



## **Filing Receipt**

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<b>APPLICATION OF ONCOR ELECTRIC</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>DELIVERY COMPANY LLC TO</b>	<b>§</b>	
<b>AMEND ITS CERTIFICATE OF</b>	<b>§</b>	<b>OF</b>
<b>CONVENIENCE AND NECESSITY FOR</b>	<b>§</b>	
<b>THE RAMHORN HILL – DUNHAM 345</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>KV TRANSMISSION LINE IN DENTON</b>	<b>§</b>	
<b>AND WISE COUNTIES</b>	<b>§</b>	

**LA ESTANCIA INVESTMENTS, L.P.’S INITIAL BRIEF ON THE MERITS**

La Estancia Investments, L.P. (“La Estancia”) requests that the Public Utility Commission of Texas (“Commission”) approve Route 179, which is the best-meets route proposed by Oncor Electric Delivery Company LLC (“Oncor”), but with the two modifications described in this initial brief. First, La Estancia requests that the Commission approve a route in which Link C21 turns to the southwest immediately after crossing the railroad tracks and proceeds to Link C3. The route would then follow Link C3 westward to Link C6 and then Link E6. That alternative route, which this brief refers to as “La Estancia Alternative Route 1,” is either supported or unopposed by Oncor and by all parties in the eastern division of the Oncor transmission line.

Second, La Estancia requests that the Commission authorize Oncor to modify Link E6 in one of two ways. Currently, La Estancia is in negotiations to purchase Tract 801, which is a four-acre tract located on the FM 1171 right-of-way. If La Estancia is able to purchase Tract 801, La Estancia requests that Oncor be authorized to route the transmission line along the FM 1171 right-of-way all of the way to IH-35. That modification is referred to in this brief as “La Estancia Alternative Route 2.”

If La Estancia is unable to purchase Tract 801, La Estancia requests that the Commission authorize Oncor to route the transmission line along the FM 1171 right-of-way until it reaches Tract 801, and then route the transmission line along the eastern, southern, and western boundaries

of Tract 801 until the route rejoins the FM 1171 right-of-way. La Estancia asks that the route then continue westward along the FM 1171 right-of-way until it reaches the IH-35 right-of-way. This brief refers to that modification as “La Estancia Alternative Route 2-A.”

## **I. BACKGROUND**

La Estancia is a family-owned entity that owns approximately 994 acres in the area affected by the Oncor transmission line at issue in this docket (the “La Estancia Property”).<sup>1</sup> The La Estancia Property consists of three separate parcels, which this brief refers to as the Northeast Parcel, the North Parcel and the South Parcel.<sup>2</sup>

The route recommended in this case by Oncor, which is Route 179, would adversely affect the Northeast Parcel of the La Estancia Property because one of the links on that route – Link C23 – would require an easement directly through the middle of the Northeast Parcel.<sup>3</sup> That would render a significant portion of the Northeast Parcel unsuitable for development, which would reduce the value of the entire property.<sup>4</sup>

Route 179 would also affect the South Parcel because Link E6, as proposed by Oncor, would cross the South Parcel several hundred feet south of the FM 1171 right-of-way, rather than following the FM 1171 right-of-way.<sup>5</sup> Route 179 would also destroy or greatly diminish the value of a portion of the South Parcel at the intersection of FM 1171 and IH-35.<sup>6</sup>

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<sup>1</sup> La Estancia Ex. 1 (Ewing Dir.) at 2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

## **II. SUPPORT FOR ROUTE 179 WITH MODIFICATIONS**

If the Commission selects Route 179, the Oncor transmission line will negatively affect both the Northeast Parcel and the South Parcel. Despite those negative effects, La Estancia can support Route 179 as long as the Commission approves the modifications proposed by La Estancia.<sup>7</sup> Those modifications are discussed in the following subsections.

### **A. La Estancia Alternative Route 1**

La Estancia Alternative Route 1 is shown on La Estancia Ex. 5 as the blue-and-white dotted line that begins roughly halfway along Link 21. Immediately after crossing the railroad tracks that bisect Link C21, La Estancia Alternative Route 1 turns in a southwesterly direction and follows the west side of the railroad tracks down to Link C3. From there, La Estancia Alternative Route 1 proceeds in a northwesterly direction along Link C3, and then westward along Link C6, to Link E6.

All parties in this case who are affected by the eastern portion of the Oncor transmission line either support or do not oppose La Estancia Alternative Route 1. La Estancia Ex. 4 contains emails from the following parties, all of whom either support or do not oppose La Estancia Alternative Route 1:

- City of Northlake;
- Henry Northlake Development, LLC;
- Deborah N. Dallas;
- Hillwood Parties;
- Benito Gonzalez;

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<sup>7</sup> Commission Staff witness John Poole proposed an alternative route labeled as Route 179-C. La Estancia can support Route 179-C as well, provided the Commission approves La Estancia Alternative Route 1 and La Estancia Alternative Route 2 or Route 2-A. All of the discussion in this brief regarding Route 179 also applies to Route 179-C.

- Jeff True
- Seth DeLeon; and
- Jeremy and Katie Young.<sup>8</sup>

The only other parties in the eastern division whose interests are affected by the Oncor transmission line, which are Furst Ranch and Texas Municipal Power Agency, expressed support for La Estancia Alternative Route 1 at the hearing on the merits.<sup>9</sup> In addition, Oncor indicated that it did not oppose La Estancia Alternative Route 1 as long as all of the affected parties are notified of the proposed modification and either support it or do not oppose it.<sup>10</sup> As demonstrated above, that condition is met because all such parties either support or do not oppose La Estancia Alternative Route 1.

Approving Route 179 as modified by La Estancia Alternative Route 1 would reduce the number of parks or recreational areas within 1,000 feet of the route centerline from four to three,<sup>11</sup> and it would reduce the length of the route through commercial and industrial areas by more than 300 feet.<sup>12</sup>

According to Oncor, La Estancia Alternative Route 1 would increase the overall cost of Route 179 by about \$250,000,<sup>13</sup> but that is less than one tenth of one percent of the total cost of

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<sup>8</sup> La Estancia Ex. 4 at 1-8.

<sup>9</sup> Aug. 29, 2023 Tr. at 50-51.

<sup>10</sup> Aug. 28, 2023 Tr. at 125 (Oncor witness Brenda Perkins testifying, “So for the Commission to consider that modification, all parties would need to have been notified of this procedure. And from looking at this map, I believe that to be the case. So I think Oncor is agreeable to this modification for the Commission to consider.”).

<sup>11</sup> La Estancia Ex. 3A.

<sup>12</sup> *Id.*

<sup>13</sup> La Estancia Ex. 3F.

Route 179.<sup>14</sup> Thus, the incremental cost attributable to La Estancia Alternative Route 1 is extremely small relative to the cost of the project as a whole.

La Estancia Alternative Route 1 would cause 38 more habitable structures to be within 500 feet of the centerline of the transmission right-of-way than Route 179 would,<sup>15</sup> but the Oncor witnesses confirmed during the hearing on the merits that those additional habitable structures would be separated from the Oncor transmission line by a six-lane divided highway,<sup>16</sup> and all of the affected structures would be approximately 300-400 feet from the La Estancia Alternative Route 1 right-of-way.<sup>17</sup> Thus, La Estancia Alternative Route 1 would have no discernible effect on those homeowners' quality of life or property values.

For all of these reasons, La Estancia requests that the Commission approve Route 179 as modified by La Estancia Alternative Route 1.

#### **B. La Estancia Alternative Routes 2 and 2-A**

As proposed by Oncor, Link E6 follows the FM 1171 right-of-way for about half its distance, but it deviates from the FM 1171 right-of-way just before Cleveland Gibbs Road and proceeds in a westerly direction across the La Estancia South Parcel. As noted earlier, that proposed route greatly diminishes the value of the South Parcel.

La Estancia requests that the Commission authorize Oncor to route the transmission line along the FM 1171 right-of-way for the entirety of Link E6. La Estancia is in the process of negotiating with the owner of Tract 801 to see if La Estancia can purchase that tract. If so, La Estancia will grant Oncor permission to route the transmission line along the FM 1171 right-of-

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<sup>14</sup> *Id.* ( $\$250,000 / \$253,607,000 = 0.0009857\%$ )

<sup>15</sup> La Estancia Ex. 3A.

<sup>16</sup> Aug. 29, 2023 Tr. at 45.

<sup>17</sup> Tr. at 45-46.

way portion of Tract 801.<sup>18</sup> That proposed route, which is marked by a blue-and-white line on La Estancia Ex. 5, is La Estancia Alternative Route 2. Oncor has stated that if La Estancia is able to reach agreement with the owner of Tract 801, Oncor would have no objection to the modification.<sup>19</sup> Oncor has also determined that La Estancia Alternative Route 2 would cost approximately \$467,000 less than Route 179 as proposed by Oncor.<sup>20</sup>

If La Estancia is not able to purchase Tract 801, La Estancia requests that the Commission authorize Oncor to route the transmission line along the eastern, southern and western boundaries of Tract 801, but otherwise follow the FM 1171 right-of-way along the entire length of Link E6. That is La Estancia Alternative Route 2-A.

Under both alternatives, La Estancia requests that the Commission authorize Oncor to begin Link G1 at the intersection of the FM 1171 and IH-35 rights-of-way, rather than having it placed south and east of that intersection, as Route 179 currently does.

### **III. CONCLUSION AND PRAYER**

For the reasons set forth herein, La Estancia requests that the Commission approve Route 179 as modified by La Estancia Alternative Route 1 and by either La Estancia Alternative Route 2 or La Estancia Alternative Route 2-A. La Estancia further requests that the Commission grant Oncor latitude to route the transmission line in a way that causes as little disruption as possible to La Estancia's development plans. La Estancia requests any other relief to which it may be entitled.

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<sup>18</sup> La Estancia will make a subsequent filing at the appropriate time to notify the Commission whether La Estancia was able to acquire Tract 801.

<sup>19</sup> Aug. 28, 2023 Tr. at 131.

<sup>20</sup> Aug. 29, 2023 Tr. at 49. The cost differential does not include the cost to acquire and remove structures, if necessary, on Tract 801. *Id.*

Respectfully submitted,

WINSTEAD PC

By: /s/ Ron H. Moss

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**ATTORNEYS FOR LA ESTANCIA  
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**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing has been served by email on all parties of record who have provided an email address on this the 7th day of September, 2023, in accordance with the Order Suspending Rules in Project No. 50664.

By: /s/ Ron H. Moss