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**SOAH DOCKET NO. 473-23-21216
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APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF
THE RAMHORN HILL – DUNHAM 345	§	
KV TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	ADMINISTRATIVE HEARINGS

**ONCOR ELECTRIC DELIVERY COMPANY LLC’S
REPLY TO EXCEPTIONS TO THE PROPOSAL FOR DECISION**

I. INTRODUCTION

Oncor Electric Delivery Company LLC (“Oncor”) files this Reply to Exceptions to the Proposal for Decision (“PFD”) regarding the Ramhorn Hill to Dunham 345 kV transmission line project in Denton and Wise counties.¹ The Public Utility Commission of Texas (“Commission”) established December 19, 2023, as the deadline for parties to file replies to exceptions to the PFD.² Therefore, this reply is timely filed.

II. EXCEPTIONS TO THE PROPOSAL FOR DECISION

A. The Justin Modification

In addition to Oncor, three parties filed exceptions to the PFD: the City of Justin, Robert and Martha Vinyard, and James and Holly Lewis. All three parties oppose the route recommended in the PFD and support a modification that was proposed for the first time in the City of Justin’s initial brief (the “Justin Modification”). The Justin Modification would modify Route 179 or Route 179-C by using links I6-J1-J21-J22-L1 in place of links I8-J3-K1-L5-L4-L3. Oncor reiterates that it does not oppose the Commission’s selection of the Justin Modification. However, because Justin did not propose the modification until after the evidentiary record closed, there is no record evidence specifically addressing its costs or environmental and land use impacts.

¹ See *Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Ramhorn Hill - Dunham 345 kV Transmission Line in Denton and Wise Counties*, Docket No. 55067, SOAH Proposal for Decision (Nov. 10, 2023).

² Docket No. 55067, Exceptions and Replies Memorandum (Nov. 14, 2023) (mem.).

Even so, certain conclusions can be drawn from the record evidence. The Justin Modification would impact substantially more habitable structures than either Route 179 or Route 179-C. Link J22 alone impacts 128 habitable structures, which is over 30 more than Route 179 as a whole, and more than twice as many as Link J3. The Justin Modification would add approximately \$8 million to the cost of either Route 179 or Route 179-C, due to a higher number of turning structures required, increased right-of-way acquisition costs, and the need to remove several small structures (*e.g.*, storage sheds) from the backyards of landowners whose properties are crossed by Link J22. Additionally, the record evidence comparing links J3 and J22 suggests that the Justin Modification would have greater impacts to upland woodlands and the foreground visual zones of parks, recreational areas, and highways.

B. Claims Made by James and Holly Lewis

Intervenors James and Holly Lewis make several inaccurate or incomplete claims in their exceptions. First, they claim that Route 87, which was filed with Oncor’s CCN Application, includes “almost exactly” the same links utilized in the Justin Modification and also includes “the modifications submitted by La Estancia for Route 179-C.” This is inaccurate.

A table showing the link progression of Route 87 and Route 179-C with the Justin Modification is provided below. Contrary to their assertion, Route 87 does not include either the La Estancia modification or Route 179-C modification, which are two separate and distinct modifications. Even without considering the La Estancia modification, there are substantial differences between these routes, including: (1) Route 87 uses links B7-C3, where Route 179-C uses links C1-C21-C3; and (2) Route 87 uses links M2-M3-R4-V1, where Route 179-C uses links M5-R2-R5-U3. Given these differences, the cost of Route 87 provides no useful information by which to gauge the cost of grafting the Justin Modification onto Route 179-C, the recommended route, or any other route.

87	A0-A4-B1-B61-B62-B7-C3-C6-E6-G1-G3-H41-H42-H8-I6-J1-J21-J22-L1-L2-M1-M2-M3-R4-V1-V3-V4-Z
179-C	A0-A4-B1-B61-B62-C1-C21-C3-C6-E6-G1-G3-H41-H42-H8-I6-J1-J21-J22-L1-L2-M1-M5-R2-R5-U3-V3-V4-Z

Second, the Lewises claim that Mr. Marusak looked at utilizing the “wide-open field of 200+ acres” as an alternative to routing Link J3 through the Legacy Ranch neighborhood, but ultimately deemed it infeasible. At the hearing on the merits, the Lewises questioned why Oncor did not use the open field *to reduce the number of turning structures*, by continuing the path of Link I8 to Boss Range Road then turning north.³ As Mr. Marusak testified, the open field is bordered to the north and west by numerous habitable structures, which leave insufficient space to route the transmission line without adding “as many or more turns” than are currently utilized by Link J3.⁴ Figure 1 below (excerpted from Oncor Exhibit No. 20) shows the Legacy Ranch neighborhood and surrounding area, including the development that would have necessitated multiple added turns, which is located in the southwest of the figure. The open field the Lewises reference includes Tract 1520 and the vacant land to its west.⁵

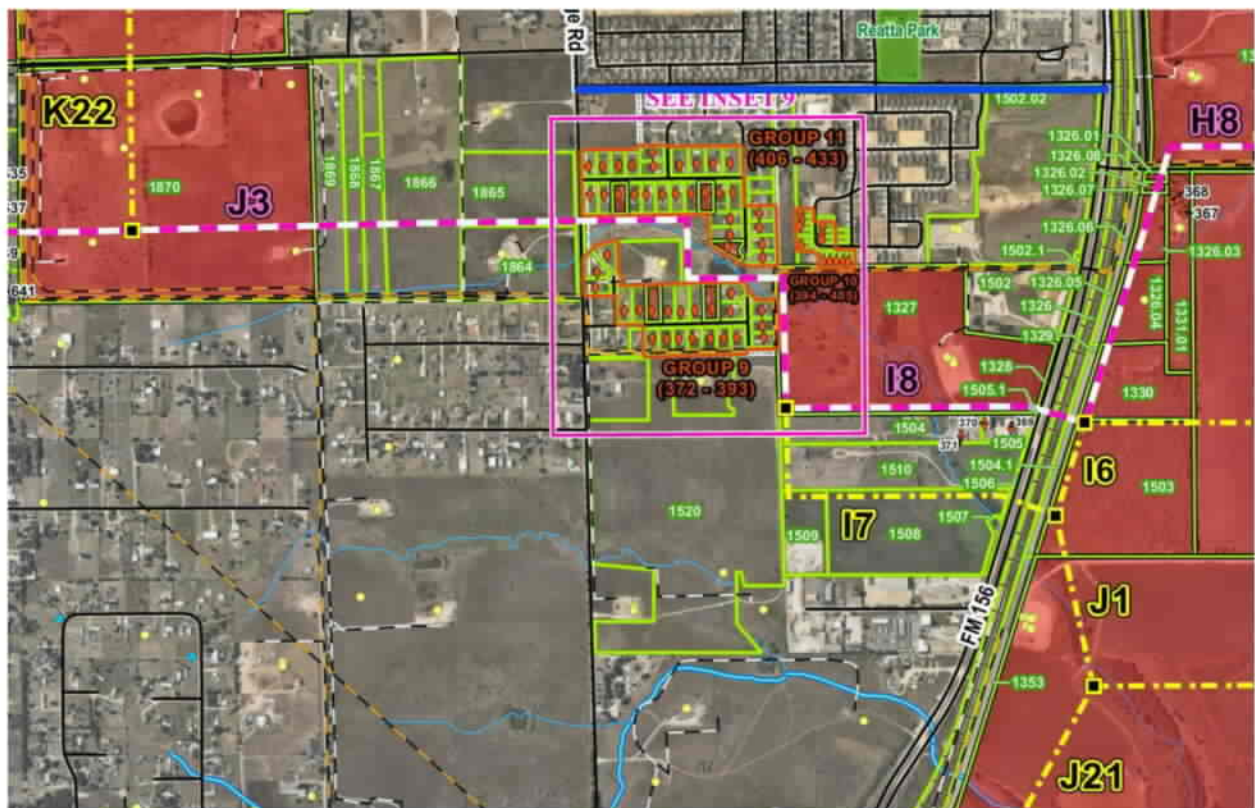


Figure 1: Legacy Ranch Neighborhood and Surrounding Area

³ Tr. (Aug. 29, 2023) at 92:20-93:18 (Marusak Reb.).

⁴ *Id.* at 93:19-95:10 (Marusak Reb.).

⁵ *Id.* at 93:4-13 (Marusak Reb.).

Finally, the Lewises assert that “the power line could have easily gone down John Wiley Road, a ROW, and across the wide-open field to meet up with link I8[.]” On cross-examination, Mr. Marusak explained in detail why Link J3 presented the best routing option in light of the surrounding constraints, specifically pointing out that the habitable structures along John Wiley Road left no room for the transmission line.⁶ There is no evidence that using John Wiley Road, which is indicated by a blue line in Figure 1, would be a feasible alternative. Even if there were, there is nothing to suggest that it would be less expensive or less impactful to landowners than Link J3 as filed; especially given the numerous habitable structures Mr. Marusak alluded to, which are located directly adjacent to the roadway on the north and south.

III. CONCLUSION

Oncor respectfully provides this reply to the exceptions to the PFD filed by the City of Justin, Robert and Martha Vinyard, and James and Holly Lewis.

Respectfully submitted,

By: /s/ Jared M. Jones

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⁶ *Id.* at 94:14-24 (Marusak Recb.).

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to SOAH Order No. 2, filed in this docket, a copy of the foregoing has been served on the Commission and on all parties of record, via the PUC Interchange, and on all parties from whom an action is required, via email, on this the 19th day of December, 2023.

/s/ Michele M. Gibson