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**SOAH DOCKET NO. 473-23-21216
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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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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COMMISSION STAFF'S REPLY BRIEF

Dated: September 14, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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COMMISSION STAFF’S REPLY BRIEF

I. INTRODUCTION AND SUMMARY

The applicant, Oncor Electric Delivery, LLC (Oncor), seeks to amend its certificate of convenience and necessity (CCN) to construct and operate a 345-kilovolt (kV) transmission line (Proposed Project) in Denton and Wise Counties. The Proposed Project would begin at the proposed Oncor Ramhorn Hill Switch, to be located approximately 2 miles south of the intersection of United States Highway (US) 287 and State Highway 114 near Rhome, Texas in Wise County, Texas.¹ The Proposed Project will extend 20 to 23 miles, depending on the route, in an easterly direction terminating at the proposed Oncor Dunham Switch that will be located approximately 1.4 miles southeast of the intersection of US 377 and Farm-to-Market 1171 in Flower Mound, Texas in Denton County, Texas.² The Staff (Staff) of the Public Utility Commission of Texas (Commission) continues to support the routing of the Proposed Project along what is designated as Route 179-C in the application.³ As discussed below, Route 179-C best meets the criteria in PURA⁴ § 37.056 and 16 Texas Administrative Code (TAC) § 25.101 when compared to all the proposed routes.

Oncor timely filed an initial brief reiterating its position in support of Route 179, but explicitly did not object to Route 179-C.⁵ Todd Family Holdings L.P. timely filed an initial brief

¹ Direct Testimony of John Poolc, Staff Ex. No. 2 at 21:10-13 (Aug. 28, 2023). (Staff Exhibit No. 2).

² *Id.* at 5:9-13.

³ *Id.* at 25:1-4 and 52:9-53:5.

⁴ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

⁵ Oncor Electric Delivery Company LLC’s Initial Post-Hearing Brief at 42 (Sept. 7, 2023).

supporting Route 179 and opposing routes including link V3.⁶ Edgar Brent Watkins and Mary Ann Livengood timely filed an initial brief supporting Route 179-C.⁷ Meredith and Jason Guess timely filed an initial brief, opposing Route 179 or any route whose path includes Link J3.⁸ The Town of Northlake timely filed an initial brief supporting Route 179-C with combined alternative route adjustments 1 and 2 proposed by La Estancia Investments, L.P (La Estancia).⁹ Old WR Ranch I, L.P., SWC 1171-377 Ltd., and 64.3 SE 1171/377 LLC timely filed an initial brief supporting Route 179-C with the alternative route adjustments 1 and 2 proposed by La Estancia.¹⁰ La Estancia timely filed an initial brief, supporting Route 179 with either of the three modifications (described as La Estancia Alternative Route 1, 2, or 2-A) described therein.¹¹ PMB Rolling V Land timely filed an initial brief, supporting Routes 179 and 179-C or any route that enters their property from the east.¹² TCCI Range – Mead LLC timely filed an initial brief opposing Route 179-C or any routes that use Links J3 or K1, and recommend approval of a route that uses Links J22 and L1.¹³ Kimn and Terri Nierman timely filed an initial brief opposing Route 179 or any route that includes Link J3.¹⁴ DHL Supply Chain timely filed an initial brief generally supporting Route 179, Route 137, and Route 179-C but specifically recommending Route 179-C.¹⁵ James and Holly Lewis timely filed an initial brief opposing Route 179 or any path that includes Link J3.¹⁶ Viktor and Anzhela Chopovenko timely filed an initial brief opposing any route that uses Links J4, J3, or J22.¹⁷ Robert and Martha Vinyard timely filed an initial brief opposing Route 179 or any route whose path includes Link J3.¹⁸ GRBK Edgewood LLC and GBTM Sendera LLC timely filed an initial brief

⁶ Todd Family Holdings L.P.'s Initial Post-Hearing Brief at 1-2 (Sept. 7, 2023).

⁷ Edgar Brent Watkins and Mary Ann Livengood's Initial Post-Hearing Brief at 15 (Sept. 7, 2023).

⁸ Intervenor's Meredith and Jason Guess's Initial Post-Hearing Brief at 1 (Sept. 7, 2023).

⁹ Town of Northlake's Initial Post-Hearing Brief at 1-2 (Sept. 7, 2023).

¹⁰ Furst Ranch Intervenor's Initial Brief on the Merits at 2 (Sept. 7, 2023).

¹¹ La Estancia Investments, L.P.'s Initial Brief on the Merits at 1-2 (Sept. 7, 2023).

¹² PMB Rolling V Land, LP's Initial Brief on the Merits at 5-6 (Sept. 7, 2023).

¹³ TCCI Range – Mead LLC's Initial Brief at 1 (Sept. 7, 2023).

¹⁴ Intervenor's Kimn and Terri Nierman's Post-Hearing Brief at 1 (Sept. 7, 2023).

¹⁵ Post-Hearing Brief of DHL Supply Chain at 3-5 (Sept. 7, 2023).

¹⁶ Intervenor's Holly and James Lewis's Post-Hearing Brief at 1 (Sept. 7, 2023).

¹⁷ Initial Post-Hearing Brief of Pro Se Intervenor's Viktor and Anzhela Chopovenko at 6-7 (Sept. 7, 2023).

¹⁸ Intervenor's Robert L. and Martha J. Vinyard's Post Hearing Brief at 1 (Sept. 7, 2023).

supporting Route 179-C, and if Route 179-C is not recommended that any other proposed route be one that does not include segment M3.¹⁹ Janet Bresler timely filed an initial brief opposing Route 179 or any route whose path includes Link J3.²⁰ The City of Justin timely filed an initial brief opposing Route 179, and any route whose path includes Links J3 or J4, and supports a modified Route 179 that uses Link J22 instead of J3.²¹ New Dimension Investments II, LLC timely filed an initial brief, generally supporting Route 179, Route 179-C, and Route 137, and opposing any route that uses any portion of Links R6 or U1.²² Alliance West, LP timely filed an initial brief supporting Route 179-C, or if Route 179-C is not selected, any route that does not utilize Link M3.²³ Denton County Land & Cattle, LP timely filed an initial brief supporting Route 179-C, or if Route 179-C is not selected, any route that does not utilize Link M3.²⁴ Hillwood Parties timely filed an initial brief supporting Route 179, Route 179-C, or Route 179-C with the two alternative route adjustments proposed by La Estancia.²⁵ Melissa and Daniel Dennis timely filed an initial brief opposing any route utilizing Links J3, J4, or J22.²⁶ Harvey M. Mueller, II on behalf of H3M Property Holdings, LP and Ross Arthur Brewer timely filed an initial brief in support of Route 179, opposing all routes utilizing Links P1, O6, P3, P5, S1, and P4, and standing unopposed to Route 179-C.²⁷ Seth DeLeon timely filed an initial brief supporting Route 179-C with either of the modifications proposed by La Estancia.²⁸ Intervenor Matthew Spaethe, Margaret & Antonio Chavez, GFAT, LLC, David Bratton, Jerry Bratton, Bill Beverly, Janet Beverly, Rama Prasad Chalasani, Michael Hamilton, Keith Norris, Martin Rojas, Peggy Logan McCurdy, and Floyd T.

¹⁹ GRBK Edgewood LLC and GBTM Sendera LLC's Initial Post-Hearing Brief at 3-4 (Sept. 7, 2023).

²⁰ Intervenor Janet and Mike Bresler Post-Hearing Brief at 1 (Sept. 7, 2023).

²¹ The City of Justin's Initial Brief at 3 (Sept. 7, 2023).

²² New Dimension Investments II, LLC's Initial Post-Hearing Brief at 4-5 (Sept. 7, 2023).

²³ Alliance West, LP's Initial Post-Hearing Brief at 7-8 (Sept. 7, 2023).

²⁴ Denton County Land & Cattle LP and Denton County Land & Cattle 2's Initial Post-Hearing Brief at 3-4 (Sept. 7, 2023).

²⁵ Hillwood Parties' Initial Post-Hearing Brief at 2-3 (Sept. 7, 2023).

²⁶ Initial Post-Hearing Brief of Pro Se Intervenor Daniel Mathews Dennis and Melissa Mac Dennis at 6-7 (Sept. 7, 2023).

²⁷ Initial Post-Hearing Brief of Harvey M. Mueller, II on Behalf of H3M Property Holdings, LP and Ross Arthur Brewer at 1-3 (Sept. 7, 2023).

²⁸ Post-Hearing Brief of Seth DeLeon Support for 179C La Estancia [sic] or 179C La Estancia 1 & 2 at 1 (Sept. 7, 2023).

McCurdy trust timely filed an initial brief supporting Route 179-C.²⁹ Dudley Realty, LLC timely filed an initial brief, opposing Route 179 and supporting an alternative Route 179 that utilizes Link J22 instead of J3.³⁰ Finally, Staff timely filed an initial brief supporting Rote 197-C.³¹

A. Route 179-C exhibits positive quantitative features

Staff addressed this issue in its initial brief.

B. Route 179-C exhibits positive qualitative features

Staff addressed this issue in its initial brief.

II. IDENTIFICATION OF UNCONTESTED ISSUES AND UNDISPUTED FACTS

Staff addressed this issue in its initial brief.

III. PROCEDURAL HISTORY

Staff addressed this issue in its initial brief.

IV. JURISDICTION

Staff addressed this issue in its initial brief.

V. PRELIMINARY ORDER ISSUES

A. Preliminary Order Issue No. 1: Adequacy of Application and Number of Routes

Is the applicant's application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration must be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated proposed transmission facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under

²⁹ Intervenor Matthew Spacethe, Margaret and Antonio Chavez, GFAT, LLC, David Bratton, Jerry Bratton, Bill Beverly, Janet Beverly, Rama Prasad Chalasani, Michael Hamilton, Keith (Bobby) Norris, Martin Rojas, Peggy Logan McCurdy, and the Floyd T. McCurdy Testamentary Trust's Initial Post-Hearing [sic] Brief at 3 (Sept. 7, 2023).

³⁰ Dudley Realty, LLC's Initial Brief at 1-2 (Sept. 7, 2023).

³¹ Commission Staff's Initial Brief at 22 (Sept. 7, 2023).

consideration and to any analysis and reasoned justification presented for a limited number of alternative routes. A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ must allow the applicant to amend the application and to provide proper notice to affected landowners; however, if the applicant chooses not to amend the application, then the ALJ may dismiss the case without prejudice.

Staff addressed this issue in its initial brief.

B. Preliminary Order Issue No. 2: Notice of Application

Did the applicant provide notice of the application in accordance with 16 TAC § 22.52(a)(1), (2), and (3)?

Staff addressed this issue in its initial brief.

C. Preliminary Order Issue No. 3: Notice of Public Meeting

Did the applicant provide notice of the public meeting in accordance with 16 TAC § 22.52(a)(4)?

Staff addressed this issue in its initial brief.

D. Preliminary Order Issue No. 4: Public Input

What were the principal concerns expressed in the questionnaire responses received at or after any public meetings held by the applicant regarding the proposed transmission facilities?

Staff addressed this issue in its initial brief.

E. Preliminary Order Issue No. 5: Need

Taking into account the factors set out in Public Utility Regulatory Act (PURA) § 37.056(c), are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a)? In addition, please address the following:

- a) **How do the proposed transmission facilities support the reliability and adequacy of the interconnected transmission system?**

- b) Do the proposed transmission facilities facilitate robust wholesale competition?
- c) What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed transmission facilities?
- d) Are the proposed transmission facilities needed to interconnect a new transmission service customer?

Staff addressed this issue in its initial brief.

F. Preliminary Order Issue No. 6: Historical load, forecasted load growth, and additional load currently seeking interconnection

In considering the need for additional service under PURA § 37.056(c)(2) for a reliability transmission project, please address the historical load, forecasted load growth, and additional load currently seeking interconnection?

Staff addressed this issue in its initial brief.

G. Preliminary Order Issue No. 7: Distribution and other Alternatives

Are the proposed transmission facilities the better option to meet this need when compared to using distribution facilities? If the applicant is not subject to the unbundling requirements of PURA § 39.051, are the proposed transmission facilities the better option to meet the need when compared to a combination of distributed generation and energy efficiency?

Staff addressed this issue in its initial brief.

H. Preliminary Order Issue No. 8: Routing

Weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), which proposed transmission-line route is the best alternative?

Staff addressed this issue in its initial brief.

1. Effect of Granting Certificate on Oncor and Any Electric Utility Serving the Proximate Area

Staff addressed this issue in its initial brief.

2. Community Values

Staff addressed this issue in its initial brief.

3. Recreational Park Areas

Staff addressed this issue in its initial brief.

4. Cultural, Aesthetic, and Historical Values

Staff addressed this issue in its initial brief.

5. Environmental Integrity

Staff addressed this issue in its initial brief.

6. Engineering Constraints

Staff addressed this issue in its initial brief.

7. Costs

Staff addressed this issue in its initial brief.

8. Use of Existing Corridors

Staff addressed this issue in its initial brief.

9. Prudent Avoidance

Staff addressed this issue in its initial brief.

10. Additional Routing Concerns

Staff addressed this issue in its initial brief.

11. Summary of Routing Recommendation

Staff addressed this issue in its initial brief.

I. Preliminary Order Issue No. 9: Alternative Routes/Configurations

Are there alternative routes or configurations of facilities that would have a less negative effect on landowners? What would be the incremental cost of those routes or configurations of facilities?

Staff addressed this issue in its initial brief.

J. Preliminary Order Issue No. 10: Contributions and Accommodations for Alternative Routes/Configurations

If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues:

- a) Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?**
- b) Have the accommodations to landowners diminished the electric efficiency of the line or reliability?**

Staff addressed this issue in its initial brief.

K. Preliminary Order Issue No. 11: Necessity of Transmission facilities to meet state or federal reliability standards

Are the proposed transmission facilities necessary to meet state or federal reliability standards?

Staff addressed this issue in its initial brief.

L. Preliminary Order Issue No. 12: Estimated Cost to Consumers

What is the estimated cost of the proposed transmission facilities to consumers?

Staff addressed this issue in its initial brief.

M. Preliminary Order Issue No. 13: Estimated congestion cost savings for consumers

What estimated congestion cost savings for consumers that may result from the proposed transmission facilities?

Staff addressed this issue in its initial brief.

N. Preliminary Order Issue No. 14: Adequacy of Best Management Practices

Are the best management practices for construction and operating transmission facilities that are standard in the Commission's electric CCN orders adequate? If not, what additional practices should be required for the proposed transmission facilities?

Staff addressed this issue in its initial brief.

O. Preliminary Order Issue No. 15: Additional Best Management Practices

For additional practice proposed, please address the following:

- a) What is the additional cost to design, construct, and operate the proposed transmission facilities, including cost to consumers?**
- b) What benefit, if any, will the proposed practice provide?**
- c) What effect, if any, will the proposed practice have on the reliability of the transmission system?**
- d) What effect, if any will the proposed practice have on the design, construction, or operation of the proposed transmission facilities?**
- e) What effect, if any, will the proposed practice have on the expected date to energize the proposed transmission facilities?**

Staff addressed this issue in its initial brief.

P. Preliminary Order Issue No. 16: Texas Parks and Wildlife Recommendations

Did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:

- a) What modifications, if any, should be made to the proposed transmission facilities as a result of any recommendations or comments?**
- b) What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?**
- c) What other disposition, if any, should be made of any recommendations or comments?**
- d) If any recommendation or comment should not be incorporated in the proposed transmission facilities or the final order, should not be acted on, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.**

Staff addressed this issue in its initial brief.

Q. Preliminary Order Issue No. 17: Permits

What permits, licenses, plans, or permission will be required for construction and operation of the proposed transmission facilities? If any alternative route requires permission or an easement from a state or federal agency, please address in detail the following:

- a) What agency is involved, and what prior communications has the applicant had with the agency regarding the proposed transmission facilities?**
- b) Has the agency granted the required permission or easement? If not, when is a decision by the agency expected?**
- c) What contingencies are in place if the agency does not grant the required permission or easement or if the process to obtain the required permission or easement would materially affect the estimated cost, proposed design plans, or anticipated timeline to construct the proposed transmission facilities?**

Staff addressed this issue in its initial brief.

R. Preliminary Order Issue No. 18: Coastal Management Program

Is any part of the proposed transmission facilities located within the coastal management program boundary as defined in 31 TAC § 503.1(a)? If so, please address the following issues:

- a) Do the facilities comply with the goals and applicable policies of the Coastal Management Program in accordance with 16 TAC § 25.102(a)?**
- b) Will the facilities have any direct and significant effects on any of the applicable coastal natural resource areas specified in 31 TAC § 501.3(b)?**

Staff addressed this issue in its initial brief.

S. Preliminary Order Issue No. 19: Seven-year Limitation of Authority

Are the circumstances for this line such that the seven-year limit discussed in section III of this Order should be changed?

Staff addressed this issue in its initial brief.

T. Preliminary Order Issue No. 20: Impact on Generators

Will anything occur during construction that will preclude or limit a generator from generating or delivering power or that will adversely affect the reliability of the ERCOT system?

Staff addressed this issue in its initial brief.

U. Preliminary Order Issue No. 21: Route Modifications

If complete or partial agreement of the parties is reached on a route that relies on modifications to the route segments as noticed in the application, please address the following issues:

- a) Did the applicant comply with the additional notice requirements of 16 TAC § 22.52(a)(2) and (a)(3)(C)?**
- b) Was written consent obtained from landowners directly affected by the proposed modifications to the route segments?**

Staff addressed this issue in its initial brief.

VI. CONCLUSION

Based on the foregoing discussion, Staff continues to recommend the adoption of Route 179-C and contends that Route 179-C best meets the governing criteria. Route 179-C is comparable, if not superior, to the other alternative route options, based on the evidence and the evaluation of the qualitative and quantitative criteria. For these reasons and the other reasons stated in this brief, Staff's initial brief, and in the direct testimony of Mr. Poole, Staff respectfully recommends that the SOAH ALJs select Route 179-C as the best route for this project in the proposal for decision.

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 14, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Anthony Kanalas
Anthony Kanalas