can adopt or reject the ALJ's proposal. If the Commission rejects the ALJ's proposal, it will likely choose another route.
- The deadline for Commission action in this case is December 5, 2023.

Filing and Serving Documents in the Case

- Whenever any party formally files any document in this case (such as a motion, request for discovery, response to discovery, testimony, or statement of position), it must file the document with the PUC.
- Filings at the Commission shall occur by 3:00 p.m. on the date in question unless otherwise specified.
- The procedures regarding filing are specified in Subchapter E of the Commission's procedural rules and apply in this proceeding. Parties are expected to know those procedures and comply with them fully. Pleadings and other filings shall be deemed filed when the proper numbers of legible copies are presented to the PUC filing clerk for filing. All pleadings must contain both the SOAH and PUC Docket numbers to allow for efficient processing. (See the top of the first page of this information sheet.)
- At the same time a party files a motion, testimony, or a statement of position with the PUC, **the party must also serve all other parties in the case by sending them a copy of the document.**
- Discovery requests and responses must be filed with the PUC, but only have to be served on the party to whom the request or response is directed.
- The PUC has an on-line document interchange that is a convenient way of keeping track of documents filed in a case. All PUC filings are available for viewing and downloading from the Commission's website at <http://interchange.puc.texas.gov>. Once there, type in the control number and press "enter." A list of documents filed in this case will appear and you may access those documents by clicking on the document number, provided that the document number is underlined and in blue font.

Receiving Documents from SOAH

- Parties may elect to receive documents from the ALJ via email. To do so, access SOAH's webpage, www.soah.texas.gov, click on SOAH's "E-Services" link at the top of SOAH's webpage, follow the directions for "Email Service" and complete a short form.