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

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY LLC TO AMEND ITS	§	BEFORE THE
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	PUBLIC UTILITY COMMISSION
RAMHORN HILL– DUNHAM 345 KV	§	
TRANSMISSION LINE IN DENTON	§	OF TEXAS
AND WISE COUNTIES, TEXAS	§	

DUDLEY REALTY, LLC’S INITIAL BRIEF

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGES (“ALJs”), STATE OFFICE
OF ADMINISTRATIVE HEARINGS (“SOAH”):**

Dudley Realty, LLC (“Intervenor” or “Dudley Realty”) files this Initial Brief in the above-styled and numbered docket. Pursuant to SOAH Order No. 2, this brief is timely filed. In support thereof, Dudley Realty respectfully shows the following:

I. INTRODUCTION

Oncor filed its Application (the “Application”) to Amend its Certificate of Convenience and Necessity for the Ramhorn-Hill Dunham 345 kV Transmission Line (the “Transmission Line”) in Denton and Wise Counties on June 8, 2023.¹ Dudley Realty is the owner of property identified by Oncor in its Application as directly affected by Links 17, 18, and J3 of the Transmission Line.² Dudley Realty’s property sits within the City of Justin, which Oncor has acknowledged is a high growth area.³ The City of Justin is expecting a 33% increase in its population by the year 2027.⁴

¹ Application of Oncor Electric Delivery LLC to Amend its Certificate of Convenience and Necessity for the Ramhorn Hill — Dunham 345 kV Transmission Line in Denton and Wise Counties, Oncor Ex. No. 1.

² Dudley Realty LLC, Ex. 1 at 3.

³ Direct Testimony of Russell J. Marusak, Oncor Ex. No. 2 at Bates 7.

⁴ Direct Testimony of James Clark, Justin Ex. 1 at Bates 7.

Although Oncor proposed 221 alternative routes, at least 80 would utilize links I7, I8, or J3 (including Oncor's Preferred Route 179), and dozens more would directly affect the Dudley Realty property.⁵ The Transmission Line bisecting the property of Dudley Realty would be detrimental to its value and development. Dudley Realty respectfully requests that Your Honors do not recommend the Preferred Route 179, and instead recommend the use of Modified Route 179 as proposed by the City of Justin,⁶ or any alternative route that does not use Links I7, I8, or J3.

II. ARGUMENT

A. Under the Public Utility Regulatory Act Factors and Other Relevant Codes, Oncor's Preferred Route 179 is Not the Best Available Route.

In selecting a route and approving a utility's Application for a Transmission Line, the Commission should consider various factors outlined by the Public Utility Regulatory Act ("PURA").⁷ These factors include, but are not limited to, community values, historical and aesthetic values, and environmental integrity.⁸ The Commission should also consider engineering constraints and costs, as well as whether the routes utilize existing compatible rights-of-way for electric facilities, roads, highways, railroads, or telephone utility right-of-ways, and try to conform with Prudent Avoidance (the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments and money).⁹ Significantly, although Oncor Witness Brenda Perkins stated that Route 179 "best meets" the requirements of the Texas Utilities Code and Texas Administrative Code, and described three decisive factors—cost, length, and habitable structures—Route 179 is not the shortest, least expensive, or the route with the smallest number

⁵ Oncor Ex. No. 1, Appx. D at D-1 – D-6.

⁶ The City of Justin's Initial Brief, Docket 55067, Document 1784 at 9-13.

⁷ Tex. Util. Code § 37.056(c) (PURA).

⁸ *Id.*

⁹ 16 TAC § 25.101(b)(3)(B).

of habitable structures within 500 feet of the Transmission Line centerline.¹⁰ Taking into account these and other factors raised at the Hearing on the Merits and by other intervenors, there is not compelling evidence that Route 179 is the best route.

B. A Modified Version of Route 179 that Utilizes Link 22 Instead of Link J3 (and I7 or I8) Should be Adopted.

Dudley Realty urges the ALJs to recommend a modified version of Route 179 (“Modified Route 179”) that would utilize Links I6-J1-J21-J22, instead of Links H8-I8-J3-K1-L5-L4-L3, all of which appear in the central region of Route 179. Dudley Realty also supports the modified route as described by the City of Justin.¹¹ Because the Modified Route 179 only affects the central portion of Route 179, these proposed changes would *not* undermine the positions and discussions among intervenors in the western or eastern portions of Route 179. As outlined by the City of Justin, multiple intervenors support such modifications, with minimal opposition.¹² Notably, Modified Route 179 appears to better utilize existing right-of-ways and areas parallel to railroads, pipelines, and existing roads and highways, thereby saving money and preserving the aesthetic and environmental integrity of the area.¹³ As a result, the ALJs should recommend Modified Route 179 instead of the current, proposed Route 179.

C. In the Event Modified Route 179 is Not Adopted, Dudley Realty Would Likely Support An Alternative Route that Does Not Utilize Links I7, I8, or J3.

Dudley Realty urges the ALJs to adopt an alternate route that does not utilize links I7, I8, or J3, even in the event Modified Route 179 is not selected. As discussed herein and as highlighted by other intervenors in the central portion of Route 179, the Preferred Route 179 would negatively

¹⁰ See Direct Testimony of Brenda J. Perkins, Oncor Ex. No. 4 at Bates 9-10; *but see* Oncor’s Notice of Errata, Oncor Ex. No. 24 at Bates 17; Errata to the Direct Testimony of John Poole, Staff Ex. 2 at Bates 39-40.

¹¹ The City of Justin’s Initial Brief, Docket 55067, Document 1784 at 9-10.

¹² *Id.* at 10.

¹³ See Tex. Util. Code § 37.056(c); 16 TAC § 25.101(b)(3)(B).

impact not only the current and future families of Justin, but would devalue the property owned by Dudley Realty and impede its development. Because there is minimal opposition to so modifying the central portion of Route 179, the ALJs should approve a route that avoids links I7, I8, or J3.

Respectfully Submitted,

/s/ M. Scott Barnard

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2023, a true and correct copy of the foregoing document was electronically filed with the Commission via the PUC Interchange, which system has provided email notice to all parties of record.

/s/ M. Scott Barnard

M. Scott Barnard