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

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

**GRBK EDGEWOOD LLC AND GBTM SENDERA LLC’S
POST-HEARING REPLY BRIEF**

September 14, 2023

Respectfully submitted,

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GBTM SENDERA LLC**

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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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**POST-HEARING REPLY BRIEF OF
GRBK EDGEWOOD, LLC AND GBTM SENDERA, LLC**

GRBK Edgewood LLC (“GRBK”) and GBTM Sendera LLC (“GBTM”) file this Post-Hearing Reply Brief following the hearing on the merits in the above-captioned docket. By agreement of the parties and as ordered at the hearing, initial post-hearing briefs are to be filed by September 14, 2023. Therefore, this brief is timely filed.

I. PRELIMINARY ORDER ISSUE NOS 8, 9, AND 10: ROUTING

A. Route 179-C Is a Superior Route and Has More Support Among the Parties than Route 179.

Commission Staff has determined that Route 179-C is the route that best meets the factors set forth in PURA § 37.056 and the Commission’s substantive rules.¹ In addition, Oncor has indicated in its initial brief that it does not oppose the selection of Route 179-C.² Oncor has acknowledged that no party who supports Route 179 has expressed opposition to Route 179-C.³ Consequently, support for Route 179-C includes not only the parties who support Route 179, but also Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of the Watkins Family Trust;⁴

¹ Commission Staff Ex. 2 at 17.

² Oncor Initial Brief at 23.

³ Oncor Initial Brief at 20.

⁴ Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of the Watkins Family Trust Initial Brief at 1.

Margaret and Antonio Chavez, Bill Beverly Jr., Janet Beverly, Bobby Norris, David Bratton, Jerry Bratton, GFAT, LLC, Martin Rojas, Matthew A. Spaethe, Rama Prasad Chalasani, Michael Hamilton, Peggy Logan McCurdy, and the Floyd T. McCurdy Testamentary Trust;⁵ Denton County Land & Cattle LP and Denton County Land & Cattle 2;⁶ New Dimension Investment II, LLC (Steve Elis);⁷ Rama Prasad Chalasani; Wayne and Norma Wilkerson; Alliance West LP; Ross Brewer (not opposed); H3M Property Holdings LP (not opposed); and GRBK and GBTM (the “Western Parties”), as well as Oncor (not opposed).

La Estancia Investments, L.P. (“La Estancia”) supports Route 179 with the two modifications described in its initial brief. These modifications both impact the eastern portion of Route 179, which as previously discussed is identical to 179-C. Consequently, should the Commission determine that La Estancia’s modifications should be approved, those modification could be made to either Route 179 or Route 179-C. As Oncor points out in its initial brief, “Route 179-C is identical to Route 179 from the Project’s eastern endpoint, the Dunham Switch, to the node of links M1, M2, and M5.”⁸ Therefore, La Estancia would achieve its goal whether its modifications were made to either Route 179 or 179-C.

Also in its initial brief, Oncor pointed out that of the parties who participated in the hearing on the merits, only Dudley Realty, the City of Justin, and TCCI Range-Mead LLC oppose both Route 179 and Route 179-C.⁹ Based on the initial briefs of Dudley Realty, the City of Justin, and TCCI Range-Mead LLC, their opposition to Route 179 is based solely on that route’s use of

⁵ Matthew Spaethe, 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 Initial Brief at 3.

⁶ Denton County Land & Cattle LP and Denton County Land & Cattle 2 Initial Brief at 4.

⁷ New Dimension Investment II, LLC (Steve Elis) Initial Brief at 15.

⁸ Oncor Initial Brief at 20.

⁹ Oncor Initial Brief at 20.

Segment J3. The parties instead support a modified version of Route 179 using Links I6-JI-J21-J22 in lieu of Links H8-I8-J3-K1-L5-L4-L3, all of which appear to be in the central region of Route 179.¹⁰

As pointed out by Oncor, Route 179-C is identical to Route 179 from the Project's eastern endpoint through the central region of the study area until the western node of links M1, M2, and M5.¹¹ Therefore, similar to La Estancia, it is clear that the proposal of the City of Justin, TCCI-Mead, LLC, and Dudley Realty, LLC to modify Route 179 could also be made to Route 179-C, should the Commission determine it is prudent to do so, without diminishing support for Route 179-C. In addition, Route 179-C is \$2.4 million less expensive than Route 179,¹² impacts only one more habitable structure than Route 179,¹³ is 4,525 feet shorter than Route 179,¹⁴ and parallels or uses existing compatible ROWs and property boundaries to a greater extent than Route 179.¹⁵

Commission Staff, as well as the Western Parties, support Route 179-C as the route that best meets the criteria outlined in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B). Furthermore, Oncor has indicated that it considers Route 179-C to be a viable and constructible route and is not opposed to the Commission selecting it as the best meets route, and Route 179-C mitigates the concerns expressly outlined to Oncor by members of the community.¹⁶ Finally, many of the parties that did not specifically support 179-C have indicated in their initial briefs that their proposed modifications could be realized if Route 179-C is approved by the Commission.

¹⁰ Dudley Realty, LLC initial Brief at 3; City of Justin Initial Brief at 9; and TCCI Range – Mead, LLC Initial Brief at 2.

¹¹ Oncor Initial Brief at 20.

¹² Commission Staff Ex. 2 at 40.

¹³ Commission Staff Ex. 2 at 49.

¹⁴ Commission Staff Ex. 2 at 46.

¹⁵ *Id.*

¹⁶ Commission Staff Ex. 2 at 25-30.

Overall, Route 179-C best addresses the criteria to be considered, is superior to Route 179, and has more support among the intervening parties. Therefore, GRBK and GBTM respectfully request that the ALJs proposal for decision recommend that the Commission approve Route 179-C as the best meets route.

II. CONCLUSION

For the reasons outlined above, GRBK and GBTM respectfully request that the ALJs recommend that the Commission approve Route 179-C as the route that best meets the criteria set forth in PURA § 37.056 and 16 TAC § 25.101(b)(3)(B). In the alternative, GRBK and GBTM respectfully request that the ALJs recommend that the Commission approve a route that does not utilize Segment M3. If the ALJs recommend a route that utilizes Segment M3, GRBK and GBTM respectfully request that Oncor be required to construct Segment M3 as proposed in its Application without deviation.

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PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

PROPOSED FINDINGS OF FACT

Routing of Transmission Facilities

- XX. Halff Associates, Inc examined potential routes taking into consideration the factors in PURA § 37.056(c)(4)(A) through (D), 16 Texas Administrative Code (TAC) § 25.101, and the Commission's CCN application form.
- XX. In its application, Oncor identified Route 179 as the route that best addresses the Commission's routing criteria. Commission Staff recommended Route 179-C as the route that best addresses the Commission's routing criteria.
- XX. Commission Staff witness Mr. Poole concluded that Route 179-C best meets the criteria of PURA and the Commission's rules.
- XX. Based on the evidence presented, Route 179-C best meets the regulatory and statutory criteria because of the following:
- a. Route 179-C is the 22nd least expensive proposed route at \$7,485,000.00 less expensive or 3.27 percent difference from the least expensive route;
 - b. Route 179-C is the 29th shortest route at 110,373 feet, a 5,249 feet or 5 percent difference from the shortest route;
 - c. Route 179-C is tied for the 4th least amount of habitable structures within 19,500 feet of its centerline with 98, five more than the route with the least number of habitable structures and only 1 more than Route 179;
 - d. Route 179-C has none of its length across parks or recreation areas; and
 - e. Route 179-C has none of its length across potential wetlands.

- XX. Several intervenors filed testimony or statements of position supporting or not opposing Route 179-C.
- XX. Based on the evidence presented, Route 179-C best meets the regulatory and statutory criteria.

PROPOSED CONCLUSIONS OF LAW

- XX. Route 179-C best meets the routing criteria set out in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B).

ORDERING PARAGRAPHS

- XX. The Commission amends Oncor's CCN number 30043 to include the construction and operation of the proposed 345-kV transmission line along Route 179-C, which comprises segments AO, A4, B1, B61, B62, C1, C21, C23, C7, E2, E1, E6, G1, G3, H41, H42, H8, I8, J3, K1, L5, L4, L3, L2, M1, M5, R2, R5, U3, V3, V4, and Z.
- XX. Oncor must obtain approval from directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission line approved in this Order. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.