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**SOAH DOCKET NO. 473-23-21216
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APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR RAMHORN HILL-DUNHAM 345 KV TRANSMISSION LINE IN DENTON AND WISE COUNTIES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ONCOR ELECTRIC DELIVERY COMPANY LLC’S INITIAL POST-HEARING BRIEF

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TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Oncor Electric Delivery Company LLC (“Oncor”), and files this Initial Post-Hearing Brief (“Brief”) regarding the proposed Ramhorn Hill to Dunham 345 kV transmission line project (the “Project”). As required by State Office of Administrative Hearings (“SOAH”) Order No. 2, this Brief is timely filed on or before September 7, 2023.¹

I. INTRODUCTION

The north Fort Worth/Roanoke area is one of the fastest-growing regions in the Dallas Fort Worth (“DFW”) Metroplex, which itself is one of the fastest-growing metropolitan areas in the country.² Situated at the intersection of Tarrant, Wise, and Denton counties in northwestern DFW, this region lies directly between Dallas and Fort Worth, two major commercial hubs.³ DFW International Airport, the second busiest airport in the world, is minutes to the south, and Alliance Airport, the world’s first purely industrial airport, is located here, where it serves as a major hub for FedEx, Amazon, DHL, BNSF Railway Co., and many other logistics companies.⁴ Until recently, this region consisted mostly of agricultural land, but today hosts the Texas Motor Speedway, a BNSF intermodal railyard, numerous commercial and industrial parks, several major thoroughfares, and sprawling master-planned communities.⁵ Moreover, the recent exodus to Texas of major commercial headquarters, data centers, and workforces has accelerated the region’s population growth over the last decade, offering new residents ample space for new development and convenient commutes to the Dallas and Fort Worth commercial centers.⁶

This regional growth is evidenced in this very proceeding, where DHL has provided evidence of plans for a new 3,000,000 square foot logistics facility;⁷ affiliates of Hillwood

¹ SOAH Order No. 2 at 3 (Apr. 21, 2022).

² Direct Testimony of Harsh Naik at Bates 4:4-5, Oncor Ex. 3 (“Naik Direct”).

³ Oncor Ex. 3 (Naik Direct) at Bates 4:5-10.

⁴ Oncor Ex. 3 (Naik Direct) at Bates 4:9-13.

⁵ Direct Testimony of Russell J. Marusak at Bates 7:6-17, Oncor Ex. 2 (“Marusak Direct”).

⁶ Oncor Ex. 3 (Naik Direct) at Bates 28-29 (Ex. HN-2).

⁷ Direct Testimony of Geoffrey A. Meyer at 3:14-23, DHL Ex. 2 (“Meyer Direct”).

Properties,⁸ PMB Capital Investments,⁹ La Estancia Investments LP (“La Estancia”),¹⁰ and others have presented plans for many thousands of acres of new residential and commercial development in the study area; and area residents and municipalities have testified to their use and enjoyment of the existing master-planned developments and recreational that are interspersed throughout the study area.¹¹

In contrast to this array of new development, the 345 kV transmission system in the north Fort Worth/Roanoke area was developed in the early 2010s as part of the Competitive Renewable Energy Zone (“CREZ”) initiative.¹² For the last decade, this corridor has funneled electricity generated in the Panhandle into the DFW load center.¹³ Yet, today, these CREZ facilities are approaching their designed operating limits.¹⁴ The spike in residential demand and requests for large-load interconnections is straining existing transmission capacity, at times forcing large-load customers to modify their load ramps, adjust their business plans, or choose to locate elsewhere.¹⁵ This rapid influx of demand threatens to cause thermal overloads and voltage criteria exceedances on transmission lines and autotransformers along the Roanoke-Deen/Eules transmission line corridor, which already serves nearly 1,000 MW of load in the region.¹⁶

The Electric Reliability Council of Texas (“ERCOT”) Independent System Operator (“ISO”) recognizes the need for additional transmission capacity in this region, and it has recommended a series of transmission improvements, known as the Roanoke Area Upgrades Project, as a project that is necessary to alleviate existing and potential transmission and distribution constraints and system needs in its December 2022 report filed under Public Utility

⁸ Direct Testimony and Exhibits of L. Russell Laughlin at 6:7-19, Hillwood Ex. 1 (“Laughlin Direct”).

⁹ Direct Testimony of Brian Motsenbocker at 2-3, PMB Ex. 1 (“Motsenbocker Direct”).

¹⁰ Direct Testimony of Finley Ewing at 2-4, La Estancia Ex. 1 (“Ewing Direct”).

¹¹ See, e.g., Direct Testimony of David A. Rettig, Northlake Ex. 4 (“Rettig Direct”); Direct Testimony of James Clark, Justin Ex. 1 (Jul. 31, 2023).

¹² Oncor Ex. 3 (Naik Direct) at Bates 4:20-23.

¹³ Oncor Ex. 3 (Naik Direct) at Bates 4:18-20.

¹⁴ Oncor Ex. 3 (Naik Direct) at Bates 4:22-23.

¹⁵ Oncor Ex. 3 (Naik Direct) at Bates 7:3-10, 29-31 (Ex. HN-2).

¹⁶ Oncor Ex. 3 (Naik Direct) at Bates 8:1-5.

Regulatory Act (“PURA”)¹⁷ § 39.155(b).¹⁸ In August 2022, the ERCOT Regional Planning Group (“RPG”) and Board of Directors endorsed the Roanoke Area Upgrades Project as critical to the reliability of the ERCOT transmission system under 16 Texas Administrative Code (“TAC”) § 25.101(b)(3)(D).¹⁹

This proceeding involves Oncor’s application, filed June 8, 2023 (the “Application”),²⁰ with errata filed August 28, 2023,²¹ to amend its certificate of convenience and necessity (“CCN”) for the Ramhorn Hill-Dunham Project. The Project is the second set of transmission improvements associated with the Roanoke Area Upgrades Project for which Oncor is seeking a CCN.²² The Application requests that the Public Utility Commission of Texas (“Commission”) amend Oncor’s CCN to construct, own, operate, and maintain the Project to provide the new transmission capacity needed to provide continuous and adequate service to the north Fort Worth/Roanoke area.

Oncor recommends alternative route 179 (“Route 179”) as the route that best meets the requirements of PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B).²³ Route 179 is approximately 21.8 miles long.²⁴ Its total estimated transmission line cost is \$178,749,000, which is only 6.2% more expensive than the least expensive route filed with the Application and 33.5% less than the most expensive alternative route.²⁵ Route 179 has only 97 habitable structures within 500 feet of its centerline, which is the second fewest among all filed routes and 303 fewer than the route with the greatest number of habitable structures within 500 feet of its centerline.²⁶ Route 179 does not cross any potential wetlands, crosses upland woodlands, riparian areas, and open waters for

¹⁷ Tex. Util. Code §§ 11.001-66.016.

¹⁸ Actions to Aid the Commission’s Review at 3, Oncor Ex. 21.

¹⁹ Oncor Ex. 3 (Naik Direct) at Bates 50.

²⁰ Application for a Certificate of Convenience and Necessity for a Proposed Transmission Line, Oncor Ex. 1 (“CCN Application”).

²¹ Errata to Application Attachment No. 3 – Cost Estimates, Oncor Ex. 23 (“Cost Estimates Errata”); Oncor’s Notice of Errata, Oncor Ex. 24 (“Notice of Errata”).

²² The Commission approved the first set of improvements for the Roanoke Area Upgrades Project in Docket No. 54733. *See Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Keller Wall Price-Keller Magnolia 138-kV Transmission Line and Keller Wall Price-Roanoke 138-kV Rebuild in Keller, Texas*, Docket No. 54733, Revised Notice of Approval (Jun. 22, 2023).

²³ Direct Testimony of Brenda J. Perkins, Oncor Ex. 4 at Bates 8:8-10 (“Perkins Direct”).

²⁴ Oncor Ex. 4 (Perkins Direct) at Bates 34 (Ex. BJP-5).

²⁵ Oncor Ex. 24 (Notice of Errata) at Bates 38 (Perkins Direct, Ex. BJP-5).

²⁶ Oncor Ex. 4 (Perkins Direct) at Bates 34 (Ex. BJP-5).

relatively short distances, has no threatened or endangered species or critical habitat within its right-of-way, and only crosses one known cultural resource site.²⁷

Route 179 is supported by most of the parties who provided evidence at the Hearing on the Merits (“Hearing”), with the Hillwood Parties testifying that Route 179 does “a good job of threading the needle” in balancing the numerous factors at play in the study area and PURA’s routing factors.²⁸ Similarly, environmental consultant Jason E. Buntz testified on behalf of DHL that Route 179 best meets the requisite criteria, largely “because it minimizes, among other criteria, impacts to combined natural resources—upland woodlands, riparian areas, potential wetlands, and lakes/ponds—relative to other routes.”²⁹

Despite the broad support for Route 179, several intervenors and Commission Staff support Route 179C, which consists entirely of properly noticed links filed with the Application and performs similarly to Route 179 on many measures.³⁰ Oncor does not oppose the Commission’s selection of Route 179C.³¹ Additionally, a number of parties in the eastern portion of the study area, including the Town of Northlake, La Estancia, and the Hillwood Parties, have expressed support for modifications to links C21, E6, and G1, which, if adopted, would strengthen the support for either Route 179 or Route 179C.³² Oncor also does not oppose these modifications, provided any necessary landowner consents are obtained.³³

A. CCN Application

The Application includes 74 filed alternative routes for the Project.³⁴ Halff Associates, Inc. (“Halff”) developed the Project’s alternative routes, which are discussed in the environmental assessment and alternative route analysis (“Environmental Assessment”) filed as Attachment

²⁷ Oncor Ex. 4 (Perkins Direct) at Bates 34-35 (Ex. BJP-5).

²⁸ Hillwood Ex. 1 (Laughlin Direct) at 5:3-5.

²⁹ Direct Testimony of Jason E. Buntz at 8:6-9:20, DHL Ex. 1.

³⁰ See Oncor’s Response to Watkins RFI 1-10a, Watkins Ex. 8.

³¹ See Oncor’s Response to Watkins RFI 1-10c, Watkins Ex. 8; Tr. (Aug. 28, 2023) at 213:22-214:9.

³² See Oncor’s Response to La Estancia’s First RFIs, La Estancia Exs. 3A-3F (describing La Estancia’s proposed modifications, with costs and environmental data); Emails Expressing Support for La Estancia Modifications, La Estancia Ex. 4; Modified Intervenor Map, La Estancia Ex. 5 (showing Route 179, Route 179C, and La Estancia’s proposed modifications).

³³ Tr. (Aug. 28, 2023) at 154:11-157:1.

³⁴ Oncor Ex. 1 (CCN Application), Attachment No. 7 (Routing Memorandum) at Bates 697.

No. 1 to the CCN Application.³⁵ The 74 alternative routes proposed for the Project are geographically diverse and differ with respect to route length, cost, number of habitable structures within 500 feet of the centerline, and utilization of existing compatible corridors, among other factors.³⁶ All 74 alternative routes meet the requirements of PURA and the Commission's Substantive Rules.³⁷

B. Description of the Transmission Facilities

The Project is a new double-circuit 345 kV transmission line to be built on triple-circuit capable structures, between the proposed Ramhorn Hill Switch, located in Wise County, and the proposed Dunham Switch, located in Denton County.³⁸ The triple-circuit capable structures will include a vacant third circuit position to allow for the future addition of an underbuilt 138 kV circuit.³⁹ The Project includes Oncor's construction of the proposed Ramhorn Hill and Dunham switching stations.⁴⁰ Both switching stations will be built in a 12-breaker, breaker-and-a-half arrangement and will tap into the existing 345 kV transmission system in the northwestern DFW Metroplex.⁴¹ The Project will primarily be constructed on steel monopole structures, generally within a 100-foot-wide right-of-way,⁴² except where alternate structures and/or additional right-of-way width are required to address engineering constraints.⁴³

The Project will be approximately 19.9 to 22.9 miles in length, depending on the route selected.⁴⁴ The costs of the Project's routes range from approximately \$168,332,000 to \$238,602,000, excluding station costs.⁴⁵ The cost of the proposed Ramhorn Hill Switching Station is approximately \$33,510,000, and the cost of the proposed Dunham Switching Station is

³⁵ Oncor Ex. 1 (CCN Application) at Bates 23-24, Attachment No. 1 (Environmental Assessment) at Bates 54-66.

³⁶ See Oncor Ex. 4 (Perkins Direct) at Bates 37-46 (Ex. BJP-5), Table 2 (Environmental Data for Filed Routes).

³⁷ Oncor Ex. 4 (Perkins Dir.) at Bates 8:18-21.

³⁸ Oncor Ex. 1 (CCN Application) at Bates 4.

³⁹ Oncor Ex. 1 (CCN Application) at Bates 4.

⁴⁰ Oncor Ex. 1 (CCN Application) at Bates 4.

⁴¹ Direct Testimony of Amy L. Zapletal, Oncor Ex. 5 at Bates 3:22-25 ("Zapletal Direct").

⁴² Oncor Ex. 1 (CCN Application) at Bates 5.

⁴³ Oncor Ex. 5 (Zapletal Direct) at Bates 4.

⁴⁴ Oncor Ex. 4 (Perkins Direct) at Bates 9:22-23.

⁴⁵ Oncor Ex. 23 (Cost Estimates Errata); Oncor Ex. 24 (Notice of Errata) at Bates 38.

approximately \$41,348,000.⁴⁶ The number of habitable structures within 500 feet of the centerlines of the filed routes ranges from 93 to 400.⁴⁷

The Project's estimated schedule assumes that the Commission will approve the CCN Application within approximately six months of its filing on June 8, 2023, under 16 TAC § 25.101(b)(3)(D)⁴⁸ and PURA § 37.057, the latter of which was recently revised to require a decision on all CCN applications within 180 days.⁴⁹ The Project's estimated schedule, assuming approval by December 2023, is as follows: (1) right-of-way and land acquisition will occur between December 2023 and December 2024; (2) engineering and design will occur between January 2024 and October 2024; (3) material and equipment procurement will occur between February 2024 and October 2023; (4) construction of facilities will occur between December 2024 and December 2025; and (5) facility energization will occur by December 2025.⁵⁰

⁴⁶ Oncor Ex. 5 (Zapletal Direct) at Bates 9:28-10:2.

⁴⁷ Oncor Ex. 4 (Perkins Direct) at Bates 34.

⁴⁸ Oncor Ex. 1 (CCN Application) at Bates 7.

⁴⁹ Act of Feb. 21, 2023, 88th Leg., R.S. (Senate Bill 1076), § 1 (codified at Tex. Util. Code § 37.057).

⁵⁰ Oncor Ex. 1 (CCN Application) at Bates 7; Oncor Ex. 5 (Zapletal Direct) at Bates 4.

II. PROCEDURAL HISTORY

Oncor filed the Application on June 8, 2023.⁵¹ On August 28, 2023, Oncor filed errata to the Application to correct an error discovered in the cost data provided in Application Attachment No. 3 and other filings that relied on that data.⁵² Oncor filed the direct testimonies of its witnesses, Mr. Russell J. Marusak, Mr. Harsh Naik, Ms. Brenda J. Perkins, and Ms. Amy L. Zapletal, concurrently with the Application on June 8, 2023.⁵³ Also on June 8, 2023, Oncor filed its responses to the Commission's standard Order No. 1 questions to assist in expediting the proceeding, given the newly instated six-month approval deadline.⁵⁴ The Commission referred this proceeding to SOAH and identified issues to be addressed in the Order of Referral and Preliminary Order issued June 9, 2023.⁵⁵ On June 20, 2023, Commission Staff filed its recommendation that the Application be deemed administratively complete and that Oncor's notice be deemed sufficient.⁵⁶ SOAH Order No. 2, issued June 28, 2023, deemed Oncor's notice and application sufficient.⁵⁷

A prehearing conference convened on June 26, 2023, via Zoom videoconference, during which the parties agreed to a procedural schedule. SOAH Order No. 2 adopted the agreed procedural schedule and set the Hearing to convene on August 28-31, 2023.⁵⁸ Commission Staff filed the direct testimony of its witness, John Poole, on August 14, 2023⁵⁹ and filed errata to Mr. Poole's testimony on August 28, 2023, to address Oncor's updated costs.⁶⁰ Approximately 400 parties intervened, and approximately 90 parties filed direct testimony or a statement of position. On August 16, 2023, numerous intervenors were dismissed for failure to file testimony or a

⁵¹ Oncor Ex. 1 (CCN Application).

⁵² Oncor Ex. 23 (Cost Estimates Errata); Oncor Ex. 24 (Notice of Errata).

⁵³ Oncor Ex. 2 (Marusak Direct); Oncor Ex. 3 (Naik Direct); Oncor Ex. 4 (Perkins Direct); Oncor Ex. 5 (Zapletal Direct).

⁵⁴ Oncor Ex. 21 (Actions to Aid Commission Review).

⁵⁵ Order of Referral and Preliminary Order at 1, 5-11 (Jun. 9, 2023) ("Preliminary Order").

⁵⁶ Commission Staff's Recommendations on Sufficiency of the Application and Proposed Notice at 1 (Jun. 20, 2023) ("Staff's Recommendation").

⁵⁷ SOAH Order No. 2 – Memorializing Prehearing Conference; Finding Notice and Application Sufficient; Adopting Procedural Schedule; Setting Hearing on the Merits at 2 (Jun. 28, 2023) ("SOAH Order No. 2").

⁵⁸ SOAH Order No. 2 at 3-4.

⁵⁹ Direct Testimony and Attachments of John Poole, Staff Ex. 1 ("Poole Direct").

⁶⁰ Errata to the Direct Testimony of John Poole, Staff Ex. 2 ("Errata to Poole Direct").

statement of position.⁶¹ Oncor filed the rebuttal testimonies of its witnesses, Dr. Edward P. Gelmann, Mr. Marusak, Mr. Naik, Ms. Perkins, and Ms. Zapletal, on August 21, 2023.⁶²

Oncor secured a meeting space in Austin for all parties who wished to attend the Hearing in person and provided notice thereof on August 4, 2023.⁶³ On August 28, 2023, the Hearing convened via Zoom videoconference, with optional in-person attendance, before SOAH ALJs Rachelle Robles, Brent McCabe, and Amy Davis.⁶⁴ The Hearing concluded on August 30, 2023.⁶⁵

The following parties made appearances and participated in the Hearing: Oncor; Commission Staff; Old WR Ranch I, L.P., 64.3 SE 1171/377, LLC, and SWC 1171-377, Ltd. (the “Furst Ranch Intervenor”); La Estancia Investments, LP (“La Estancia”); PMB Rolling V Land, LP; Eagle Income Properties, LP, AIL Investment, L.P., Petrus Investment, L.P., HW Indian Springs, L.P., HWC Justin 407, LLC, HP Gibbs, LP, Pecan Square Phase 1, LLC, Pecan Square Phase 2A, LLC, Pecan Square Phase 2B, LLC, Pecan Square Phase 3A, LLC, and Pecan Square Phase 3B, LLC (collectively, the “Hillwood Parties”); Texas Municipal Power Agency (“TMPA”); the Town of Northlake; Deborah N. Dallas; Seth DeLeon; the City of Justin; Dudley Realty, LLC; TCCI Range-Mead 2021, LLC; Jeremy and Katie Young; Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of the Watkins Family Trust; Bill Beverly, Jr.; Matthew Spaethe; Margaret and Antonio Chavez; GFAT, LLC; David Bratton; Jerry Bratton; Janet Beverly, Rama Prasad Chalasani; Michael and Marnie Hamilton; Bobby Keith Norris; Martin Rojas; Peggy Logan McCurdy; the Floyd T. McCurdy Testamentary Trust; Wayne and Norma Wilkerson; Denton County Land & Cattle, LP; Denton County Land & Cattle 2, LP; GRBK Edgewood, LLC; GBTM Sendera, LLC; Alliance West, LP; DHL Supply Chain; New Dimension II, LLC; H3M Property Holdings, LP and Ross Brewer; Todd Family Holdings, LP; Charles Dee and Gretchen Brown; Robert and Martha Vinyard; Viktor and Anzhela Chopovenko; and Jeff True.

⁶¹ SOAH Order No. 9 – Dismissing Intervenor and Revising Record Requirements (Aug. 16, 2023).

⁶² Rebuttal Testimony of Dr. Edward P. Gelmann, Oncor Ex. 10 (“Gelmann Rebuttal”); Rebuttal Testimony of Russell J. Marusak, Oncor Ex. 11 (“Marusak Rebuttal”); Rebuttal Testimony of Harsh Naik, Oncor Ex. 12 (“Naik Rebuttal”); Rebuttal Testimony of Brenda J. Perkins, Oncor Ex. 13 (“Perkins Rebuttal”); Rebuttal Testimony of Amy L. Zapletal, Oncor Ex. 14 (“Zapletal Rebuttal”).

⁶³ Notice of In-Person Hearing Location, Interchange Item No. 1567 (Aug. 4, 2023).

⁶⁴ Tr. (Aug. 28, 2023) at 8:5-13.

⁶⁵ Tr. (Aug. 30, 2023) at 35:2-3.

III. JURISDICTION

The Commission has jurisdiction over this proceeding pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056. SOAH has jurisdiction over this proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.

IV. PRELIMINARY ORDER ISSUES RELATING TO THE APPLICATION⁶⁶

A. Application and Route Adequacy

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?*

The record proves the Application's adequacy. The ALJs concluded the Application is sufficient in SOAH Order No. 2.⁶⁷ A total of 74 geographically diverse routes that are forward-progressing given the area constraints present a sufficient number of reasonably differentiated routes for the Commission to conduct a proper evaluation.⁶⁸ No party raised a valid route adequacy challenge, although intervenor Deborah N. Dallas filed a pleading styled as a "Challenge of Route Adequacy."⁶⁹ Oncor filed its Response to Deborah N. Dallas's Route Adequacy Statement on August 4, 2023, arguing that Ms. Dallas's pleading offered her statement of position regarding certain alternative routes, but did not challenge the adequacy of Oncor's Application or routing.⁷⁰ On August 7, 2023, the SOAH ALJs issued SOAH Order No. 7, agreeing with Oncor's arguments and denying Ms. Dallas's request for a route adequacy hearing.⁷¹ Commission Staff witness Mr. Poole confirmed Commission Staff's view that the alternative routes presented are sufficient to conduct a proper evaluation.⁷² The record evidence establishes that Oncor's CCN Application is adequate, sufficient, and contains an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation.

⁶⁶ The Commission's Order of Referral and Preliminary Order, issued on June 9, 2023, lists seventeen issues that must be addressed in this docket.

⁶⁷ SOAH Order No. 2 at 2.

⁶⁸ Oncor Ex. 1 (CCN Application), Attachment No. 1 at Bates 194, Attachment No. 7 (Routing Memorandum) at Bates 697; Oncor Ex. 4 (Perkins Direct) at Bates 12:13-30.

⁶⁹ Intervening Statement and Evidence, Challenge of Route Adequacy and Hearing Request for PUC Docket # 55067, Interchange Item No. 1487 (Jul. 31, 2023).

⁷⁰ Response to Deborah N. Dallas's Route Adequacy Statement, Oncor Ex. 22.

⁷¹ SOAH Order No. 7 – Denying Request for Route Adequacy Hearing at 1-2 (Aug. 7, 2023).

⁷² Staff Ex. 1 (Poole Direct) at Bates 21:18-20.

B. Notice

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

The notice requirements of 16 TAC § 22.52(a)(1)-(3) were met in this proceeding. Oncor provided notice of the CCN Application to neighboring utilities, municipalities, county governments, the Department of Defense Siting Clearinghouse (“DOD”), directly affected landowners, and the Office of Public Utility Counsel (“OPUC”), and courtesy notice to pipeline owners/operators, all on the day the CCN Application was filed.⁷³ Additionally, Oncor provided the Environmental Assessment to the Texas Parks and Wildlife Department (“TPWD”) within 7 days of the Application’s filing.⁷⁴ Oncor also provided notice of the Application by publication in the *Denton Record Chronicle* and the *Wise County Messenger*—newspapers having general circulation in Denton County and Wise County, respectively, the counties where the certificate is being requested.⁷⁵

Oncor’s notices of the Application mailed to landowners were more than sufficient.⁷⁶ Oncor mailed written notice of the Application to each landowner of record, according to current county tax rolls, of property within 520 feet of the centerline of all filed routes, irrespective of whether a habitable structure was located on such properties.⁷⁷

The SOAH ALJs found Oncor’s notice sufficient in SOAH Order No. 2.⁷⁸ On July 13 and August 8, 2023, Oncor filed supplemental proofs of notice regarding returned and re-sent landowner notices.⁷⁹ Oncor complied with all notice requirements in 16 TAC § 22.52(a)(1)-(3), and no party contested Oncor’s provision of notice. Accordingly, Oncor’s notice of the Project complied with 16 TAC § 22.52(a)(1)-(3).

⁷³ Affidavit Attesting to the Provision of Notice to Cities, Counties, OPUC, TPWD, Department of Defense Siting Clearinghouse, and Landowners, Oncor Ex. 6 (“Affidavit of Notice”); Supplemental Affidavit Attesting to the Provision of Notice to Landowners, Oncor Ex. 7 (“Supplemental Notice Affidavit”); Second Supplemental Affidavit Attesting to the Provision of Notice to Landowners, Oncor Ex. 8 (“Second Supplemental Notice Affidavit”).

⁷⁴ Oncor Ex. 6 (Affidavit of Notice) at Bates 23-24.

⁷⁵ Affidavit Attesting to the Provision of Newspaper Notice, Oncor Ex. 9 at Bates 1-2 (“Affidavit of Publication”).

⁷⁶ Oncor Ex. 4 (Perkins Direct) at Bates 14:19-24.

⁷⁷ *Id.*

⁷⁸ SOAH Order No. 2 at 2.

⁷⁹ Oncor Ex. 7 (Supplemental Notice Affidavit); Oncor Ex. 8 (Second Supplemental Notice Affidavit).

3. *Did the applicant provide notice of the public meeting in accordance with 16 TAC § 22.52(a)(4)?*

Oncor provided notice of the public meetings in accordance with 16 TAC § 22.52(a)(4). Oncor mailed 2,068 individual written notices of the public meetings to all owners of property within 520 feet of the centerline of any preliminary alternative route link for the Project, and hosted the public meetings on December 7 and 8, 2022, in Fort Worth, Texas.⁸⁰ Oncor also provided notice of the public meeting to the DOD.⁸¹ Oncor published notice of the public participation meetings in the *Denton Record Chronicle* on November 26-27, 2022, and the *Wise County Messenger* on November 23, 2022.⁸² These newspapers have general circulation in Denton County and Wise County, respectively.⁸³ Accordingly, Oncor's notice for its public meeting complied with 16 TAC § 22.52(a)(4).

C. 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?*

Seventy-seven individuals signed in as attendees at the public meeting held on December 7, 2022, and 27 attendees submitted questionnaires at this meeting.⁸⁴ Ninety-five individual signed in as attendees at the public meeting held on December 8, 2022, and 44 attendees submitted questionnaires.⁸⁵ Numerous questionnaires and other correspondence were submitted after the public meeting.⁸⁶ The questionnaire form requested input about transmission line routing issues regarding land use, paralleling existing corridors, and community values.⁸⁷ Respondents were asked to rank different factors concerning Project routing, and the completed questionnaires expressed a strong preference for maximizing the distances of the Project from habitable structures

⁸⁰ Oncor Ex. 4 (Perkins Direct) at Bates 4:14-5:8; *see also* Oncor Ex. 6 (Affidavit of Notice); Oncor Ex. 7 (Supplemental Notice Affidavit); Oncor Ex. 8 (Second Supplemental Notice Affidavit).

⁸¹ Oncor Ex. 4 (Perkins Direct) at Bates 5:8-9; *see also* Oncor Ex. 6 (Affidavit of Notice).

⁸² Oncor Ex. 4 (Perkins Direct) at Bates 5:14-20; *see also* Oncor Ex. 9 (Affidavit of Publication).

⁸³ Oncor Ex. 9 (Affidavit of Publication) at Bates 3-4.

⁸⁴ Oncor Ex. 1 (CCN Application) at Bates 25.

⁸⁵ Oncor Ex. 1 (CCN Application) at Bates 25.

⁸⁶ *Id.*; *see also* Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 167-76.

⁸⁷ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 166.

and, to a lesser degree, utilizing existing compatible corridors.⁸⁸ Subsequent correspondence indicated an overwhelming preference for maximizing the Project's distance from residences, schools, churches, and recreational areas.⁸⁹ Section 5.0 of the Environmental Assessment contains further discussion of the questionnaire responses and subsequent correspondence.⁹⁰

Oncor also met and corresponded with local developers to discuss the Project.⁹¹ The purpose of these meetings and correspondence was to: (1) provide notice of the Project; (2) obtain feedback on preliminary routing; (3) ascertain the location, status, and pace of planned development in the study area; and (4) encourage participation in the CCN proceeding after the Application was filed.⁹²

D. Need

5. *Taking into account the factors set out in [PURA] § 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?*

The undisputed record evidence demonstrates that the Project is needed for the service, accommodation, convenience, and safety of the public. As more fully detailed in Oncor's response to Question No. 14 in the CCN Application and the direct testimony of Mr. Naik—Oncor's witness supporting Project need—the Project is one in a series of transmission improvements, collectively

⁸⁸ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 166.

⁸⁹ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 166.

⁹⁰ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 166-76.

⁹¹ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 176-86; Oncor Ex. 4 (Perkins Direct) at Bates 7:1-8:4.

⁹² Oncor Ex. 4 (Perkins Direct) at Bates 7:3-27.

referred to as the Roanoke Area Upgrades Project, which ERCOT deemed critical to the reliability of the ERCOT transmission system.⁹³ The Project is needed to resolve thermal overloading and voltage criteria exceedances identified in post-contingency conditions on the 345 kV transmission system in the north Fort Worth/Roanoke area of the DFW Metroplex, one of the fastest-growing areas in North Texas.⁹⁴

The 345 kV transmission system in this area is part of a high-power transfer corridor connecting generation from the Panhandle to the DFW load center.⁹⁵ Many of the 345 kV facilities in this area are reaching their operating limits at current demand levels, which has begun to restrict available transmission capacity.⁹⁶ Recently, these restrictions have limited Oncor's ability to fulfill requests for interconnection from large point loads in the area, and additional transmission capacity is needed to resolve the issues.⁹⁷ Ongoing growth in North Texas could lead to thermal overloads and voltage-support issues that may threaten system stability if new transmission capacity is not brought online.⁹⁸

Oncor performed power-flow studies and contingency analysis in accordance with North American Electric Reliability Corporation ("NERC") Reliability Standard TPL-001-4 and the ERCOT Planning Guide, which identified post-contingency system performance issues beginning in summer 2023, including thermal overloads, loading limitations, and voltage criteria exceedances on transmission lines and autotransformers along the Roanoke-Eules/Deen 345 kV transmission line corridor, which serves almost 1,000 MW of load in the north Fort Worth/Roanoke area.⁹⁹ To address these issues, Oncor proposed the Roanoke Area Upgrades Project to ERCOT.¹⁰⁰

⁹³ Oncor Ex. 1 (CCN Application) at Bates 10, Attachment No. 4 (ERCOT Independent Review) at Bates 675.

⁹⁴ Oncor Ex. 1 (CCN Application) at Bates 10, Attachment No. 4 (ERCOT Independent Review) at Bates 679-81; Oncor Ex. 3 (Naik Direct) at Bates 4:4-5:14.

⁹⁵ Oncor Ex. 1 (CCN Application) at Bates 10.

⁹⁶ Oncor Ex. 1 (CCN Application) at Bates 10.

⁹⁷ Oncor Ex. 1 (CCN Application) at Bates 10; Oncor Ex. 3 (Naik Direct) at Bates 7:3-10, 29-31 (Ex. HN-2).

⁹⁸ Oncor Ex. 1 (CCN Application) at Bates 10.

⁹⁹ Oncor Ex. 1 (CCN Application) at Bates 10-11; Oncor Ex. 3 (Naik Direct) at Bates 8:1-5.

¹⁰⁰ Oncor Ex. 3 (Naik Direct) at Bates 21-44 (Ex. HN-2).

ERCOT's independent review confirmed the identified reliability issues, observing overloading on ten transmission elements under P1, P3, and P6 contingencies, with loading ranging between 100% and 117.27% of those elements' rated thermal capacities.¹⁰¹ ERCOT's steady-state analysis also observed five voltage criteria exceedances under P1, P3, and P6 contingencies.¹⁰² ERCOT analyzed four alternative options to resolve these issues and selected Option 2, which includes this Project, as its preferred option because it offers: (1) better long-term load serving capability than the other alternatives studied; (2) better operational flexibility during transformer prior outage conditions than the other alternatives studied; (3) elimination of a 345 kV (P7) double-circuit contingency associated with transmission between Exchange and Roanoke stations; and (4) better flexibility for future utilization associated with transmission between Exchange and Roanoke than the other alternatives studied.¹⁰³

The ERCOT RPG and Board of Directors endorsed Option 2 for the Roanoke Area Upgrades Project as a Tier 1 transmission project that is critical to the reliability of the ERCOT transmission system.¹⁰⁴ This Project is the second of the Roanoke Area Upgrades Projects for which Oncor is seeking a CCN, and Oncor will request Commission approval for the remaining two projects—the Exchange-Keller Magnolia 138 kV Transmission Line Project and the Exchange-Roanoke 345/138 kV Rebuild Project—in the coming weeks.

No party submitted any evidence contesting the need for the Project. Commission Staff witness Mr. Poole concluded that, taking into account the factors set out in PURA § 37.056(c), the Project is necessary and the best option to meet the identified need when compared to other alternatives.¹⁰⁵ Accordingly, the Project is critically needed for the service, accommodation, convenience, and safety of the public.

¹⁰¹ Oncor Ex. 1 (CCN Application), Attachment No. 4 (ERCOT Independent Review) at Bates 679-80; Oncor Ex. 3 (Naik Direct) at Bates 8:6-9.

¹⁰² Oncor Ex. 1 (CCN Application), Attachment No. 4 (ERCOT Independent Review) at Bates 679-80; Oncor Ex. 3 (Naik Direct) at Bates 8:9-10.

¹⁰³ Oncor Ex. 1 (CCN Application), Attachment No. 4 (ERCOT Independent Review) at Bates 681-89.

¹⁰⁴ Oncor Ex. 1 (CCN Application) at Bates 11; Oncor Ex. 3 (Naik Direct) at Bates 50 (Ex. HN-3).

¹⁰⁵ Staff Ex. 1 (Poole Direct) at 23:16-24:14.

a. How do the proposed transmission facilities support the reliability and adequacy of the interconnected transmission system?

The Project supports the reliability and adequacy of the interconnected transmission system by addressing the reliability needs detailed above. The Project will address thermal overloads and voltage criteria exceedances observed under post-contingency conditions.¹⁰⁶ The Project will also provide additional transmission capacity to the DFW load center to alleviate existing loading limitations and facilitate the interconnection of large-point loads.¹⁰⁷

b. Do the proposed transmission facilities facilitate robust wholesale competition?

Yes, the Project will facilitate robust wholesale competition by facilitating the delivery of economical electric power at 345 and 138 kV from existing and future generation resources in the area to existing and future electric customers in the rapidly growing DFW load center.¹⁰⁸

c. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed transmission facilities?

ERCOT endorsed the Roanoke Area Upgrades Project, of which this Project is a part, as a Tier 1 transmission project that is critical to the reliability of the ERCOT transmission system.¹⁰⁹ Additionally, the ERCOT ISO recommended the Roanoke Area Upgrades Project as necessary to alleviate “existing and potential transmission and distribution constraints and system needs within ERCOT” in the annual report filed under PURA § 39.155(b).¹¹⁰

d. Are the proposed transmission facilities needed to interconnect a new transmission service customer?

Although the Project is not proposed to interconnect a new transmission service customer, the system limitations discussed above are restricting Oncor’s ability to interconnect new transmission service customers in parts of the DFW Metroplex.¹¹¹ The Project will facilitate the

¹⁰⁶ Oncor Ex. 3 (Naik Direct) at Bates 6:21-7:10.

¹⁰⁷ Oncor Ex. 3 (Naik Direct) at Bates 6:21-7:10, 18:12-15.

¹⁰⁸ Oncor Ex. 3 (Naik Direct) at Bates 9:1-5.

¹⁰⁹ Oncor Ex. 3 (Naik Direct) at Bates 5:2-4.

¹¹⁰ Oncor Ex. 21 (Actions to Aid Commission Review) at 3.

¹¹¹ Oncor Ex. 3 (Naik Direct) at Bates 7:3-10, 29-31 (Ex. HN-2).

interconnection of new transmission service customers by providing additional transmission facilities to address area capacity limitations.¹¹²

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.*

As previously described, Oncor has recently been limited in fulfilling, or unable to fulfill, several requests for service due to potential autotransformer and transmission line overloads.¹¹³ Coincident peak load in the Roanoke area has grown at an annual rate of ~3.1% from 2017 to 2020, which is more than double the ~1.4% annual growth rate of the overall Oncor coincident peak during this same period.¹¹⁴ Forecasted load growth on the Roanoke-Deen/Eules 345 kV transmission line corridor, which is projected to begin experiencing thermal overloads and voltage in 2023, is provided on page 12 of the Application (Table 3).¹¹⁵

7. *If the proposed transmission facilities are not necessary to meet state or federal reliability standards and are not included in a plan developed under PURA § 39.904(g), please address the estimated cost of the transmission project for consumers and the estimated congestion cost savings for consumers that may result from the transmission project, considering both current and future expected congestion levels and the transmission project's ability to reduce those congestion levels.*

Not applicable. The Project is needed to address reliability issues identified under NERC Reliability Standard TPL-001-4 and the ERCOT Planning Guide.

8. *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 distributed generation and energy efficiency? In answering this issue, if the proposed transmission facilities include a radial transmission line to serve load, please address the following:*

¹¹² Oncor Ex. 3 (Naik Direct) at Bates 7:3-10.

¹¹³ Oncor Ex. 3 (Naik Direct) at Bates 7:3-10, 29-31 (Ex. HN-2).

¹¹⁴ Oncor Ex. 3 (Naik Direct) at Bates 28 (Ex. HN-2).

¹¹⁵ Oncor has coordinated and implemented a mitigation plan with ERCOT to prevent overloading and low voltages until the Project is complete.

- a) *The data used to calculate the 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 load-growth projections;*
- 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 need study area;*
- d) *The location, described in writing and depicted on a map, of the boundaries 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 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, are the other utilities distribution facilities described in writing and depicted on a map that identifies the location and nature of the facilities;*
- 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 applicants 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.*

A transmission solution is required to resolve the reliability issues identified by Oncor and ERCOT.¹¹⁶ Distribution alternatives to the Project are not feasible, as they would not improve the reliability and operational capability of the transmission system and cannot satisfy power-quality requirements in the area.¹¹⁷ Oncor is subject to unbundling requirements under PURA § 39.051, so energy efficiency and distributed generation options are not available alternatives.¹¹⁸ Issues 8(a)-(j) do not apply because the Project does not involve a radial transmission line to serve load.

V. ROUTE SELECTION

- 9. 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?*

A. Overview

Of the 36 parties who submitted evidence at the Hearing, 24 of them—including Oncor¹¹⁹ and 23 others—submitted filings indicating they support or do not oppose Route 179.¹²⁰ With a

¹¹⁶ Oncor Ex. 1 (CCN Application) at Bates 22; Oncor Ex. 3 (Naik Direct) at Bates 15:8-13.

¹¹⁷ Oncor Ex. 3 (Naik Direct) at Bates 15:8-13.

¹¹⁸ See Oncor Ex. 1 (CCN Application) at Bates 16.

¹¹⁹ Oncor Ex. 4 (Perkins Direct) at 8:8-10.

¹²⁰ Direct Testimony of Ross Arthur Brewer, Brewer Ex. 1 at 4:6; Direct Testimony of Harvey M. Mueller, II on behalf of H3M Property Holdings, LP, H3M Ex. 1 at 4:6; Intervenor Letter, Chopovenko Ex. 1 at 1 (expressing opposition to Link J4, which is not on Route 179); Direct Testimony of Charles Dee and Gretchen Brown, Brown Ex. 1 at 1-2 (opposing links U2 and R6, which are not on Route 179); Direct Testimony of Wayne Wilkerson, Wilkerson Ex. 1 at 2:4-5; PMB Ex. 1 (Motsenbocker Direct) at 3; Direct Testimony of Thomas Steven Martin, TMPA Ex. 1 (expressing no opposition to any route); Direct Testimony of Intervenor Matthew Spaethe, Spaethe Ex. 1 at 9:28; Direct Testimony of Paul Glasgow, GFAT Ex. 1 at 9:2-3; Direct Testimony of Intervenor Margaret Chavez, Chavez Ex. 1 at 10:15; Direct Testimony of Intervenor David Bratton, D. Bratton Ex. 1 at 8:18; Direct Testimony of Intervenor Jerry Bratton, J. Bratton Ex. 1 at 8:18; Direct Testimony of Bill Beverly, B. Beverly Ex. 1 at 4; Direct Testimony of Janet Beverly, J. Beverly Ex. 1 at 4; Direct Testimony of Keith Norris, Norris Ex. 1 at 4; Direct Testimony of Martin Rojas, Rojas

modification to Link C21 proposed by La Estancia Investments, LP, that number rises to 29 parties who support or do not oppose Route 179.¹²¹

Most of the remaining parties—including Commission Staff,¹²² Edgar Brent Watkins and Mary Ann Livengood, co-trustees of the Watkins Family Trust,¹²³ Denton County Land & Cattle,¹²⁴ and GRBK Edgewood LLC/GBTM Sendera LLC¹²⁵—submitted filings indicating they support or would not oppose Route 179C. Route 179C is identical to Route 179 from the Project’s eastern endpoint, the Dunham Switch, to the node of links M1, M2, and M5.¹²⁶ From there, Route 179 progresses south, then west, on links M2-M3-R4-V2-Z, while Route 179C progresses west, then south, then west again, on links M5-R2-R5-U3-V3-V4-Z. To Oncor’s knowledge, no parties who support Route 179 have expressed opposition to Route 179C.¹²⁷

Oncor views Route 179 as the route that best meets the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), due in part to its limited proximity to habitable structures, schools, parks, and recreational areas; distance parallel to existing compatible rights-of-way; and limited environmental impacts, all of which are in line with the community values expressed at the public participation meeting. Specifically, Oncor views Route 179 as the “best-meets” route because:

- its estimated transmission line cost is \$178,749,000, which is only 6.2% more than the least costly alternative and approximately 33.5% less than the most costly alternative route;

Ex. 1 at 9:8-9; Direct Testimony of Michael Hamilton, Hamilton Ex. 1 at 4; Direct Testimony of Rama Prasad Chalasani, Chalasani Ex. 1 at 7:38; DHL Ex. 1 (Buntz Direct) at 6:29-7:2; Hillwood Ex. 1 (Laughlin Direct) at 5:3-5; Direct Testimony of Amelia McCurdy Martin, McCurdy Tr. Ex. 1 at 5:13-17; Direct Testimony of Peggy Logan McCurdy, P. McCurdy Ex. 1 at 5:17-21; Direct Testimony of Steve Elis, New Dimension Ex. 1 at 10:9-10.

¹²¹ Oncor’s Response to La Estancia RFI 1-1, La Estancia Exs. 3B and 3C (description and diagram showing proposed modification to Link C21); La Estancia Ex. 4 (communications in support of La Estancia’s proposed modification from intervenors the Town of Northlake, Henry Northlake Development LLC, Deborah N. Dallas, the Hillwood Parties, Benito Gonzalez, Jeff True, Seth DeLeon, and Jeremy and Katie Young.

¹²² Staff Ex. 1 (Poole Direct) at Bates 17 (“I conclude that Route 179-C is the best route . . .”).

¹²³ Direct Testimony of Edgar Brent Watkins, Watkins Ex. 1 at Bates 5:11-14 (opposing routes using Link V2, which is not on Route 179C).

¹²⁴ Response of Denton County Land and Cattle 2’s response to Watkins First RFI, Watkins Ex. 14 at Bates 4.

¹²⁵ Direct Testimony of Bobby Samuel, GRBK-GBTM Ex. 1 at 2:12-14

¹²⁶ See La Estancia Ex. 5 (Modified Intervenor Map).

¹²⁷ Of the parties who participated in the Hearing Dudley Realty, the City of Justin, and TCCI Range-Mead LLC oppose both Route 179 and Route 179C.

- only 97 habitable structures are within 500 feet of its centerline, which is the second fewest among the filed routes, with only four more than the route with the lowest number of habitable structures, and 303 fewer than the route with the highest number;
- it parallels existing compatible corridors for 26,061 feet, or 23% of its length;
- it does not cross through any parks or recreational areas;
- it crosses through commercial/industrial areas for 4,607 feet;
- it crosses through only 10,126 feet of upland woodlands and only 7,162 feet of riparian areas;
- it does not cross any potential wetlands;
- it crosses lakes or ponds for only 1,704 feet;
- it has no threatened or endangered species and only one known rare/unique plant species within its right-of-way; and
- it crosses only one recorded cultural resource site and has only three recorded cultural resource sites within 1,000 feet of its centerline.¹²⁸

Route 179 does not significantly impact community values, recreational and park areas, historical and aesthetic values, or the environmental integrity of the area traversed by the Project.¹²⁹ Route 179 limits exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort,¹³⁰ as evidenced by the low number of habitable structures within 500 feet of its centerline, which reflects its consistency with the community values expressed during and after the public participation meetings.¹³¹ Environmental consultant Mr. Buntz filed testimony on behalf of DHL Supply Chain supporting Route 179, due largely to its performance on environmental and natural resource criteria.¹³² Similarly, the Texas Parks and Wildlife Department's comment letter filed in this docket ranks Route 179 as the second best

¹²⁸ Oncor Ex. 4 (Perkins Direct) at Bates 34-35 (Ex. BJP-5 at 4-5).

¹²⁹ Oncor Ex. 4 (Perkins Direct) at Bates 11:3-6.

¹³⁰ Oncor Ex. 4 (Perkins Direct) at Bates 11:6-9.

¹³¹ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 166.

¹³² DHL Ex. 1 (Buntz Direct) at 19:28-21:5.

alternative route from a purely ecological/environmental perspective.¹³³ Route 179 does not significantly impact communication facilities, airports, or known cultural resource sites.¹³⁴

Despite Oncor's continued support for Route 179, Oncor does not object to the Commission's selection of Route 179C.¹³⁵ Route 179 impacts one fewer habitable structure than Route 179C; parallels existing compatible corridors for a greater distance and pipelines for a lesser distance extent than Route 179C; and traverses upland woodlands, riparian areas, open waters, and areas of high archaeological/historical site potential for a shorter distance than Route 179C.¹³⁶ In contrast, Route 179C is marginally shorter and less costly than Route 179.¹³⁷

Nor does Oncor object to the modifications proposed by La Estancia and supported by many parties in the eastern portion of the study area, which would modify Link C21 (La Estancia Alternative 1) and links E6 and G1 (La Estancia Alternative 2¹³⁸) to minimize the Project's impacts on the Canyon Falls neighborhood and planned development along Farm-to-Market Road ("FM") 1171 (Cross Timbers Road).¹³⁹ La Estancia Exhibits 3A and 3F, respectively, provide relative comparisons of the environmental and land use data and cost data for Route 179 as filed and Route 179 with the La Estancia alternatives.¹⁴⁰ Oncor Ex. 25 provides a relative comparison of the environmental and land use data and cost data for Route 179, Route 179C, and Route 179C with the La Estancia alternatives. And La Estancia Ex. 5 shows each of these options on a modified intervenor map.¹⁴¹

¹³³ Staff Ex. 1 (Poole Direct), Attachment JP-3.

¹³⁴ Oncor Ex. 4 (Perkins Direct) at Bates 11:9-11.

¹³⁵ See Watkins Ex. 8 (Link Composition and Environmental Data for Route 179C).

¹³⁶ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹³⁷ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹³⁸ This Brief generally treats La Estancia Alternative 1 as a prerequisite to La Estancia Alternative 2 and treats the La Estancia alternatives as modifications to Route 179 and Route 179C. But these modifications could be applied to any route that utilizes the C21-C3 and E6-G1 link progressions.

¹³⁹ See La Estancia Exs. 3B-3E (Oncor's Response to La Estancia RFI 1). While Oncor does not object to either modification, La Estancia Alternative 2 would require the removal of one, or possibly two, habitable structures, as explained in La Estancia Ex. 3E. Oncor's support for the second modification is premised on the prior removal of these structures.

¹⁴⁰ La Estancia Exs. 3A (Environmental Data for La Estancia Alternatives 1 & 2) and 3F (Cost Data for La Estancia Alternatives 1 & 2).

¹⁴¹ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 5 (Modified Intervenor Map).

As shown in Oncor Ex. 25 and La Estancia Exhibits 3A and 3F, La Estancia Alternative 1 (modifying Link C21) would not substantially alter the length or cost of Route 179 or Route 179C, but would directly affect 38 additional habitable structures and modestly reduce the Project's distance parallel to existing compatible corridors. Oncor mailed notice of the Application to the owners of the habitable structures that would be affected by this modification at the addresses provided on the current county tax rolls,¹⁴² including La Estancia and the Furst Ranch Intervenor (on whose property the modification would be routed) and the owners of land with habitable structures to the south of Link C3.

The data for La Estancia Alternative 2 (modifying links E6 and G1) assumes the adoption of La Estancia Alternative 1. La Estancia Alternative 2 would parallel the FM 1171 corridor east of Interstate Highway 35W ("I-35W").¹⁴³ It would only marginally impact the length and environmental data for the routes it modifies and does not directly affect any habitable structures not affected by La Estancia Alternative 1; however, this alternative would require the removal of one or two existing habitable structures on Tract 801 (HS 256 and 257), near the intersection of FM 1171 and I-35W, and it would require consent from that directly affected landowner.¹⁴⁴

Routes 179 and 179C do not require any landowner consents because they consist entirely of properly noticed links that were filed with the Application. Given Route 179's lower number of habitable structures impacted, its greater distance parallel to existing compatible corridors, and its lesser environmental impacts compared with Route 179C, Route 179 is the alternative route that best meets the factors under PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B). However, Oncor does not oppose the Commission's selection of Route 179C or adoption of either or both of the La Estancia Alternatives.

B. Adequacy of Existing Service and Need for Additional Service

As discussed above, the existing 345 kV transmission system in this area of North Texas is reaching its operating limits at current demand levels.¹⁴⁵ The Project is needed to provide additional transmission capacity that will (1) resolve thermal overloads and voltage criteria

¹⁴² Oncor Ex. 1 (CCN Application), Attachment No. 8 (Notice List) at Bates 712-858.

¹⁴³ See La Estancia Ex. 3D (Oncor's Response to La Estancia RFI 1-2).

¹⁴⁴ La Estancia Ex. 3E (Oncor's Response to La Estancia RFI 1-2).

¹⁴⁵ Oncor Ex. 1 (CCN Application) at Bates 10; Oncor Ex. 3 (Naik Direct) at Bates 4:18-25.

exceedances in post-contingency conditions;¹⁴⁶ (2) enhance operational flexibility;¹⁴⁷ and (3) address loading limitations that are restricting Oncor's ability to interconnect new transmission service customers.¹⁴⁸ ERCOT deems the Project critical to the reliability of the ERCOT transmission system,¹⁴⁹ and it has recommended the Project as necessary to alleviate "existing and potential transmission and distribution constraints and system needs within ERCOT" in the annual report filed under PURA § 39.155(b).¹⁵⁰ Section IV.D of the Brief, *supra*, further details the need for the Project.

No party submitted evidence contesting the need for the Project, and Commission Staff witness Mr. Poole concluded that, taking into account the factors set out in PURA § 37.056(c), the Project is necessary and the best option to meet the need when compared to other alternatives.¹⁵¹ Accordingly, there exists a need for additional transmission service in the area.

C. Effect of Granting the Application on Oncor and Other Utilities and Probable Improvement of Service or Lowering Cost

The Project will result in a probable improvement of service by addressing reliability issues and providing additional transmission capacity and operational flexibility to facilitate the interconnection of new transmission service customers.¹⁵² Oncor will own the proposed transmission line and both of the Project's endpoints,¹⁵³ and the Project will not serve, connect to, or utilize the facilities of any other electric utility.¹⁵⁴ Certain filed links will cross transmission facilities jointly owned by TMPA, and Oncor will coordinate with TMPA to address any potential impacts or modifications to the existing facilities.¹⁵⁵

¹⁴⁶ Oncor Ex. 1 (CCN Application) at Bates 10-16; Oncor Ex. 3 (Naik Direct) at Bates 6:21-24.

¹⁴⁷ Oncor Ex. 3 (Naik Direct) at Bates 8:11-19.

¹⁴⁸ Oncor Ex. 1 (CCN Application) at Bates 10; Oncor Ex. 3 (Naik Direct) at Bates 7:3-10.

¹⁴⁹ Oncor Ex. 1 (CCN Application), Attachment No. 4 (ERCOT Independent Review) at Bates 675.

¹⁵⁰ Oncor Ex. 21 (Actions to Aid Commission Review) at 3.

¹⁵¹ Staff Ex. 1 (Poole Direct) at Bates 23:16-24:14.

¹⁵² Oncor Ex. 3 (Naik Direct) at Bates 7:26-8:19.

¹⁵³ Oncor Ex. 1 (CCN Application) at Bates 2; Oncor Ex. 5 (Zapletal Direct) at Bates 9:10-11.

¹⁵⁴ Oncor Ex. 1 (CCN Application) at Bates 8; Oncor Ex. 5 (Zapletal Direct) at Bates 9:10-11.

¹⁵⁵ Oncor Ex. 12 (Naik Rebuttal) at Bates 3:3-7.

D. Estimated Costs

The 74 routes Oncor proposed in the CCN Application range in estimated cost from approximately \$168,332,000 to \$238,602,000, excluding station costs.¹⁵⁶ The estimated cost of the proposed Ramhorn Hill Switching Station is approximately \$33,510,000.¹⁵⁷ The estimated cost of the proposed Dunham Switching Station is approximately \$41,348,000.¹⁵⁸ With estimated transmission line costs of \$178,749,000, Route 179 is near the bottom third of all filed routes in terms of estimated cost and is nearly \$60 million less than the estimated cost of the most expensive alternative route.¹⁵⁹ Route 179 is estimated to cost \$253,607,000, including station costs.¹⁶⁰ Route 179C is estimated to cost approximately \$2.5 million less than Route 179.¹⁶¹ The Project will be financed by Oncor through a combination of debt and equity.¹⁶²

E. Prudent Avoidance

The term “prudent avoidance” is defined in 16 TAC § 25.101(a)(6) as the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.” The number of habitable structures within 500 feet of the centerline of the filed routes ranges from 93 to 400.¹⁶³ Route 179 has only 97 habitable structures within 500 feet of its centerline.¹⁶⁴ Oncor witness Ms. Perkins concluded that Route 179 and the other 73 filed routes comply with the Commission’s policy of prudent avoidance.¹⁶⁵ Commission Staff witness Mr. Poole concluded that the Project’s route links were designed to minimize, to the extent reasonable, the number of habitable structures located in close proximity to the routes.¹⁶⁶ Dr. Edward P. Gelmann’s rebuttal and live hearing testimony also emphasized the lack of scientific

¹⁵⁶ Oncor Ex. 23 (Cost Estimates Errata).

¹⁵⁷ Oncor Ex. 5 (Zapletal Direct) at Bates 9:29-10:2.

¹⁵⁸ Oncor Ex. 5 (Zapletal Direct) at Bates 9:29-10:2.

¹⁵⁹ Oncor Ex. 23 (Cost Estimates Errata)

¹⁶⁰ Oncor Ex. 23 (Cost Estimates Errata) at Bates 10.

¹⁶¹ Oncor Ex. 25 (Route 179C Estancia).

¹⁶² Oncor Ex. 1 (CCN Application) at 9.

¹⁶³ Oncor Ex. 1 (CCN Application), Attachment No. 7 (Routing Memorandum), Table 2 (Environmental Data) at Bates 703-11.

¹⁶⁴ Oncor Ex. 4 (Perkins Direct) at Bates 10:8-12.

¹⁶⁵ Oncor Ex. 4 (Perkins Direct) at 12:7-8.

¹⁶⁶ Staff Ex. 1 (Poole Direct) at Bates 51:14-16.

basis regarding any alleged adverse human or animal health effects from the electric and magnetic fields (“EMFs”) associated with the Project or electric transmission lines generally.¹⁶⁷ Accordingly, Route 179 satisfies the Commission’s policy of prudent avoidance.

Route 179C directly affects 98 habitable structures, which is one more than Route 179.¹⁶⁸ La Estancia’s proposed alternatives together would add 38 structures to either Route 179 or Route 179C, for a total of 135 and 136 habitable structures within 500 feet of the route centerlines, respectively.¹⁶⁹

F. Community Values

Oncor provided notice of the Project and held a public participation meeting on December 7 and 8, 2022, in Fort Worth, Texas, in accordance with 16 TAC § 22.52(a)(4).¹⁷⁰ Respondents who submitted completed questionnaires or other correspondence following the public participation meetings indicated an overwhelming preference for maximizing the distances of the Project from habitable structures, schools, churches, and recreation areas.¹⁷¹ Following the public meeting, Halff made modifications to the preliminary route links after considering updated property data, guidance from Oncor, additional field investigations, and comments received from the public meeting and from further coordination with public officials.¹⁷² Oncor also implemented route modifications after considering certain development representatives’ recommendations.¹⁷³ Section 6.0 of the Environmental Assessment details each of the route link modifications and additions that were adopted.¹⁷⁴ Route 179 directly affects the second fewest number of habitable structures among all filed routes and crosses no parks or recreational areas. Thus, Route 179 reflects community values.

¹⁶⁷ Oncor Ex. 10 (Gelman Rebuttal); Tr. (Aug. 30, 2023) at 5-32.

¹⁶⁸ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁶⁹ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

¹⁷⁰ Oncor Ex. 1 (CCN Application) at 24-25.

¹⁷¹ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at 166-76.

¹⁷² Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at 188-92.

¹⁷³ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at 176-86.

¹⁷⁴ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at 188-92.

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

Route 179 is 114,898 feet long and parallels existing compatible rights-of-way—including existing transmission lines, public roads and highways, railways, and apparent property boundaries—for 26,061 feet.¹⁷⁵ Therefore, Route 179 parallels existing compatible right-of-way for approximately 23% of its length. Route 179C is 110,373 feet long and parallels existing compatible rights-of-way for 25,665 feet, or 23% of its length.¹⁷⁶

If La Estancia Alternative 1 were adopted on Route 179, the total route length would be 114,960 feet, with 23,759 feet (21%) parallel to existing compatible rights-of-way.¹⁷⁷ If La Estancia Alternatives 1 and 2 were adopted, the total route length would be 115,217 feet, with 25,812 feet (22%) parallel to existing compatible rights-of-way.¹⁷⁸

If La Estancia Alternative 1 were adopted on Route 179C, the total route length would be 110,436 feet, with 23,364 feet (21%) parallel to existing compatible rights-of-way.¹⁷⁹ If La Estancia Alternatives 1 and 2 were adopted on Route 179C, the total route length would be 110,692 feet, with 25,416 feet (23%) parallel to existing compatible rights-of-way.¹⁸⁰

H. Engineering Constraints

No known engineering constraints were identified that would prevent construction of the proposed transmission line along Route 179, Route 179C, or any of the filed routes. The study area is undergoing rapid development, which will likely result in additional habitable structures being directly affected as new residences, schools, commercial, and industrial facilities are constructed in the vicinity of the Project.¹⁸¹ Where possible, Oncor accounted for these developments during the routing process and made reasonable efforts to avoid all planned developments of which Oncor was aware when developing the routing alternatives.¹⁸² Yet, it is

¹⁷⁵ Oncor Ex. 1 (CCN Application), Attachment No. 7 (Routing Memorandum), Table 2 (Environmental Data) at Bates 710.

¹⁷⁶ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁷⁷ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

¹⁷⁸ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

¹⁷⁹ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁸⁰ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁸¹ Oncor Ex. 2 (Marusak Direct) at Bates 8:8-10.

¹⁸² Oncor Ex. 4 (Perkins Direct) at Bates 10:19-29.

uncertain what new, post-hearing obstacles may arise before Oncor acquires right-of-way for the Project.

A number of aircraft landing facilities are located in the study area.¹⁸³ Certain links may require additional consideration during the detailed design phase of the Project, potentially including the need to acquire wider right-of-way width and/or use alternate structures in select locations to comply with possible Federal Aviation Administration (“FAA”) requests.¹⁸⁴

Finally, numerous oil and gas facilities are located throughout the study area, including many that would have easements abutting the Project right-of-way. Oncor took these facilities into consideration during the routing process, and no active wells or pad sites are within the Project right-of-way.¹⁸⁵ Oncor has a wealth of institutional knowledge and experience owning and operating transmission facilities in close proximity to well pads, natural gas pipelines, and other oil and gas infrastructure.¹⁸⁶ Where oil and gas facilities are located near the Project route, Oncor will coordinate with facility owners as needed to avoid disturbances to oil and gas operations.¹⁸⁷

I. Other Comparisons of Land Uses and Land Types

a. Radio Towers and Other Electronic Installations

There are no commercial AM radio transmitters located within 10,000 feet of the centerline of Route 179 or Route 179C.¹⁸⁸ Route 179 and Route 179C both have two FM radio towers, microwave towers, or other electronic installations located within 2,000 feet of their centerlines.¹⁸⁹

¹⁸³ Oncor Ex. 1 (CCN Application), Attachment No. 11 (Aircraft Landing Facilities Near the Filed Alternative Routes) at Bates 885-89.

¹⁸⁴ Oncor Ex. 5 (Zapletal Direct) at Bates 19:20-20:9; Oncor Ex. 14 (Zapletal Rebuttal) at Bates 2:22-3:22.

¹⁸⁵ Oncor Ex. 11 (Marusak Direct) at Bates 25:3-7.

¹⁸⁶ Oncor Ex. 14 (Zapletal Rebuttal) at Bates 13:1-3.

¹⁸⁷ Oncor Ex. 14 (Zapletal Rebuttal) at Bates 13:11-13.

¹⁸⁸ Oncor Ex. 1 (CCN Application), Attachment No. 7 (Routing Memo), Table 2 (Environmental Data) at Bates 710; Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁸⁹ Oncor Ex. 1 (CCN Application), Attachment No. 7 (Routing Memo), Table 2 (Environmental Data) at Bates 710; Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

No additional facilities would be impacted by the La Estancia alternatives.¹⁹⁰ The Project is not anticipated to adversely affect any communication operations within the area.¹⁹¹

b. Airstrips, Airports and Heliports

Route 179 and Route 179C both have: (1) four FAA-registered airports without a runway greater than 3,200 feet in length within 10,000 feet of their centerlines; (2) three FAA-registered airports with at least one runway greater than 3,200 feet in length within 20,000 feet of their centerlines; (3) no private airstrips within 10,000 feet of their centerlines; and (4) two heliports within 5,000 feet of their centerlines.¹⁹² No additional facilities would be implicated by the La Estancia alternatives.¹⁹³ The Project is not anticipated to adversely affect any airports, airstrips, or heliports.¹⁹⁴

c. Irrigation Systems

Neither Route 179 nor Route 179C cross agricultural land with mobile irrigation systems, with or without the La Estancia alternatives.¹⁹⁵ The Project will not adversely affect agricultural lands with known mobile irrigation systems.¹⁹⁶

J. Recreational and Park Areas

Route 179 and Route 179C do not cross any park or recreational areas, with or without the La Estancia alternatives.¹⁹⁷ Four parks or recreational areas are located within 1,000 feet of the centerlines of Route 179 and Route 179C.¹⁹⁸ If the La Estancia alternatives are adopted, only three parks or recreational areas would be located within 1,000 feet of the centerline of Route 179 and Route 179C.¹⁹⁹

¹⁹⁰ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 3A.

¹⁹¹ See Oncor Ex. 4 (Perkins Direct) at Bates 11:9-11.

¹⁹² Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁹³ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁹⁴ See Oncor Ex. 4 (Perkins Direct) at Bates 11:9-11.

¹⁹⁵ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁹⁶ See Oncor Ex. 4 (Perkins Direct) at Bates 11:9-11.

¹⁹⁷ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁹⁸ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

¹⁹⁹ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

To the extent the Commission selects a route that does cross a park or recreational area, transmission line rights-of-way and park land routinely co-exist, so effects on the parks or recreational areas crossed will be minimal.²⁰⁰ Numerous transmission facilities are located within parks and recreational areas throughout Oncor's service territory.²⁰¹ Transmission line easements are often used as hike and bike trails within a park or recreational area, including in locations with existing transmission facilities in the study area.²⁰² The Project will not adversely affect the use of the parks and recreational areas.²⁰³ Section VI.B of the Brief, *infra*, addresses parks and recreational areas in regard to Chapter 26 of the Texas Parks and Wildlife Code ("PWC").

K. Historical and Archaeological Values

Route 179 and Route 179C both cross only one recorded cultural resource site, with or without adoption of the La Estancia alternatives.²⁰⁴ There are three recorded cultural resource sites located within 1,000 feet of the centerlines of Route 179 and Route 179C, with or without adoption of the La Estancia alternatives.²⁰⁵ Route 179 passes through areas of high potential for historical or archaeological sites for 37,905 feet as filed.²⁰⁶ If La Estancia Alternative 1 is adopted on Route 179, that number changes to 36,437 feet, and if La Estancia Alternatives 1 and 2 are both adopted, it changes to 36,681.²⁰⁷ Route 179C passes through areas of high potential for historical or archaeological sites for 56,753 feet.²⁰⁸ If La Estancia Alternative 1 is adopted on Route 179C, that number changes to 57,548 feet, and if La Estancia Alternatives 1 and 2 are both adopted, it changes to 57,792 feet.²⁰⁹ The Project is not anticipated to adversely affect any archaeological or historical values.²¹⁰

²⁰⁰ Oncor Ex. 13 (Perkins Rebuttal) at Bates at 4:1-6.

²⁰¹ Oncor Ex. 13 (Perkins Rebuttal) at Bates 4:1-3.

²⁰² Oncor Ex. 13 (Perkins Rebuttal) at Bates 4:3-6, 11-15 (Ex. BJP-R-1), 17 (Ex. BJP-R-3).

²⁰³ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 213-14.

²⁰⁴ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

²⁰⁵ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²⁰⁶ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²⁰⁷ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²⁰⁸ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

²⁰⁹ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²¹⁰ See Oncor Ex. 4 (Perkins Direct) at 11:9-11.

L. Aesthetic Values

An estimated 45,369 feet of Route 179's right-of-way is within the foreground visual zone of parks or recreational areas.²¹¹ An estimated 47,388 feet of Route 179's right-of-way is within the foreground visual zone of United States and state highways.²¹² If La Estancia Alternative 1 were adopted on Route 179, these numbers would adjust to 45,431 feet and 47,450 feet, respectively. If La Estancia Alternatives 1 and 2 were both adopted on Route 179, they would adjust to 47,707 feet and 45,700 feet, respectively.

An estimated 41,157 feet of Route 179C's right-of-way is within the foreground visual zone of parks or recreational areas.²¹³ An estimated 63,395 feet of Route 179C's right-of-way is within the foreground visual zone of United States and state highways.²¹⁴ If La Estancia Alternative 1 were adopted on Route 179C, these numbers would adjust to 41,219 feet and 63,458 feet, respectively. If La Estancia Alternatives 1 and 2 were both adopted on Route 179C, they would adjust to 41,488 feet and 63,714 feet, respectively. The Project is not anticipated to adversely affect the aesthetic quality of the landscape.²¹⁵

M. Environmental Integrity

The Environmental Assessment evaluated the Project's possible impacts based on numerous environmental factors.²¹⁶ Halff performed an evaluation of the Project's potential impacts on the environment, including endangered and threatened species.²¹⁷ Route 179 and Route 179C will not cross any known critical habitat of federally listed endangered or threatened species, with or without adoption of the La Estancia alternatives.²¹⁸ Mr. Buntz, on behalf of DHL, testified in support of Route 179, based largely on its modest environmental and ecological impacts.²¹⁹

²¹¹ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²¹² La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²¹³ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

²¹⁴ La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²¹⁵ See Oncor Ex. 4 (Perkins Direct) at Bates 11:3-6.

²¹⁶ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 196-209.

²¹⁷ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 202-03, 207-09.

²¹⁸ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 3A (Environmental Data for La Estancia Alternatives).

²¹⁹ DHL Ex. 1 (Buntz Direct) at Bates 9:7-20.

During construction of the Project, Oncor will follow the standard mitigation measures provided in the Commission's ordering paragraphs, consistent with Oncor's standard practice, including: (1) minimizing the amount of flora and fauna disturbed; (2) re-vegetating using native species and considering landowner preferences and wildlife needs in doing so; (3) exercising extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way; and (4) using best management practices to minimize the potential impacts to migratory birds and threatened or endangered species.²²⁰

Staff witness Mr. Poole recommends that the Commission include its standard mitigation language in the final order issued in this docket.²²¹ Oncor agrees that the Commission should include the standard mitigation measures in its order, consistent with long-standing Commission precedent. In light of Oncor's standard practices and the Commission's standard ordering paragraphs on mitigation measures, the Project is not anticipated to significantly affect existing land uses, the geological, hydrological, or wetland resources of the area, or the environmental integrity of the area.²²² TPWD's recommendations are further addressed in Section VI of the Brief.

N. Alternative Routes or Facility Configurations

a. Specific Alternatives and Cost

10. 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?

As previously discussed, almost all parties who submitted evidence at the Hearing support or do not oppose the Commission's selection of either Route 179 or Route 179C.²²³ The La

²²⁰ See Oncor Ex. 11 (Marusak Rebuttal) at Bates 21:3-22:17.

²²¹ Staff Ex. 1 (Poole Direct) at Bates 18:1-20:5.

²²² Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at 196-209; see Oncor Ex. 4 (Perkins Direct) at Bates 11:3-6.

²²³ Direct Testimony of Ross Arthur Brewer, Brewer Ex. 1 at 4:6; Direct Testimony of Harvey M. Mueller, II, H3M Ex. 1 at 4:6; Intervenor Letter, Chopovenko Ex. 1 at 1 (opposing Link J4, which is not on Route 179); Direct Testimony of Charles Dee and Gretchen Brown, Brown Ex. 1 at 1-2 (opposing links U2 and R6, which are not on Route 179); Direct Testimony of Wayne Wilkerson, Wilkerson Ex. 1 at 2:4-5; PMB Ex. 1 (Motsenbocker Direct) at 3; Direct Testimony of Thomas Steven Martin, TMAPA Ex. 1 (expressing no opposition to any route); Direct Testimony of Intervenor Matthew Spaethe, Spaethe Ex. 1 at 9:28; Direct Testimony of Paul Glasgow, GFAT Ex. 1 at 9:2-3; Direct Testimony of Intervenor Margaret Chavez, Chavez Ex. 1 at 10:15; Direct Testimony of Intervenor David Bratton, D. Bratton Ex. 1 at 8:18; Direct Testimony of Jerry Bratton, J. Bratton Ex. 1 at 8:18; Direct Testimony of Bill Beverly, B. Beverly Ex. 1 at 4; Direct Testimony of Janet Beverly, J. Beverly Ex. 1 at 4; Direct Testimony of Keith Norris, Norris Ex. 1 at 4; Direct Testimony of Martin Rojas, Rojas Ex. 1 at 9:8-9; Direct Testimony of Michael Hamilton, Hamilton Ex. 1 at 4; Direct Testimony of Rama Prasad Chalasani, Chalasani Ex. 1 at 7:38; DHL Ex. 1 (Buntz Direct)

Estancia Alternative 1 route modification would result in fewer landowners in the Canyon Falls neighborhood being directly affected by the Project, but would also directly affect 38 habitable structures in the Trailwood Subdivision south of FM 1171.²²⁴ La Estancia Alternative 1 will add approximately \$250,000 to the total transmission line costs for Route 179 or Route 179C, and La Estancia Alternative 2 would reduce transmission line costs by approximately \$450,000 on either route; together, La Estancia Alternatives 1 and 2 would reduce estimated costs by approximately \$200,000.²²⁵

b. Landowner Contributions

11. 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?*

La Estancia Alternative 1 would occur entirely on property owned by La Estancia and the Furst Ranch Intervenors.²²⁶ La Estancia Alternative 2 would occur entirely on property owned by Estancia, with the exception of Tract 801 from whose owner consent would be needed. Adoption of La Estancia Alternatives 1 and 2 together would reduce transmission line costs on Route 179 or Route 179C by approximately \$200,000.²²⁷ No evidence was presented that these modifications would diminish the reliability or electric efficiency of the line.

at 6:29-7:2; DHL Ex. 2 (Meyer Direct) at 8:3-9:2 (opposing Link I5); Hillwood Ex. 1 (Laughlin Direct) at 5:3-5; Direct Testimony of Amelia McCurdy Martin, McCurdy Tr. Ex. 1 at 5:13-17; Direct Testimony of Peggy Logan McCurdy, P. McCurdy Ex. 1 at 5:17-21; Direct Testimony of Steve Elis, New Dimension Ex. 1 at 10:9-10; La Estancia Ex. 4 (communications in support of Route 179 or 179C with La Estancia's proposed modifications from intervenors the Town of Northlake, Henry Northlake Development LLC, Deborah N. Dallas, the Hillwood Parties, Benito Gonzalez, Jeff True, Seth DeLeon, and Jeremy and Katie Young); Staff Ex. 1 (Poole Direct) at Bates 17; Watkins Ex. 1 (Watkins Direct) at Bates 5:11-14; Watkins Ex. 14 (DCLC RFI Response) at Bates 4; GRBK-GBTM Ex. 1 (Samuel Direct) at 2:12-14.

²²⁴ See La Estancia Exs. 3A-3C (Oncor's Response to La Estancia RFI 1-1)

²²⁵ Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2); La Estancia Ex. 3F (Cost Data for La Estancia Alternatives).

²²⁶ See La Estancia Ex. 5 (Modified Intervenor Map).

²²⁷ La Estancia Ex. 3F (Cost Data for La Estancia Alternatives 1 & 2); Oncor Ex. 25 (Data for Routes 179, 179C, and 179C with La Estancia Alternatives 1 & 2).

VI. TEXAS PARKS AND WILDLIFE DEPARTMENT

12. 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, please address the following issues:

- a) What modifications, if any, should be made to the proposed transmission facilities as a result of any recommendations or comments?*
- b) What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?*
- c) What other disposition, if any, should be made of any recommendations or comments?*
- d) If any recommendation or comment should not be incorporated in the proposed transmission facilities or the final order, should not be acted on, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.*

A. TPWD Recommendation Letters

TPWD provided two letters containing recommendations regarding the Project.²²⁸ The first letter responded to Halff's solicitation of input from TPWD about the Project for use in the Environmental Assessment.²²⁹ In response, TPWD provided a letter to Oncor dated October 7, 2022 (the "2022 Letter"), with comments and recommendations for minimizing the Project's impacts on fish and wildlife resources.²³⁰ After Oncor provided TPWD with a copy of the Environmental Assessment, TPWD filed a comment letter in this docket (the "2023 Letter"), which provided recommendations and TPWD's opinion of beneficial management practices ("BMPs").²³¹ TPWD's recommendations in the 2023 Letter generally restate the recommendations in the 2022 Letter (the 2022 Letter and 2023 Letter are subsequently referred to

²²⁸ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 428-43; Staff Ex. 1 (Poole Direct) at Bates 59-67 (Att. JP-3).

²²⁹ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 428-43.

²³⁰ Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 428-43.

²³¹ Staff Ex. 1 (Poole Direct) at Bates 59-67 (Att. JP-3).

as the “TPWD Letters”), including recommendations to comply with environmental laws and regulations.²³²

Many of the recommendations in the TPWD Letters are already part of Oncor’s and Halff’s standard practice.²³³ And in a CCN proceeding, Oncor and the Commission are required to consider factors beyond the purely environmental and ecological considerations addressed in TPWD’s comments, including the presence of habitable structures and length of the routes parallel to property boundaries and existing compatible rights-of-way.²³⁴ Moreover, Oncor already complies with all applicable environmental laws and regulations.²³⁵ Nonetheless, as part of the typical order approving a CCN amendment, the Commission orders utilities to comply with applicable environmental laws and coordinate certain activities with appropriate agencies, as necessary, when undertaking construction of the transmission line, and Staff witness Mr. Poole recommends that this standard language be adopted in the Commission’s final order in this docket.²³⁶ Oncor has no objection to the Commission’s continued use of this standard ordering language.

While Oncor appreciates TPWD’s input and takes TPWD’s mission to protect the State’s parks and wildlife for all Texans seriously, Oncor cannot affirmatively agree to comply with all of TPWD’s recommendations. At the Commission Open Meeting on July 14, 2022, the Commission discussed certain TPWD recommendations regarding Docket No. 52241.²³⁷ In that case, Entergy Texas, Inc. (“Entergy”), Commission Staff, and TPWD entered an agreement letter outlining Entergy’s responses to TPWD’s recommendations.²³⁸ Former Chairman Lake, Commissioner McAdams, and Commissioner Glotfelty expressed significant concerns about this agreement letter and its implications in other electric CCN dockets, including:

- due process issues and potential impacts to the property rights of landowners;

²³² See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 428-43; Staff Ex. 1 (Poole Direct) at Bates 59-67 (Att. JP-3).

²³³ Oncor Ex. 11 (Marusak Rebuttal) at Bates 3:22-24.

²³⁴ Oncor Ex. 11 (Marusak Rebuttal) at Bates 3:24-29.

²³⁵ Oncor Ex. 14 (Zapletal Rebuttal) at Bates 14:15.

²³⁶ Staff Ex. 1 (Poole Direct) at Bates 18:1-20:17.

²³⁷ See *Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for the Millbend 138-kV Transmission Line Project in Montgomery County*, Docket No. 52241.

²³⁸ Docket No. 52241, Agreement Letter (Mar. 16, 2022).

- the agreement letter solely addressed TPWD’s limited wildlife considerations but failed to consider myriad additional factors that the Commission must examine (e.g., need and cost);
- no statute requires the Commission to follow TPWD’s recommendations;
- Commission precedent “traditionally” includes “standardized” ordering paragraphs and findings of fact that address TPWD’s recommendations; and
- TPWD was not a party to the proceedings in which it was making recommendations.²³⁹

Commissioner McAdams stated that “these side agreements with [a] non-party are problematic, and the Commission should not endorse them.”²⁴⁰ He further noted that there is not “a robust analysis of additional costs that may result” from compliance with the agreement letter, “*nor is there clear evidence [of] the anticipated benefits*” of TPWD’s recommended BMPs.²⁴¹ In response, Commissioner Lake agreed, stating “well put” and that he “very much agree[d] with [Commissioner McAdams’s] point on [TPWD].”²⁴²

Notwithstanding the Commission’s valid concerns regarding adopting TPWD’s recommendations, the 2023 Letter expressly notes that Route 179 and TPWD’s recommended route, Route 137, “ranked very similarly and generally exhibited shorter lengths across natural resource criteria than other routes”²⁴³ However, whereas TPWD considered only natural resource impacts in its recommendation of Route 137, Oncor’s recommendation of Route 179 involved careful consideration of all the factors the Commission must consider in approving a CCN for a new transmission line under PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B).

In sum, Oncor agrees that the ordering paragraphs with mitigation measures the Commission historically adopts in transmission line CCN cases should be adopted in this case. Route 179 strikes the best balance between limiting natural resource impacts and respecting the other factors the Commission must consider in approving a CCN, performing similarly to TPWD’s

²³⁹ See Open Meeting (Jul. 14, 2022) Tr. at 56:16-59:5.

²⁴⁰ Open Meeting (Jul. 14, 2022) Tr. at 57:17-18.

²⁴¹ See Open Meeting (Jul. 14, 2022) Tr. at 57:19-22 (emphasis added).

²⁴² See Open Meeting (Jul. 14, 2022) Tr. at 58:10-17.

²⁴³ Staff Ex. 1 (Poole Direct) at Bates 64 (Att. JP-3).

recommended route in regard to natural resource impacts while still being among the least expensive routes, paralleling existing compatible rights-of-way to a substantial degree, and directly affecting relatively few habitable structures. Thus, selection of Route 179, Oncor's standard practices, and the Commission's standard ordering language are sufficient to address TPWD's recommendations.

B. Chapter 26 of the Texas Parks and Wildlife Code

The 2023 Letter recommends that Oncor adhere to PWC Chapter 26 because certain filed routes would cross parks and recreational areas.²⁴⁴ But PWC Chapter 26 does not apply to this proceeding. PWC Chapter 26 requires a governmental entity to provide notice, hold a hearing, and make specific findings before approving a "program or project that requires the use or taking of any public land designated and used" as a park or recreational area."²⁴⁵ Commission and Texas appellate court precedent clearly demonstrate that this Project does not trigger the requirements of Chapter 26.

The Commission most recently addressed this issue in its order in Project No. 54392.²⁴⁶ There, the Commission contemporaneously approved Oncor's construction of a transmission line in Collin County that crossed a public park.²⁴⁷ In accordance with TPWD's recommendation that Oncor comply with PWC Chapter 26, Oncor provided public notice of a Chapter 26 hearing, and SOAH held a hearing under Chapter 26 concurrently with the hearing on the merits.²⁴⁸ The Commission severed the Chapter 26 issue to a separate project and considered it independently. Consistent with prior decisions of the Commission and Texas appellate courts, the Commission determined that "[C]hapter 26 is only triggered when the land would be used for something other than a park after the proposed project or plan."²⁴⁹ The Commission concluded that a transmission line crossing a park "does not change the use of the land from a park to something other than a

²⁴⁴ Staff Ex. 1 (Poole Direct) at Bates 35, 56-57 (Att. JP-3).

²⁴⁵ Tex. Parks and Wildlife Code §§ 26.001-.004.

²⁴⁶ *Determinations Under Chapter 26 of the Texas Parks and Wildlife Code Related to Docket No. 53053 (Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Ivy League 138-kV Line in Collin County)*, Project No. 54392, Order (Dec. 15, 2022).

²⁴⁷ *Id.* at 3; *see also Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Ivy League 138-kV Line in Collin County*, Docket No. 53053, Order (Dec. 15, 2022).

²⁴⁸ *Id.* at 3-4.

²⁴⁹ *Id.* (citing *Walker v. City of Georgetown*, 86 S.W.2d 249, 255 (Tex. App.—Austin 2002, pet. denied)); *Persons v. City of Fort Worth*, 790 S.W.2d 865, 873 (Tex. App.—Fort Worth 1990, no writ) (internal quotations omitted).

park[,]” even if transmission line structures are located in the park.²⁵⁰ Therefore, the Commission held that Chapter 26 did not apply to the proceeding.

Here, the Commission’s reasoning and interpretation of the relevant case law show that PWC Chapter 26 does not apply to the Project. Like the Ivy League 138 kV transmission line recently addressed in Commission Docket No. 53053 and Project No. 54392, this Project will not transform any park or recreational area’s use into something other than a park or recreation area following the line’s construction, regardless of the route selected by the Commission. The Project, and in particular Routes 179 and 179C, will minimally impact parks, recreation areas, and historic sites, and will not cause any change in the current use of these areas.²⁵¹ That is, any parks or recreational areas crossed by the Project will continue to be used as parks or recreational areas, even if Oncor locates structures on the land.²⁵² Oncor’s standard practice is to include all reasonable planning to minimize impacts to parks and recreational areas.²⁵³ Accordingly, the record evidence supports a determination that the Project includes all reasonable planning to minimize harm to these areas resulting from the Project, irrespective of the route selected by the Commission, and does not trigger the requirements of PWC Chapter 26.

VII. OTHER MATTERS

A. Permits

13. 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:

- a) 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,*

²⁵⁰ *Id.* at 5.

²⁵¹ Oncor Ex. 11 (Marusak Rebuttal) at Bates 5:25-27.

²⁵² Oncor Ex. 11 (Marusak Rebuttal) at Bates 5:25-27.

²⁵³ Oncor Ex. 13 (Perkins Rebuttal) at 3:3-8.

proposed design plans, or anticipated timeline to construct the proposed transmission facilities?

Oncor will seek the following permits, approvals, plans, and consultations prior to Project construction, as necessary: (1) Texas Department of Transportation permit(s) if the Project crosses state-owned or -maintained properties, roads, or highways;²⁵⁴ (2) a Storm Water Pollution Prevention Plan and a Notice of Intent with the Texas Commission on Environmental Quality under the Texas Pollutant Discharge Elimination System program; (3) a cultural resources survey plan with the Texas Historical Commission; (4) consultation with the U.S. Army Corps of Engineers (“USACE”) following the Commission’s approval of the Project to determine appropriate requirements under Section 404/Section 10 permit criteria; and (5) consultation with the U.S. Fish and Wildlife Service following the Commission’s approval of the Project to determine appropriate requirements under the Endangered Species Act.²⁵⁵

The USACE owns and manages a substantial area of land in the southeastern portion of the study area, near the Dunham Switch.²⁵⁶ Oncor coordinated extensively with the USACE, local officials, and state and federal legislators prior to filing the Application to assess potential crossings of the USACE land.²⁵⁷ Ultimately, one USACE crossing was proposed in the Application, on Link G2 near the I-35W crossing of Denton Creek, which the USACE suggested it could support.²⁵⁸ Other potential crossings evaluated were either deemed by the USACE as options the USACE would not support or determined by Oncor to be infeasible due to routing, engineering, and/or planning constraints.²⁵⁹ If a route utilizing Link G2 is selected, Oncor will coordinate with the USACE to obtain federal approval of the crossing.

²⁵⁴ See 43 TAC §§ 21.31-21.56 (governing the accommodation, location, and methods for the installation, adjustment, relocation, and maintenance of utility facilities on state highway rights-of-way).

²⁵⁵ Oncor Ex. 1 (CCN Application) at Bates 27.

²⁵⁶ Oncor Ex. 5 (Zapletal Direct) at Bates 11:27-29; Oncor Ex. 20 (Intervenor Map – Large).

²⁵⁷ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 187, 449-491 (providing numerous pieces of correspondence and minutes from meetings involving Oncor, Halff, the USACE, and federal, state, and local officials in regard to a potential USACE crossing); Oncor Ex. 2 (Marusak Direct) at 18:12-22.

²⁵⁸ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 472; Oncor Ex. 2 (Marusak Direct) at Bates 18:12-13, 19:5-11; Oncor Ex. 5 (Zapletal Direct) at Bates 12:13-17.

²⁵⁹ See Oncor Ex. 1 (CCN Application), Attachment No. 1 (Environmental Assessment) at Bates 187, 459, 468, 473, 485-89, 605-46; Oncor Ex. 2 (Marusak Direct) at Bates 14:26-22:8; Oncor Ex. 3 (Naik Direct) at Bates 17:7-18:6; Oncor Ex. 5 (Zapletal Direct) at Bates 11:27-19:18, 25-50 (Exs. ALZ-2 to ALZ-4).

There is no record evidence of: (1) communications with agencies, apart from the correspondence in Appendix A of the EA; (2) agency permissions or permits granted, although all above-cited consultations are routinely done in the ordinary course of business for transmission line projects and all above-permits (except for the USACE as noted above) routinely obtained in the ordinary course of business for transmission line projects; or (3) contingency plans, as the Commission's standard ordering paragraphs address these issues. Before beginning construction of the Project, Oncor will obtain any necessary permits or approvals from federal, state, or local authorities.²⁶⁰

B. Coastal Management Program

14. Is any part of the proposed transmission facilities located within the coastal management program boundary as defined in 31 TAC § 503.1(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 § 501.3(b)?*

The Project is not located within the coastal management program boundary as defined in 31 TAC § 503.1.²⁶¹

C. Limitation of Authority

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

No. The default seven-year limit should be sufficient for Oncor to safely and reliably construct and energize the Project. Should additional time be required, Oncor will request an extension from the Commission in advance.

²⁶⁰ Oncor Ex. 1 (CCN Application) at 27.

²⁶¹ Oncor Ex. 1 (CCN Application) at 33.

D. Other Issues

16. 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?

No, construction of the Project will not preclude or limit a generator from generating or delivering power, or adversely affect the reliability of the ERCOT system.²⁶² To the contrary, the Project will address existing reliability issues through construction of new 345 kV transmission facilities to address thermal overloading and voltage criteria exceedances identified in post-contingency conditions.²⁶³ The Project will add capacity to resolve projected overloads on certain transmission lines and autotransformers in the north Fort Worth/Roanoke area.²⁶⁴ The additional transmission capacity provided by the Project will enhance operational flexibility and address system limitations that are currently hindering some new transmission service customers from obtaining interconnections for the desired level of load.²⁶⁵

The Project will be constructed on new right-of-way and will cross at least two existing transmission lines as it traverses the study area.²⁶⁶ A clearance on the existing transmission facilities may be required to build Project, but Oncor does not anticipate any material generator impact resulting from this clearance.²⁶⁷

17. 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?*

The parties did not reach a complete agreement on a route that relies on modifications to the route segments as noticed in the CCN Application. During the Hearing, several parties in the

²⁶² Oncor Ex. 5 (Zapletal Direct) at Bates 21:16-22.

²⁶³ Oncor Ex. 3 (Naik Direct) at Bates 6:21-24.

²⁶⁴ Oncor Ex. 3 (Naik Direct) at Bates 7:6-10.

²⁶⁵ Oncor Ex. 3 (Naik Direct) at Bates 7:3-8.

²⁶⁶ Oncor Ex. 20 (Intervenor Map – Large).

²⁶⁷ Oncor Ex. 5 (Zapletal Direct) at Bates 21:16-22.

eastern portion of the study area agreed to support La Estancia Alternatives 1 and 2, which involve modifications to links C21, E6, and G1.²⁶⁸ No additional notice was sent to landowners regarding La Estancia Alternatives 1 or 2 under 16 TAC § 22.52. However, while Oncor does not oppose these modifications, it remains unaware of any consents for these modifications that may or may not have been obtained from landowners who are not parties to this proceeding.

E. Effect on the State's Renewable Energy Goal

The Project cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).²⁶⁹

VIII. CONCLUSION

The Project is critically needed to address transmission reliability issues in the area. Route 179 best meets the routing factors under PURA and the Commission's rules due to the relatively low cost and number of habitable structures directly affected, distance parallel to existing compatible rights-of-way, and limited environmental impacts, among other factors. However, Oncor does not object to the Commission's selection of Route 179C, supported by a number of intervenors, nor does it object to the route modifications proposed by La Estancia, provided any required landowner consents can be obtained. Accordingly, Oncor respectfully requests that the ALJs issue a Proposal for Decision recommending approval of the Project along Route 179. Oncor thanks the ALJs for their consideration of this docket.

²⁶⁸ La Estancia Ex. 4 (Agreement of Eastern Intervenors to La Estancia Alternatives).

²⁶⁹ The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.

Respectfully submitted,

By: /s/ Jared M. Jones

Jaren A. Taylor
State Bar No. 24059069
Winston P. Skinner
State Bar No. 24079348
Jared M. Jones
State Bar No. 24117474

VINSON & ELKINS LLP
Trammell Crow Center
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201-2975
Telephone: (214) 220-7754
Facsimile: (214) 999-7754
jarentaylor@velaw.com
wskinner@velaw.com
jjones@velaw.com

**ATTORNEYS FOR ONCOR ELECTRIC
DELIVERY COMPANY LLC**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Commission and served on all parties via the PUC Interchange pursuant to SOAH Order No. 2 entered in this docket, on this 7th day of September, 2023.

/s/ Michele M. Gibson