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

TCCI RANGE – MEAD LLC’S INITIAL BRIEF

TCCI Range – Mead LLC (“TCCI”), intervenor in this docket, respectfully files its Initial Brief pursuant to Order No. 2. In that Order, the Administrative Law Judges (“ALJs”) directed all parties to file initial briefs on September 7, 2023. This filing is therefore timely.

I. EXECUTIVE SUMMARY

Oncor’s proposed Route 179C is not the route that best moderates the impact on the community and landowners—which is the applicable routing standard under Commission rules. Oncor’s selection of Links J3 and K1 fails to appropriately consider all required factors in the routing rule. Alternative routes that better utilize compatible rights-of-way and natural features should have been selected as required. The ALJs should recommend that the Commission approve a route that uses Links J22 and L1 in accordance with the Commission’s rule on transmission line routing because those links will maximize utilization of compatible rights-of-way, property boundaries, and natural features to moderate impacts on landowners as required by rule.

II. APPLICABLE LEGAL AUTHORITIES

For the purposes of selecting a transmission line route, there is a single—and paramount—law: the Commission’s routing requirements adopted in 16 Tex. Admin. Code §25.101 (“TAC”) in the Commission’s rules.¹ That rule required Oncor to select routes that moderate impacts to the community and landowners. Under that standard, the Commission must consider the following factors, among others, in selecting the route that will ultimately be used by the applicant:

- (1) whether the routes parallel or utilize existing compatible rights-of-way, including railroads;
- (2) whether the routes parallel property lines or other natural or cultural features; and

¹ The Public Utility Regulatory Act provisions relating to certificates of convenience and necessity generally do not specifically establish any standards for transmission line routing. *See* Tex. Util. Code § 37.056(c).

(3) whether the routes conform with the policy of prudent avoidance.² “Prudent avoidance” is defined in Commission rules as “[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”³

III. DISCUSSION

A route that uses Link J22—and not Link J3—will result in the best moderation of impacts on the nearby community and landowners because it will parallel or otherwise utilize the most compatible rights-of-way, property lines, and natural features.⁴ For the following reasons, the ALJs should recommend the Commission select a route that uses Link J22.

The evidence is uncontroverted that the proposed transmission line—irrespective of which route it takes—will cut through heavily developed and rapidly developing areas. TCCI’s land will be directly affected by any route that utilizes Links J3 or J4.⁵ The closest alternative to Links J3 and J4 would be to use a southerly route through Link J22 (collectively, the “J Links”).⁶ All three J Links will be routed in close proximity to numerous habitable structures, especially once the surrounding area is fully developed.⁷ The challenge then is to moderate between potential exposure to electric and magnetic fields⁸ and utilization of compatible rights-of-way and natural features.⁹

The parties generally agreed at hearing that any route ultimately approved by the Commission will be in close proximity to numerous habitable structures.¹⁰ That is true for all of the J Links.¹¹ Links J3 and J4 will have even more habitable structures within 500 feet than is reflected in Oncor’s application due to ongoing and planned development.¹² Consequently, the policy of prudent avoidance alone cannot effectively direct the Commission on which of the three J Links to choose. Instead, the other factors—such as utilization of rail right-of-way, property

² 16 TAC § 25.101(b)(3)(B).

³ *Id.* § 25.101(a).

⁴ *See id.* § 25.101(b)(3)(B).

⁵ *See* TCCI Exh. 1 at 8:13-15; Oncor Exh. No. 1 at Att.12d, Figure 2; Oncor Exh. No. 4 at 47.

⁶ *See* Oncor Exh. No. 1 at 651; Oncor Exh. No. 4 at 47.

⁷ Oncor. Exh. No. 1 at Att; *see* TCCI Exh. 1 at 9:13-15; Oncor Exh. No. 4 at 10:19-29.

⁸ 16 TAC § 25.101(a).

⁹ *Id.* § 25.101(b)(3)(B).

¹⁰ *See, e.g.*, Oncor Exh. No. 4 at 10:19-29.

¹¹ Oncor Exh. No. 1 at 865-872.

¹² *See* TCCI Exh. 1 at 8:13-15.

boundaries, and natural features—must be considered in determining how best to moderate impacts on landowners.¹³

Link J22 and the immediate next link, Link L1, parallel or otherwise utilize significant distances of rail right-of-way and creek bed/floodplain.¹⁴



By contrast, the links in proposed Route 179C—Links J3 and K1—parallel or utilize comparatively little distance of compatible right-of-way, property boundaries, and natural features.



With respect to TCCI's property, Oncor did not even attempt to parallel property lines or natural features, choosing instead to plow directly through private property thus disrupting a

¹³ See 16 TAC § 25.101(b)(3)(B).

¹⁴ See Oncor Exh. No. 1 at 651, 948.

major—and much needed—residential development.¹⁵ The same could be said had Oncor chosen Links J4, K21, K22, or K61.¹⁶ Understanding that the ultimate route likely must utilize either J3, J4, or J22, no reasonable reading of the Commission’s routing criteria could lead to any other conclusion than using Link J22 best moderates the impact on the community and landowners by maximizing utilization of compatible rights-of-way and natural features.

IV. CONCLUSION

All three J Links will be in proximity of numerous habitable structures—that cannot be avoided. Commission rules dictate that the most moderate route among them must be selected. Link J22 parallels or utilizes significant distances of compatible rights-of-way or natural features. J3 and J4 do not. Consequently, the ALJs should propose a route that uses Link J22 in its final proposal for decision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that notice of this filing was provided to all parties of record via electronic mail on September 7, 2023 in accordance with the Second Order Suspending Rules issued in Project No. 50664.

/s/ James Aldredge

JAMES ALDREDGE

¹⁵ See TCCI Exhibit 1 at 8:13-15; Oncor Exh. No. 1 at Att. 12d, Figure 2; Oncor Exh. No. 4 at 47.

¹⁶ See Oncor Exh. No. 1 at Att. 12d, Figure 2; Oncor Exh. No. 4 at 47.