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

**TOWN OF NORTHLAKE’S REPLY BRIEF**

Intervenor Town of Northlake (“Northlake”) timely files this post-hearing reply brief by the due date of September 14, 2023. As discussed in Northlake’s initial post-hearing brief, the route that best meets the applicable routing criteria is Route 179C with combined alternative route adjustments 1 and 2 proposed by La Estancia Investments, L.P. (“La Estancia”). Accordingly, Northlake supports this route and requests that the Commission approve it.

**I. RECAP OF PARTIES’ POSITIONS IN POST-HEARING BRIEFS**

There were 26 unique post-hearing briefs filed in this docket. Of that number, it was only the City of Justin, Justin residents<sup>1</sup> and TCCI Range – Mead 2021 LLC who oppose Route 179 or any of the Route 179 alternatives (i.e., Route 179-C or Route 179-C with the two La Estancia route alternatives). All of these briefs failed to demonstrate that a “non-179” route was superior to any of the Route 179 alternatives. Instead, these parties unanimously emphasized their opposition to one link: Link J3 or any route that uses Link J3. As such, it is clear that these parties simply object to use of Link J3 and cannot show that a non-Link J3 route is superior to any of the Route 179 alternatives.

In contrast, one or more of the Route 179 alternatives is supported by the applicant Oncor Delivery Company; Commission Staff; Todd Family Holdings LP; Watkins-Livengood; Furst Ranch Intervenor; La Estancia Investments LP; PMB Rolling V Land LLC; DHL Supply Chain; GRBK Edgewood LLC/GBTM Sendera LLC; New Dimensions Investments LLC; Alliance West

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<sup>1</sup> The Justin residents who filed post-hearing briefs were Meredith & Jason Guess; Kimm & Terri Niernan; Holly & James Lewis; Viktor & Anzhela Chopovenko; Janet & Mike Bresler; Robert & Martha Vinyard; and Daniel & Melissa Dennis.

LP; Denton County Land and Cattle Co.; the Hillwood Parties; H3M Property Holdings LP and Ross Brewer; Seth DeLeon; the Spaeth Group of intervenors; and the Town of Northlake.

In so advocating for one or more of the Route 179 alternatives, these Parties cited the heavily preponderant amount of testimony and evidence showing how these Route 179 alternatives better meet the Commission's routing criteria than any of the other proposed "non-179" routes. Because the Justin-oriented intervenors have not shown why a non-179 route is superior to any of the Route 179 alternatives under the Commission's routing criteria, but rather simply oppose any route using Link J3, the Commission must adopt a Route 179 alternative.

## **II. SUPERIORITY OF ROUTE 179-C WITH LA ESTANCIA ALTERNATIVES 1 AND 2**

The following Route 179 advocates specifically agreed to Route 179-C with the two La Estancia alternatives: Oncor; Furst Ranch Intervenors; La Estancia Investments LP; DHL Supply Chain; the Hillwood Parties; Seth DeLeon; and the Town of Northlake. As described in Northlake's initial post-hearing brief and in Oncor's Exhibit 25, Route 179-C with the two La Estancia alternative modifications is objectively superior to the other three Route 179 alternatives on the more significant routing criteria of (i) total cost; (ii) length of route parallel to existing public roads and highways; (iii) length of route parallel to apparent property boundaries; and (iv) length of route parallel to pipelines. Route 179-C with the two La Estancia alternatives is also the best, or tied for the best, of all four 179 routes with respect to length of route parallel to existing electric transmission lines. It is tied for the best of all four routes with respect to number of parks or recreational areas within 1,000 feet. Finally, it is better or not significantly different than the other three 179 routes with respect to all of the other more important routing criteria except for number of habitable structures within 500 feet.

With respect to the number of habitable structures within 500 feet, the evidence shows that the number of habitable structures within 500 feet used by Oncor does not account for the 11-building, 300-unit Liviano Canyon Falls apartment complex located at 12000 F.M. 1171 on Links C7 and E2 which will be fully constructed and occupied by the end of the year.<sup>2</sup> Therefore, the number of habitable structures impacted would be greater by 11 than the number used by Oncor, and

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<sup>2</sup> Northlake Exh. 4, testimony of Mayor David Rettig at pg. 9.

number of affected residents vastly increases the number of residents located within 500 feet of Routes 179 and 179C without the La Estancia alternatives.

As also discussed in the Northlake initial brief, the Texas Parks and Wildlife Department (“TPWD”) merely submitted a comments letter which recommended Route 137 based solely on consideration of impacts on fish and wildlife resources and not on any of the other Commission routing criteria.<sup>3</sup> Since TPWD did not participate in the case as a party, it was not present to hear the testimony and evidence showing that the Canyon Falls recreational area crossed by TPWD’s recommended Route 137 is a public park and greenbelt with 16 miles of constructed trails allowing public access to heavily wooded areas of Canyon Falls and that this natural area is known habitat for over 100 species of animals and birds such as deer, bobcats, coyotes, beavers, turtles, ducks, great blue herons, and red tail hawks.<sup>4</sup> Therefore neither the TPWD nor any other party has even attempted to show that TPWD’s recommended Route 137 is better than Route 179 or any Route 179 alternative under all applicable Commission routing criteria.

### **CONCLUSION**

The Parties in this case have reached what appears to be near unanimous agreement that Route 179C/La Estancia Alts. 1&2 is acceptable. But more importantly, Route 179C/La Estancia Alts. 1&2 best complies with all of the Commission’s applicable routing criteria as discussed in Northlake’s initial brief. In particular, of the four “179 routes” addressed in Oncor Exhibit 25, Route 179C/La Estancia Alts. 1&2 is the least costly (\$2,932,000 less costly than Route 179; \$718,000 less costly than Route 179C/La Estancia Alt. 1; and \$468,000 less costly than Route 179C). Since Route 179C/La Estancia Alts. 1&2 has the lowest cost of all the “179 routes” and since it ranks as better or on par with all “179 routes” on the other routing criteria if the newly constructed Liviano Canyon Falls 11-building, 300-unit apartment complex is considered, Route 179C/La Estancia Alts. 1&2 is clearly the “best meets” route and the Commission should approve it.

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<sup>3</sup> TPWD comments letter of July 19, 2023 at pg. 5.

<sup>4</sup> *Id.* at pgs. 9 – 10.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies 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 Order Suspending Rules issued in Project No. 50664.

/s/ *Stephen C. Dickman*

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