



## **Filing Receipt**

**Filing Date - 2023-09-07 03:19:40 PM**

**Control Number - 55067**

**Item Number - 1791**

**SOAH DOCKET NO. 473-23-21216  
PUC DOCKET NO. 55067**

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

**INITIAL POST-HEARING BRIEF OF HARVEY M. MUELLER, II ON BEHALF OF  
H3M PROPERTY HOLDINGS, LP AND ROSS ARTHUR BREWER**

Harvey M. Mueller, II on behalf of H3M Property Holdings, LP and Ross Arthur Brewer (“Intervenors”) submit this Initial Post-Hearing Brief pursuant to SOAH Order No. 2.

**I. INTRODUCTION AND SUMMARY**

Intervenors submit this Initial Post-Hearing Brief in SOAH Docket No. 473-23-21216 and PUC Docket No. 55067 in support of Route 179 and in opposition to all routes utilizing Links P1, O6, P3, P5, S1 and P4. When considering the factors provided in PURA Section 37.056(c) and P.U.C. Substantive Rule 25.101(b)(3)(B), Intervenor contends that Route 179 is far superior to the routes that utilize Links P1, O6, P3, P5, S1 and P4.

**II. ARGUMENT**

*Route 179 is the best route weighing the factors set forth in PURA 37.056(c) and P.U.C. Subst. R. 25.201(b)(3)(B).*

Route 179 is identified as the Best Meets Route by Brenda J. Perkins, consultant for Oncor Electric Delivery Company, LLC (“Oncor”). (Standard Application of Oncor for a Certificate of Convenience and Necessity for a Proposed Transmission Line (the “Application”), Dkt. 5, Att. 7,

Pg. 4). According to the Application, Route 179: (1) is approximately 21.8 miles, which is only 1.9 miles longer than the shortest among all the filed routes; (2) costs \$178,749,000.00,<sup>1</sup> which is approximately 35% less than the most expensive alternative route, Route 117, which is estimated to cost \$238,602,000.00; (3) has only 97 habitable structures within 500 feet of the centerline of Route 179, which is only 4 more than the route with the least number of habitable structures (95 for Route 164) and 303 less than the route with the highest number of habitable structures (400 for Route 192); (4) parallels existing compatible corridors for 23% of its length; and (5) has 4,607 feet of its route through commercial/industrial areas, compared to Route 117, which has 14,702 feet through commercial/industrial areas. (Dkt. 5, Att. 7, Pg. 4). These factors, and others identified in the Application, weigh heavily in favor of Route 179 as the best route when considering PURA and the P.U.C.'s substantive rules.

Route 179C, a modified version of Route 179, was provided by Edgar Brent Watkins and Mary Ann Livengood in their First Set of Requests for Information to Oncor. (Dkt. 65, Pg. 9). Route 179C is supported, or not opposed, by a large majority of the parties in the West Division, as shown in the Joint Statement of Position. (Dkt. 1712). It is also supported by John Poole, P.E., as evidenced in his Direct Testimony. (Dkt. 1646, Pg. 17). Intervenor's are not opposed to Route 179C. Route 179C has the following advantages: (1) it is .86 mile shorter than Route 179; (2) it is \$2,464,000.00 less than Route 179; and (3) parallels existing compatible rights-of-way (23%). (Dkt. 1750, Pg. 11).

*The Routes that utilize Links P1, O6, P3, P5, S1 and P4 should not be considered when weighing the factors set forth in PURA 37.056(c) and P.U.C. Subst. R. 25.201(b)(3)(B).*

Intervenor's properties are located along Links P1 and P4. These Links and Links O6, P3, P5 and S1 surround the Shale Creek Subdivision. The routes containing any of these previously

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<sup>1</sup> Revised from Oncor's Notice of Errata filed as Item Number 1743 on the Interchange.

mentioned Links in this portion of the Study Area present significant issues that are not present along Route 179 or Route 179C. Mr. Marusak confirmed these significant issues on cross examination by Anzhela Chopovenko. P1 alone has 116 habitable structures and P4 has 81. (Dkt. 1743, Pg. 9). Furthermore, more houses are already planned along Links O6, P3 and P5 in the Shale Creek Subdivision. Routes containing Links P1 and P4 present the following issues: (1) they have more habitable structures than Route 179 or Route 179C, ranging from 108 to 400 habitable structures; (2) they are also more costly than Route 179 or Route 179C, ranging from \$169,682,000.00 to \$238,602.00 (the 5 Routes that are less expensive than Route 179 or Route 179C have a range of 217-400 habitable structures); and (3) approximately half of the routes including Links P1 and P4 are longer than Route 179 or Route 179C (the routes that are shorter have significantly more habitable structures ranging from 217 to 400).

WHEREFORE, PREMISES CONSIDERED, Intervenor Harvey M. Mueller, II on behalf of H3M Property Holdings, LP and Ross Arthur Brewer respectfully request that the Administrative Law Judges recommend that the Application of Oncor Electric Delivery Company, LLC to Amend its Certificate of Convenience and Necessity for the Ramhorn Hill – Dunham 345KV Transmission Line in Denton and Wise Counties be approved only on Route 179 or Route 179C as those routes best comply with the routing factors of PURA and the P.U.C.'s Substantive Rules as demonstrated by the totality of the record evidence. Intervenor further request that the Administrative Law Judges not recommend any route utilizing Links P1, O6, P3, P5, S1 and P4 as they do not comply with those same routing factors in comparison to Route 179 and Route 179C.

Respectfully Submitted,

UNDERWOOD LAW FIRM, P.C.  
500 S. Taylor Street, Suite 1200  
P. O. Box 9158  
Amarillo, Texas 79105-9158  
Telephone: (806) 376-5613  
Facsimile: (806) 379-0316

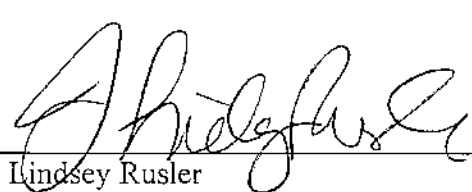
By: 

Todd W. Boykin  
State Bar No. 02791600  
todd.boykin@uwlaw.com  
Lindsey Rusler  
State Bar No. 24069080  
lindsey.rusler@uwlaw.com  
C. Jason Fenton  
State Bar No. 24087505  
jason.fenton@uwlaw.com

**ATTORNEYS FOR INTERVENOR**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2023, the foregoing document is being electronically filed in the Public Utility Commission's Interchange system in accordance with the Orders in the above-styled proceeding and the Commission's Second Order Suspending Rules in Docket No. 55114.

  
J. Lindsey Rusler