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| APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RAMHORN HILL – DUNHAM 345 KV TRANSMISSION LINE IN DENTON AND WISE COUNTIES | § § § § § § § | BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS |
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PMB ROLLING V LAND, LP’S INITIAL BRIEF ON THE MERITS

PMB Rolling V Land, LP (“PMB Rolling V”) requests that the Public Utility Commission of Texas (“Commission”) approve the best-meets route proposed by Oncor Electric Delivery Company LLC (“Oncor”), which is Route 179. In the alternative, PMB Rolling V has no objection to the route recommended by Commission Staff, which is Route 179-C, provided that the Commission grants Oncor the latitude to accommodate PMB Rolling V’s routing preferences on Links V3, V4 and Z, all of which are located in whole or in part on PMB Rolling V’s property (the “PMB Property”).

I. BACKGROUND

The PMB Property is an approximately 3,650-acre tract located in Wise County, Texas, between the cities of Rhome and Newark. It is bounded on the north and east by U.S. Highway 287 and on the south by Farm-to-Market Road 718.¹ PMB Rolling V purchased 3,432 acres from a single seller on September 30, 2019, and a subsequent 218 acres from a separate seller shortly thereafter on February 27, 2020.²

PMB Rolling V acquired the PMB Property to develop one of the largest master-planned communities in North Texas. At full buildout, the project will have single-family homes available

¹ PMB Rolling V Ex. 1 (Motsenbocker Dir.) at 4.

² *Id.*

for sale, apartments and single-family homes available for rent, medical uses, manufacturing and distribution uses, retail and restaurant uses, civic uses, public parks, and a number of schools.³ PMB Rolling V expects the PMB Property to take roughly 30 years to develop. Upon completion, PMB Rolling V estimates over 8,000 single-family homes available for sale, over 1,500 homes available for rent and apartment rental units, nearly 3,000,000 square feet of industrial projects, approximately 800,000 square feet of public facilities and schools, over 500,000 square feet of retail, restaurants, and entertainment concepts, and nearly 500,000 square feet of medical facilities.⁴

PMB Rolling V will construct all of the public infrastructure necessary to serve the entire PMB Property, including, but not limited to, roads, water lines, sanitary sewer lines, wastewater treatment plants, storm sewer lines and detention ponds. The vertical aspects of the master-planned community will be constructed by PMB Rolling V, homebuilders, and selected development partners. As of July 2023, PMB Rolling V has constructed the public infrastructure required to serve nearly 600 single-family available for sale lots and is under construction on an additional 271 lots. Homebuilders have constructed over 200 homes, 125 of which have been sold to end homebuyers.⁵

The PMB Property's highly visible location, scale, and significant frontage along U.S. Highway 287 position the project to attract quality businesses, retailers and employers that will be of great benefit to Wise County and residents in the surrounding area. Taxes from the master-planned community will support Wise County and Northwest Independent School District, among

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 5.

other municipal tax authorities.⁶ While the PMB Property is situated outside of the Rhome and Newark city limits, it will eventually be annexed into each respective city. Both cities are supportive of the development.⁷

II. SUPPORT FOR ROUTES 179 AND 179-C

PMB Rolling V has been aware of Oncor's plan to build a 345-kilovolt transmission line and substation in the vicinity of the PMB Property since 2021, when Oncor approached PMB Rolling V about purchasing a site for a switching station and substation.⁸ PMB Rolling V and Oncor subsequently agreed to terms on the Ramhorn Hill Switch, and PMB Rolling V transferred the fee simple title of 67.106 acres to Oncor on June 23, 2022.

PMB Rolling V intervened in this docket because two of the links proposed by Oncor – Links W3 and W4 – would have a disproportionately negative affect on the PMB Property, as the resulting easement would render the most land undevelopable.⁹ In particular, if the Commission were to select a route that includes Link W3, PMB would be forced to completely redesign a single-family available-for-sale phase of the project.¹⁰ The preliminary plat for this phase has already been submitted to the City of Rhome for review. PMB would have to remove at least 40 single-family lots from the design, streets and underground utilities would have to be reoriented to cross the transmission line easement at a 90-degree angle, and future phases further south along the link would have to be rethought from a product and layout standpoint.¹¹ If the Commission were to select a route that includes Link W4, 90 acres of commercial frontage would be negatively

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

impacted. Future commercial structures would need to be pulled further off the U.S. Highway 287 frontage road, limiting the amount of usable land and making ingress/egress more difficult from a civil design standpoint.¹²

Simply stated, having a transmission line that includes Link W3 or Link W4 would make the PMB Rolling V development a less attractive place for potential homebuyers and commercial users, many of whom would prefer not to live, or operate a business, right next to a transmission line.¹³ Thus, not only would these links reduce the number of single-family available for sale homes and amount of commercial square footage, but they also would make it harder to sell, or lease, the properties that are built in the PMB Property development.¹⁴

For those reasons, PMB Rolling V supports Oncor's best-meets route, which is Route 179. That route avoids both Links W3 and W4. Moreover, Route 179 is shorter and more economical than routes that contain Links W3 and W4. For example, it appears that only one route, which is Route 176, contains Link W3.¹⁵ Based on the information provided by Oncor, it appears that Route 176 is approximately seven-tenths of a mile longer than Route 179, and Route 176 would cost approximately \$10 million more than Route 179.¹⁶ In addition, Route 176 has more habitable structures within 500 feet of the centerline of the transmission right-of-way than Route 179 does.¹⁷ Therefore, Route 179 is a far better option than Route 176.

¹² *Id.* at 6-7.

¹³ *Id.* at 7.

¹⁴ *Id.*

¹⁵ Oncor Ex. 4 (Perkins Dir.), Exhibit BJP-5 at 7.

¹⁶ *Id.* at 14-15.

¹⁷ *Id.*

Based on the data supplied by Oncor, it appears that eleven routes include Link W4.¹⁸ However, all of those routes are longer than Route 179, and ten of the eleven are more expensive than Route 179. The only route containing Link W4 that costs less than Route 179, which is Route 68, has 240 habitable structures within 500 feet of the centerline of the transmission right-of-way, compared to 97 habitable structures on Route 179. Therefore, Route 179 is a better option than any of the routes containing Link W4, and PMB Rolling V recommends that the Commission approve Route 179.

In the alternative, PMB Rolling V requests that the Commission approve another route that enters the PMB Property directly from the east. One such alternate route is Route 179-C, which includes the following link combination: V3-V4-Z. Although this alternative route would still affect PMB Rolling V in a negative way, the impact would not be as harmful as a route that contained either Link W3 or Link W4.

If the Commission decides to approve a route that contains Links V3, V-4, and Z, PMB Rolling V requests that the Commission grant Oncor the latitude to site those links in a way that minimizes the disruption to PMB Rolling V's development plans. All of Link V4 is located on the PMB Property, and most of Link V3 is located on the PMB Property, so granting Oncor that latitude will protect PMB Rolling V's interests without having a material effect on any other landowner in the region.

III. CONCLUSION AND PRAYER

For the reasons set forth herein, PMB Rolling V requests that the Commission approve Route 179. In the alternative, PMB Rolling V requests that the Commission approve Route 179-

¹⁸ *Id.* at 1. According to Ms. Perkins's Exhibit BJP-5, page 1, the eleven routes containing Link W4 are 33, 69, 69, 71, 92, 154, 175, 178, 184, 195 and 216.

C or some other route that enters the PMB Property directly from the east. If the Commission approves a route that contains Links V3, V4, and Z, PMB Rolling V. requests that the Commission grant Oncor latitude to site the transmission line in a way that causes as little disruption as possible to PMB Rolling V's development plans. PMB Rolling V requests any other relief to which it may be entitled.

Respectfully submitted,

WINSTEAD PC

By: /s/ Ron H. Moss
Ron H. Moss
State Bar No. 14591025
rhmoos@winstead.com
401 Congress Avenue, Suite 2100
Austin, Texas 78701
512.370.2800 phone
512.370.2850 fax

**ATTORNEYS FOR PMB ROLLING V LAND,
LP**

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