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

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	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**HILLWOOD PARTIES’ REPLY TO EXCEPTIONS OF
THE CITY OF JUSTIN, JAMES AND HOLLY LEWIS, AND
ROBERT L. AND MARTHA J. VINYARD TO THE PROPOSAL FOR DECISION**

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TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COME NOW Eagle Income Properties, LP, AIL Investment, L.P., Petrus Investment, L.P., HW Indian Springs, L.P., HWC Justin 407, LLC, HP Gibbs, LP, Pecan Square Phase 1, LLC, Pecan Square Phase 2A, LLC, Pecan Square Phase 2B, LLC, Pecan Square Phase 3A, LLC, and Pecan Square Phase 3B, LLC (collectively, the “Hillwood Parties”) and file this Reply to the Exceptions to the Proposal for Decision (“PFD”) filed by The City of Justin (“Justin” or “City”), James and Holly Lewis (“the Lewises”), and Robert L. and Martha J. Vinyard (the “Vinyards”).¹ The deadline for filing Replies to Exceptions to the PFD is December 19, 2023.² Therefore, this Reply is timely filed. Hillwood Parties urge rejection of the Exceptions suggested by Justin, the Lewises and the Vinyards, and would respectfully show as follows:

I. INTRODUCTION AND SUMMARY

The Recommended Route incorporates relatively minor consensual modifications to Oncor’s “best meets” Route 179. Hillwood supports the Recommended Route³ proposed by the

¹ Hillwood does not oppose the additional Findings of Fact suggested by Oncor in its Exceptions to the Proposal for Decision dated Dec. 12, 2023.

² Exceptions and Replies Memorandum (Nov. 14, 2023).

³ Docket No. 55067, Proposal for Decision at 2-3 (Nov. 10, 2023) (PFD).

Honorable Administrative Law Judges (“ALJs”). If the conditions precedent required by the ALJs for approval cannot be met, Hillwood supports the Secondary Route⁴ described by the ALJs.⁵

As the PFD and the evidence in this docket demonstrate, significant routing challenges are posed for construction of a double-circuit 345-kV transmission line in Denton and Wise Counties across one of the fastest growing and most highly congested areas in the United States.⁶ Hillwood supports the routing recommendation made by the ALJs in material part because, as the PFD reflects, the Recommended Route incorporates relatively minor consensual modifications to Oncor’s “best meets” Route 179. The modifications are suggested by parties to reduce the most negative impacts of the routing. The significance of the broad support for the Recommended Route is highlighted by the fact that many of the parties supporting the Recommended Route are negatively impacted by segments included on that route—including the Hillwood Parties. The Recommended Route mitigates the most harmful and has fewer negative impacts than any other route, including any route that utilizes the Justin Modification.⁷ The Commission should adopt the recommendation of the PFD.

II. RESPONSE TO THE CITY OF JUSTIN

Link J3 is included in each modification to Route 179 that found broad acceptance among the parties and included in the Recommended Route.⁸ The only parties filing Exceptions to the PFD’s inclusion of Link J3 are the City, the Lewises and the Vinyards. Their exceptions restate arguments made in post-hearing briefs which were considered and addressed by the ALJs. For example, the City expresses concern over impact upon habitable structures.⁹ The PFD explains that Link J22 advocated for by the City, the Lewises and the Vinyards has a much more detrimental

⁴ In the remainder of this Reply, Hillwood’s support for the Recommended Route includes support for the Secondary Route if the permissions for the Recommended Route are not obtained.

⁵ *Id.*

⁶ PFD at 12-13.

⁷ *See, e.g.*, PFD at 28-29, 49-50.

⁸ The Recommended Route includes modifications noted as Route 179-C, La Estancia Alternative 1, and as appropriate, La Estancia Alternative 2 and DCLC’s Modified M1 and M5. *See* PFD at 2-3.

⁹ This is a subset of a broader argument by the City that Link J3 violates “community values” because it adversely impacts future development. The PFD notes that while such concerns are “a widely held community value in this area,” the concern is so widely shared in this case that other factors are more probative. PFD at 34.

impact on habitable structures, passing 59 more habitable structures than J3.¹⁰ The PFD is supported by the uncontroverted testimony at the hearing that no link would place a line closer to more houses than J22.¹¹

The City also objects to the aesthetic and environmental impacts of Route 179-C. The City of Justin implies that the construction of a transmission line results in “all” of the vegetation and natural features along the route being cleared.¹² The PFD correctly concludes that the Recommended Route does not present a “significant impact to environmental integrity.”¹³ The PFD also explains that, as required by statute, Texas Parks and Wildlife Department (“TPWD”) focuses principally on environmental factors in its analysis of the impacts of a transmission line on fish and wildlife.¹⁴ The PFD notes that when TPWD reviewed the filed routes in this docket, it selected Route 137.¹⁵ Route 137 includes segment J3, as does the Recommended Route. As with community-values considerations, the record does not support the City of Justin’s arguments.

III. RESPONSE TO JAMES AND HOLLY LEWIS AND TO ROBERT L. AND MARTHA J. VINYARD

The Lewises and Vinyards are also opposed to Link J3, and they make arguments that are substantively similar to the City of Justin.¹⁶ The Hillwood Parties will not repeat earlier arguments here. However, the Vinyards specifically argue that Link J3 will negatively affect avian species and other creatures that inhabit green spaces along Link J3.¹⁷ As the PFD notes, TPWD recommended Route 137. As also noted above, Link J3 is included in Route 137. Nearly the entirety of the study area “lies in the Grand Prairie Western Timbers physiographic region.”¹⁸ This means the types of vegetation and wildlife supportable by the environment across the study area

¹⁰ PFD at 28-29, 49-50.

¹¹ *See* Tr. at 123:1-124:6 (Perkins Cross) (Aug. 28, 2023).

¹² City of Justin Exceptions to PFD at 5-6.

¹³ PFD at 39.

¹⁴ PFD at 51-53.

¹⁵ PFD at 51.

¹⁶ *See, e.g.*, Robert L. and Martha J. Vinyards’ Exceptions to PFD at 2-4.

¹⁷ *Id.* at 3.

¹⁸ Oncor Exhibit 1, p. 68.

is largely the same.¹⁹ The inescapable inference is that one should not reasonably distinguish different parts of the study area on this basis.

The Vinyards also suggest that further geological studies may be needed.²⁰ The Hillwood Parties agree with Commission Staff and the ALJs' determination that the application is sufficient, and no further study or investigation is needed.

IV. CONCLUSION

The Hillwood Parties respectfully request that the Commission deny the City of Justin's, James and Holly Lewises', and Robert L. and Martha J. Vinyards' Exceptions to the PFD. The Hillwood Parties respectfully request that the Commission adopt the PFD and select the Recommended Route, or, as appropriate, the Secondary Route as the route that best meets the factors that the Commission must consider.

¹⁹ *Id.* at 79-80.

²⁰ *See* Robert L. and Martha J. Vinyards' Exceptions to PFD at 3.

Respectfully submitted,

ENOCH KEVER PLLC

Andrew Kever

State Bar No. 11367050

Christopher J. Kirby

State Bar No. 24116620

7600 N. Capital of Texas Hwy

Building B, Suite 200

Austin, Texas 78731

512-615-1201 (phone)

512-615-1198 (fax)

akever@enochkever.com

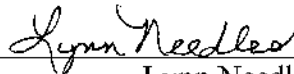
ckirby@enochkever.com

By: Christopher J. Kirby

ATTORNEYS FOR HILLWOOD PARTIES

CERTIFICATE OF SERVICE

I certify that a copy of this document was served by electronic mail, on all parties of record in this proceeding on December 19, 2023, in accordance with SOAH Order No. 1 in the above-styled proceeding and the Commission's Second Order Suspending Rules, issued in Project No. 50664.



Lynn Needles