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

**TOWN OF NORTHLAKE’S REPLY
TO CITY OF JUSTIN’S EXCEPTIONS TO PFD**

Intervenor Town of Northlake (“Northlake”) timely files this reply to the City of Justin’s (“Justin”) exceptions to the SOAH administrative law judges’ (“ALJs”) proposal for decision (“PFD”). As discussed herein, Justin’s exceptions to the PFD raise no new issue or rationale for avoiding Link J3 that has not already been addressed in detail in the PFD and in the numerous other Parties’ briefs filed in support of Route 179C with combined alternative La Estancia route adjustments 1 and 2 (the “PFD Recommended Route”). Accordingly, Justin’s exceptions to the PFD should be summarily overruled.

**I. JUSTIN’S EXCEPTIONS RAISE NO NEW ISSUES OR RATIONALE
FOR AVOIDING LINK J3.**

In its exceptions to the PFD, Justin argues that “the PFD fails to acknowledge the habitable structures currently under the beginning stages of development that Link J3 and its connecting links will effect.”¹ However, only some of the lots affected by Link J3 have even been platted and most of the proposed developments referenced in Justin’s exceptions are merely proposed developments based on expectations of growth in the Justin area over the next five to ten years.² Such proposed development is the type which PUC does not recognize as qualified to count as “habitable structures”. See Commission Order on Rehearing in Dk. No. 45866 (PUC Interchange Item No. 1626). Consistent with this Commission policy, Oncor’s routing expert witness Brenda J. Perkins testified that under Commission policy, the term “habitable structures” does not include

¹ Justin Exceptions at p. 2.

² Justin Exceptions at p. 3.

alleged future development that has not been initiated and such proposed development will not be granted the same consideration as existing constraints. The proposed development relied on by Justin is in stark contrast to the newly constructed 11-building, 300-unit Liviano Canyon Falls apartment complex on Links C7 and E2 which are now being occupied. As shown in Northlake's post-hearing briefing, it is for this reason that Links C7 and E2 should be avoided as they are avoided under the PFD Recommended Route.

Justin also argues that use of Link J3 would conflict with local community values based on the alleged diminishing of natural aesthetic or recreational park areas.³ However, the effects of a proposed transmission line on recreational park areas is properly considered under that specific routing criterion, not under the aegis of "community values". Justin further cites the number of its residents' protests and the number of its residents participating in the hearing as evidence of "community values".⁴ However, the number of residents protesting or participating in a transmission line routing case should not be relevant for purposes of evaluating community values and in fact is not one of the Commission's routing criteria. See Commission Staff's definition of "community values" as "a shared appreciation of an area or other natural or human resources by members of a national, regional or local community."⁵

Continuing its efforts to find regulatory support for avoiding Link J3, Justin further argues that the clearing of a transmission line right-of-way is a permanent rather than a temporary effect on cultural, aesthetic and historical values.⁶ However, the PFD rejects this concept,⁷ and correctly list examples of cultural, aesthetic and historical values as being features such as historical cemeteries, cultural resources sites, and visibility of transmission structures. Justin also believes the criterion of environmental integrity supports avoidance of Link J3, but the PFD properly concludes that, on balance, the PFD Recommended Route impacts fewer environmental features such as groundwater resources, surface flood drainage, and erosion of prime farmland soils.⁸

Finally, Justin argues that, in the absence of any direct evidence of the cost of Justin's recommended route adjustment avoiding Link J3, the PFD should not have considered the higher costs of other routes that do use Justin's route modification. However, the ALJs are perfectly

³ Justin Exceptions at p. 3.

⁴ Justin Exceptions at p. 5.

⁵ See Commission Staff's Initial Brief at p. 6 (Sept. 7, 2023).

⁶ Justin Exceptions at p. 6.

⁷ PFD at p. 36.

⁸ PFD at p. 38 – 39.

entitled to use whatever evidence is in the record to draw reasonable inferences about the higher cost of what Justin's requested route adjustment relative to the PFD Recommended Route. Justin further argues that even if its requested route modification avoiding Link J3 is more costly than the PFD Recommended Route, such cost exceedance "is small relative to the overall cost of the project."⁹ However that conclusion is purely subjective and should not be accorded any weight when compared to the hard evidence in the record showing the actual lower costs of the PFD Recommended Route.

II. CONCLUSION

The Parties in this case have reached what appears to be near unanimous agreement that the PFD Recommended Route is acceptable. But more importantly, the PFD Recommended Route best complies with all of the Commission's applicable routing criteria as discussed in Northlake's initial brief. Justin's strained efforts to justify avoiding Link J3 as described in its exceptions to the PFD are clearly inadequate to undermine the PFD's clear and well supported reasoning for approving the PFD Recommended Route. Accordingly, Justin's PFD exceptions should be overruled.

Respectfully submitted,

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⁹ Justin Exceptions at p. 8.

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 December 19, 2023 in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Stephen C. Dickman
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