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Filing Date - 2024-02-26 02:24:59 PM

Control Number - 55067

Item Number - 1831

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

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY FOR	§	
THE RAMHORN HILL – DUNHAM 345	§	OF TEXAS
KV TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	

**MOTION FOR REHEARING OF
LA ESTANCIA INVESTMENTS, L.P., TOWN OF NORTHLAKE,
SETH DELEON, JEFF TRUE, BENITO GONZALEZ,
AND JEREMY AND KATIE YOUNG**

I. INTRODUCTION

A. La Estancia Alternative Route 1

The following parties respectfully request that the Public Utility Commission of Texas (“Commission”) grant rehearing and authorize Oncor Electric Delivery Company, LLC (“Oncor”) to construct the Ramhorn Hill – Dunham transmission line along a route that incorporates “La Estancia Alternative Route 1,” as that term is defined in the “Background” section of this Motion:

- La Estancia Investments, L.P. (“La Estancia”);
- the Town of Northlake (“Northlake”);
- Seth DeLeon;
- Jeff True;
- Benito Gonzalez; and
- Jeremy and Katie Young.

The moving parties (collectively, “Movants”) submit that it would be reasonable to authorize Oncor to site the transmission line along La Estancia Alternative Route 1 for several reasons.

First, no party in the case, including Oncor, opposes La Estancia Alternative Route 1. That alternative route represents a compromise by all of the affected parties, and the Movants respectfully submit that the Commission should support carefully negotiated compromises in controversial transmission-line routing cases, such as this one. To do otherwise discourages parties from trying to work together to reach mutually acceptable solutions.

Second, the Commission's primary reason for rejecting La Estancia Alternative Route 1 is that it affects more habitable structures than the Commission's approved route does.¹ However, the undisputed evidence establishes that all of the incremental habitable structures affected by La Estancia Alternative Route 1 are located south of FM 1171, which is a busy, six-lane divided highway. In fact, those incremental habitable structures within 500 of the centerline of La Estancia Alternative Route 1 are separated from the proposed route not only by a busy, six-lane divided highway, but also by a screening wall, a hike and bike trail, and another set of power poles on the north side of FM 1171. Thus, approving La Estancia Alternative Route 1 would have no discernible incremental effects on those homeowners' property values or quality of life.

Third, since the conclusion of the hearing on the merits, the Livano Canyon Falls apartment complex located directly adjacent to Link E2 on the Commission's approved route has opened, and currently 132 of the units in that complex are occupied.² The existence of this apartment complex was in the record, even though the Commission may not have been considered the substantial number of new impacted residents resulting from failing to approve La Estancia Alternative Route 1 in its deliberations at the January 18, 2024 open meeting. In testimony and

¹ Docket No. 55067, Order at 1 (Feb. 1, 2024) and comments of Commissioner Cobos at the January 18, 2024 open meeting..

² Along with this Motion for Rehearing, Movants are submitting a Motion to Admit Additional Evidence. That additional evidence consists of sworn affidavits supporting the assertions in this Motion.

exhibits admitted at the hearing, the Town of Northlake's witness David A. Rettig identified these apartments as being impacted by segments E2 and C7: "[a]t least 100 units . . . would face the transmission lines on two sides and most of the 300 units are located within 500 feet of the transmission centerline of Links E2 and C7" ³ That imposes a vastly greater impact on habitable structures than La Estancia Alternative Route 1 would impose in that area.

Fourth, La Estancia will make a Contribution in Aid of Construction ("CIAC") to ensure that Oncor and its customers are not harmed by the approval of La Estancia Alternative Route 1. According to the evidence presented at the hearing, approval of La Estancia Alternative Route 1 would increase the overall cost of the Ramhorn Hill – Dunham transmission line by approximately \$250,000. La Estancia commits to making a CIAC of \$250,000 to offset that incremental cost if the Commission approves La Estancia Alternative Route 1.

B. Link E6 Modification

The Proposal for Decision recommends that the Commission approve a route labeled "La Estancia Alternative Route 2" if La Estancia is able to obtain the consent of a landowner who would be affected by that alternative route. La Estancia was not able to obtain the consent of the landowner, so La Estancia does not seek rehearing of the Commission's decision to reject La Estancia Alternative Route 2.

La Estancia instead requests that the Commission grant rehearing and authorize Oncor to modify Link E6 in a way that reduces the impact on La Estancia's South Parcel. Exhibit B-1 to this Motion reflects the general area of the alternative route that La Estancia asks the Commission to approve, although La Estancia asks the Commission to grant Oncor the latitude to make minor modifications that may be necessary to construct the most feasible route. That alternative route,

³ Town of Northlake Ex. 4 at 9; *see also* Town of Northlake Ex. 3

which this Motion refers to as the “Link E6 Modification,” would give La Estancia room to construct warehouses, retail and commercial buildings, and other large structures on or near the FM 1171 and IH-35 intersection. No landowner other than La Estancia would be affected by the Link E6 Modification.

La Estancia commits to an additional CIAC in the amount of \$500,000 if the Commission approves the route shown in Exhibit B-1 to Mr. Ewing’s affidavit. La Estancia also agrees that it will not seek remainder damages for the South Parcel, but instead will seek to be compensated for only the market value of the easement itself.

I. BACKGROUND

A. The parties seeking rehearing are landowners that would be affected by the Oncor transmission line.

La Estancia is a family-owned entity that owns approximately 994 acres in the area affected by the Oncor transmission line at issue in this docket (the “La Estancia Property”).⁴ The La Estancia Property consists of three separate parcels, which this Motion refers to as the Northeast Parcel, the North Parcel and the South Parcel.⁵

Northlake is a home-rule municipality with a population of approximately 11,000 residents. It is located in Denton County, approximately 20 miles north of Fort Worth and approximately 15 miles southwest of Denton.⁶

The remaining Movants are homeowners who reside in or near Northlake, Texas.

⁴ La Estancia Ex. 1 (Ewing Dir.) at 2.

⁵ *Id.*

⁶ Northlake Ex. 1 (Rettig Dir.) at 6.

B. The Movants negotiated compromises that all affected parties, including Oncor, found acceptable.

In the initial application for a Certificate of Convenience and Necessity (“CCN”) in this docket, Oncor proposed Route 179 as the recommended route for the Ramhorn Hill – Dunham transmission line. In response, La Estancia filed direct and cross-rebuttal testimony explaining that Route 179 would adversely affect the Northeast Parcel of the La Estancia Property because one of the links on that route – Link C23 – would require an easement directly through the middle of the Northeast Parcel.⁷ That would render a significant portion of the Northeast Parcel unsuitable for development, which would reduce the value of the entire property.⁸

La Estancia’s testimony also explained that Route 179 would detrimentally affect La Estancia’s South Parcel because Link E6, as proposed by Oncor, would cross the South Parcel several hundred feet south of the FM 1171 right-of-way, rather than following the FM 1171 right-of-way.⁹ Route 179 would also destroy or greatly diminish the value of a portion of the South Parcel at the intersection of FM 1171 and IH-35.¹⁰

Northlake, the Youngs, and several other affected parties also filed testimony opposing Route 179 because of its proximity to homes and recreational areas in Northlake and surrounding areas.

Building on conversations among stakeholders between the filing of testimony and the hearing on the merits, La Estancia formally proposed two modifications to Route 179 during the hearing on the merits. First, La Estancia requested approval of a modified route in which Link C21 turns to the southwest immediately after crossing the railroad tracks and parallels the railroad

⁷ La Estancia Ex. 1 (Ewing Dir.) at 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

tracks to Link C3.¹¹ That alternative route, which was deemed “La Estancia Alternative Route 1,” completely avoids Link C23, as well as Link E2 directly adjacent to the Livano Canyon Falls apartment complex. All of the affected parties, including Oncor, either supported or did not oppose La Estancia Alternative Route 1.

Second, La Estancia requested that Oncor be authorized to modify Link E6 so that the route would parallel the F.M. 1171 right-of-way all of the way from Link C6 to IH-35.¹² La Estancia acknowledged that the modification would require the permission of the landowner who owns Tract 801, which is located along the F.M. 1171 right of way, and La Estancia represented that it was seeking such permission.¹³ Apart from the Tract 801 landowner, who was not a party to this docket, all affected parties, including Oncor, either supported or did not oppose that modification, which was deemed “La Estancia Alternative Route 2.”

C. The Administrative Law Judges found that the alternative routes agreed to by the affected parties represented an appropriate balance of routing factors.

In the PFD, the Administrative Law Judges recommended that the Commission approve a route that contained both La Estancia modifications:

If written consent of the affected landowners can be obtained, Route 179-C with La Estancia Alts. 1 and 2 and DCLC Modified M1 and M5 (the Recommended Route) presents an appropriate balance of routing factors, and negative attributes can be addressed with mitigation and the application of best-practice engineering design and construction methods.¹⁴

¹¹ La Estancia Alternative Route 1 is shown on La Estancia Ex. 5 as the blue-and-white dotted line that begins roughly halfway along Link 21. Immediately after crossing the railroad tracks that bisect Link C21, La Estancia Alternative Route 1 turns in a southwesterly direction and follows the west side of the railroad tracks down to Link C3. From there, La Estancia Alternative Route 1 proceeds in a northwesterly direction along Link C3, and then westward along Link C6, to Link E6. The La Estancia Alternative Route 1 also appears on page 23 of the Proposal for Decision.

¹² La Estancia Alternative Route 2 appears on La Estancia Ex. 5. It is represented by the blue-and-white line that runs adjacent to F.M. 1171 from Link C6 to IH-35.

¹³ As discussed later in this Motion, La Estancia was ultimately unable to reach agreement with the owner of Tract 801. Accordingly, La Estancia is withdrawing its request for approval of La Estancia Alternative Route 2 and instead asks the Commission to approve a different route across La Estancia’s South Parcel.

¹⁴ Proposal for Decision at 70, Finding of Fact No. 77.

The Commission, however, rejected that recommendation and approved Route 179-C, without the La Estancia alternatives.¹⁵ Movants respectfully request rehearing of that decision for the reasons set forth below.

II. REQUEST FOR REHEARING

A. The Movants request that the Commission grant rehearing and approve a route that incorporates La Estancia Alternative Route 1.

1. La Estancia Alternative Route 1 represents a carefully negotiated compromise among the parties, and as a matter of sound policy the Commission should encourage such compromises by accepting them, particularly when no one is detrimentally affected by the compromise.

All parties in this case who are affected by the eastern portion of the Oncor transmission line either support or do not oppose La Estancia Alternative Route 1. La Estancia Ex. 4 contains emails from the following parties, all of whom either support or do not oppose La Estancia Alternative Route 1:

- City of Northlake;
- Henry Northlake Development, LLC;
- Deborah N. Dallas;
- Hillwood Parties;
- Benito Gonzalez;
- Jeff True
- Seth DeLeon; and
- Jeremy and Katie Young.¹⁶

¹⁵ Order at 1-2 (Feb. 1, 2024). The Commission did approve Denton Cattle and Land Company's ("DCLC") proposed modifications to Links M1 and M5.

¹⁶ La Estancia Ex. 4 at 1-8.

The only other parties in the eastern division whose interests are affected by the Oncor transmission line, which are Furst Ranch and Texas Municipal Power Agency, expressed support for La Estancia Alternative Route 1 at the hearing on the merits.¹⁷ In addition, Oncor indicated that it did not oppose La Estancia Alternative Route 1 as long as all of the affected parties are notified of the proposed modification and either support it or do not oppose it.¹⁸ As demonstrated above, that condition is met because all such parties either support or do not oppose La Estancia Alternative Route 1.

Movants respectfully submit that, as a matter of sound policy, the Commission should try to reach outcomes that encourage parties to work together to resolve their differences in transmission-line routing cases. The parties in this case negotiated diligently to reach a compromise that was acceptable to everyone concerned. If the Commission rejects that compromise, it sends a signal to parties that they need not make the effort to work together to reach a mutually acceptable solution in contested transmission-line routing cases, and that the effort and expense of reaching a negotiated compromise could be wasted.

2. All of the incremental habitable structures affected by La Estancia Alternative Route 1 are separated from the proposed route by FM 1171, which is a busy six-lane divided highway.

The primary reason set forth in the Order for rejecting La Estancia Alternative Route 1 is that Route 179-C without the La Estancia modifications would “affect[] fewer habitable structures than the PFD’s recommended route or secondary route.”¹⁹ It is true that approving the La Estancia modifications would cause the number of habitable structures within 500 feet of the centerline of

¹⁷ Aug. 29, 2023 Tr. at 50-51.

¹⁸ Aug. 28, 2023 Tr. at 125 (Oncor witness Brenda Perkins testifying, “So for the Commission to consider that modification, all parties would need to have been notified of this procedure. And from looking at this map, I believe that to be the case. So I think Oncor is agreeable to this modification for the Commission to consider.”).

¹⁹ Order at 1 and comments of Commissioner Cobos at the January 18, 2024 open meeting.

the transmission right-of-way to increase by 38 structures, but it is important to recognize that all of the 38 additional habitable structures that would be affected by the La Estancia modifications are separated from La Estancia Alternative Route 1 by a busy divided six-lane state highway, a screening wall, existing power poles, a hike-and-bike trail, and a set of power poles on the north side of FM 1171.²⁰ Thus, routing the transmission line along La Estancia Alternative Route 1 would have no discernible incremental effects on those homeowners' quality of life or property values.

3. Because of the new Livano Canyon Falls apartment complex, the Commission-approved route now affects more habitable structures and parks than La Estancia Alternative Route 1 would affect.

The habitable structure count provided as part of Oncor's CCN application was as of the May 30, 2023 date of the Oncor routing study.²¹ Since the filing of that application, the Livano Canyon Falls apartment complex has opened alongside Link E2, which increases the number of habitable structures along the Commission-approved route by 132 structures.²² As discussed above, the location of this apartment complex was part of the record,²³ and if the Commission had considered this large number of impacted residents, it should have approved La Estancia Alternative Route 1 since the stated primary concern of the Commission in this case was to minimize the number of impacted residents. Simply stated, approving Route 179-C without La Estancia Alternative Route 1 would actually *increase* in the number of habitable structures affected by the transmission line by approximately 94 habitable structures, as compared to a route that includes La Estancia Alternative Route 1.

²⁰ Tr. at 45-46.

²¹ Oncor Ex. 4, Direct Testimony of Brenda J. Perkins, Ex. BJP-5.

²² See Exhibit A to this Motion, which is the Affidavit of Tom Spies, a representative of the Livano Canyon Falls apartment complex.

²³ Town of Northlake Ex. 4 at 9, and Town of Northlake Ex. 3.

In addition, approving Route 179-C as modified by La Estancia Alternative Route 1 would reduce the number of parks or recreational areas within 1,000 feet of the route centerline from four to three,²⁴ and it would reduce the length of the route through commercial and industrial areas by more than 300 feet.²⁵

4. La Estancia will make a CIAC to offset the incremental cost of La Estancia Alternative Route 1.

According to Oncor, La Estancia Alternative Route 1 would increase the overall cost of the transmission line by about \$250,000.²⁶ La Estancia commits to making a CIAC of \$250,000 to Oncor to offset that incremental cost. Thus, the additional cost should not be a barrier to approval of La Estancia Alternative Route 1.

B. La Estancia requests that the Commission approve an alternative route that has a less detrimental effect on La Estancia's South Parcel.

A second reason stated in the Order for rejecting the La Estancia modifications is that "the record does not show that written consent by the directly affected landowner of tract 801 necessary for approval of alternative 2 has been obtained."²⁷ La Estancia has not been able to obtain written consent from the owner of Tract 801. Accordingly, La Estancia does not seek rehearing of the Commission's decision to reject La Estancia Alternative Route 2.

La Estancia nevertheless requests that the Commission grant rehearing and authorize Oncor to modify Link E6 in the manner reflected on Exhibit B-1 to this Motion. As set forth in more detail in Exhibit B to this Motion, which is the Affidavit of Finley Ewing IV, La Estancia's proposed Link E6 Modification will allow La Estancia adequate room to construct large

²⁴ La Estancia Ex. 3A.

²⁵ *Id.*

²⁶ La Estancia Ex. 3F.

²⁷ Order at 1.

warehouses and other structures, including retail and commercial facilities, near the intersection of FM 1171 and IH-35. That will help preserve some of the value of La Estancia's South Parcel, compared to a configuration in which the Oncor transmission line right-of-way abuts the intersection of FM 1171 and IH-35. La Estancia also asks the Commission to grant Oncor the authority to make minor modifications to the route in order to construct the transmission line in a way that accounts for the physical features on the property and the potential uses of the property.

La Estancia commits to an additional CIAC in the amount of \$500,000 if the Commission approves the route shown in Exhibit B-1 to Mr. Ewing's affidavit. La Estancia also agrees that it will not seek remainder damages for the South Parcel, but instead will seek to be compensated for only the market value of the easement itself.

III. REQUEST FOR MODIFIED FINDINGS AND CONCLUSIONS

In accordance with Tex. Gov't Code § 2001.146(g), Movants set forth the findings of fact and conclusions of law that should be modified if the Commission grants rehearing and approves Route 179-C with the La Estancia modifications and the DCLC modifications to Links M1 and M5. Proposed additions are underlined, and proposed deletions are represented by strike-outs.

A. Findings of Fact

77. Route 179-C with ~~only~~ La Estancia Alternative 1, the Link E6 Modification, and modified links M1 and M5 presents an appropriate balance of routing factors, and negative attributes can be addressed with mitigation and the application of best-practice engineering design and construction methods.
- 77A. La Estancia has committed to making a Contribution in Aid of Construction in the amount of \$250,000 to offset the incremental cost of La Estancia Alternative 1.

- 77B. La Estancia has committed to making a Contribution in Aid of Construction in the amount of \$500,000 if the Commission approves the Link E6 Modification. La Estancia also commits that it will not seek remainder damages for the South Parcel, but instead will seek to be compensated for only the market value of the easement itself.
79. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and ~~only~~ DCLC modified links M1 and M5 is approximately 20.~~98~~ miles in length.
82. The estimated cost of the proposed transmission line facilities on Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 is ~~\$177,016,432~~ \$176,547,000.
91. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 would minimize adverse impacts on directly affected landowners and no additional alternative route configurations for the transmission line would have less overall landowner impact.
93. There are ~~98~~ 136 habitable structures located within 500 feet of route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5.
- 93A. All of the incremental habitable structures attributable to La Estancia Alternative 1 are separated from the transmission-line route by a six-lane divided highway, a screening wall, and a hike-and-bike trail.
95. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 complies with the Commission's policy of prudent avoidance.

102. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 parallels existing compatible corridors for approximately 24,887 ~~25,136~~ feet or 22.55 ~~22.84%~~ percent of its length.
104. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 parallels existing compatible rights-of-way to a reasonable extent.

Movants further request that in Findings of Fact Nos. 109 through 128A, the Commission insert the phrase “La Estancia Alternative Route 1, the Link E6 Modification, and” between the words “with” and “DCLC.” Movants request the same insertion for Findings of Fact Nos. 166 and 170. Because all of the proposed changes incorporate the same phrase, Movants will not lengthen this Motion with redlined versions of all 23 of those proposed Findings of Fact.

B. Conclusions of Law

13. Route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 best meets the routing criteria set forth in PURA § 37.056 and 16 TAC § 25.101, including the Commission’s policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
14. The transmission facilities using route 179-C with La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056 and 16 TAC § 25.2101.

C. Ordering Paragraphs

2. The Commission amends Oncor’s CCN number 30043 to include the construction and operation of the transmission facilities, including a new double-circuit 345-kV

transmission line to be built on triple-circuit-capable structures along route 179-C with modifications as described as La Estancia Alternative Route 1, the Link E6 Modification, and Denton County Land and Cattle's modifications to links M1 and M5 (comprising routing links A0, A4, B1, B61, B62, C1, C21, La Estancia Alternative 1, ~~C23, C7, E2, E1, E6, G1~~, Link E6 Modification, G3, H41, H42, H8, I8, K1, L5, L4, L3, L2, Modified M1, Modified M5, R2, R5, U3, V3, V4, and Z) and construction of the proposed Ramhorn Hill and Dunham switching stations. La Estancia shall make a Contribution in Aid of Construction in the amount of \$250,000 to offset the incremental cost of La Estancia Alternative 1. La Estancia shall make an additional Contribution in Aid of Construction in the amount of \$500,000 to offset the cost of the Link E6 Modification. La Estancia shall not seek remainder damages for the South Parcel, but instead shall seek to be compensated for only the market value of the easement itself. The Commission is not certifying a third circuit through this Order.

IV. CONCLUSION AND PRAYER

For the reasons set forth herein, Movants respectfully request that the Commission grant rehearing, approve Route 179-C as modified by La Estancia Alternative Route 1, the Link E6 Modification, and DCLC modified links M1 and M5. Movants also request any other relief to which they may be entitled.

Respectfully submitted,

WINSTEAD PC

By: /s/ *Ron H. Moss*

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State Bar No. 14591025

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PRO SE

By: /s/ *Jeremy and Katie Young*

Jeremy and Katie Young

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Northlake, Texas 76226

PRO SE

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has been served by email on all parties of record who have provided an email address on this 26th day of February 2024, in accordance with the Order Suspending Rules in Project No. 50664.

By: /s/ *Ron H. Moss*

EXHIBIT A

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

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY FOR	§	
THE RAMHORN HILL – DUNHAM 345	§	OF TEXAS
KV TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	

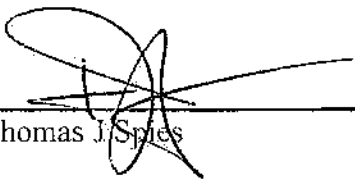
STATE OF TEXAS §
 §
COUNTY OF DENTON §

Before me, the undersigned notary public, this day personally appeared Thomas Spies, to me known, who being duly sworn according to law, deposes and says:

1. My name is Thomas Spies. I am of legal age and authorized to testify on the matters in this affidavit on behalf of Livano Canyon Falls, an apartment complex located in Northlake, Texas. I have personal knowledge of the facts stated herein, and those facts are true and correct.
2. I am an authorized representative of Northlake Residences, LLC, the owner and manager of Livano Canyon Falls. As such, I have personal knowledge of the occupancy rate of the Livano Canyon Falls complex.
3. The Livano Canyon Falls complex opened for residents in August, 2023. As of this date, the Livano Canyon Falls complex has 132 apartments leased to tenants and an additional 32 pre-leased to tenants, waiting for move-in.
4. The Livano Canyon Falls complex is located approximately 65 feet from the centerline of Link E2 of Route 179-C.

FURTHER AFFIANT SAYETH NOT.

Executed this 26th day of February 2024.



Thomas J. Spies

Alabama
STATE OF TEXAS
Jefferson
COUNTY OF DENTON

§
§
§

26th SUBSCRIBED AND SWORN TO BEFORE ME by Thomas J Spies on February
2024.



Elizabeth D. Swancey

NOTARY PUBLIC, STATE OF ALABAMA

Elizabeth D. Swancey

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

11/23/2025

EXHIBIT B

SOAH DOCKET NO. 473-23-21216

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DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY FOR	§	
THE RAMHORN HILL – DUNHAM 345	§	OF TEXAS
KV TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

AFFIDAVIT OF FINLEY EWING IV

Before me, the undersigned notary public, this day personally appeared Finley Ewing IV, to me known, who being duly sworn according to law, deposes and says:

1. My name is Finley Ewing IV. I am of legal age and authorized to testify on the matters in this affidavit on behalf of La Estancia Investments, L.P. (“La Estancia”). I have personal knowledge of the facts stated herein, and those facts are true and correct.

2. I am an authorized representative of La Estancia. I oversee the management, leasing, contracting and marketing of La Estancia’s tracts, which consist of 993.5 acres located adjacent to F.M. 1171. Members of the Ewing family have owned the property for over 60 years.

3. One of the La Estancia tracts, which I refer to herein as the “Northeast Parcel,” is located on the north side of F.M. 1171. In its initial filing in Docket No. 55067, Oncor Electric Delivery Company, LLC (“Oncor”) recommended a route in which one segment, Link C23, would have run directly through the middle of the Northeast Parcel. Because of the effect that Link C23 would have had on the value of the Northeast Parcel, La Estancia proposed an alternative route, which was labeled as “La Estancia Alternative Route 1.” In that alternative route, Link C21 turns to the southwest immediately after crossing the railroad track, instead of proceeding to Link C23

After that, La Estancia Alternative Route 1 runs parallel to the railroad track until it reaches the southern edge of the Northeast Parcel, which is F.M. 1171. It then runs along the north side of F.M. 1171 until it reaches the westward boundary of the Northeast Parcel.

4. There are no habitable structures located north of F.M. 1171 that would be affected by La Estancia Alternative Route 1. All of the habitable structures affected by La Estancia Alternative Route 1 are south of F.M. 1171, which is a very busy, six-lane divided highway. In addition to the highway, La Estancia Alternative Route 1 is separated from the habitable structures located south of FM 1171 by a screening wall, a hike and bike trail, and an existing set of power poles.

5. La Estancia commits to making a Contribution in Aid of Construction in the amount of \$250,000 to offset the incremental cost of La Estancia Alternative Route 1.

6. During the hearing on the merits, La Estancia also proposed a second alternative route labeled as “La Estancia Alternative Route 2.” That alternative route would have modified Links E6 and G1 to follow FM 1171. La Estancia’s purpose in proposing Alternative Route 2 was to avoid bisecting a La Estancia property referred to as the “South Parcel.” La Estancia acknowledged that it would need to obtain consent from the owner of Tract 801 in order for La Estancia Alternative Route 2 to be feasible, and La Estancia committed to seeking that consent. La Estancia was unable to obtain the consent of the owner of Tract 801, so La Estancia no longer seeks Commission approval of La Estancia Alternative Route 2.

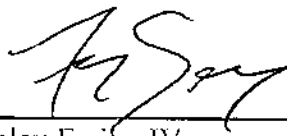
7. La Estancia instead requests Commission approval for Oncor to locate the transmission line further south within the South Parcel. Exhibit B-1 is a map that shows La Estancia’s proposed modification to Link E6, although La Estancia asks the Commission to grant Oncor the latitude to make minor adjustments within the South Parcel as necessary.

8. In order to offset potential incremental costs, La Estancia commits to making a Contribution in Aid of Construction in the amount of \$500,000 if the Commission approves the Link E6 Modification. La Estancia also agrees not to pursue damages to the remainder of the South Parcel and to seek compensation only for the land within the easement itself.

9. Moving the transmission line further south will help preserve the value of the South Parcel, including the area at the intersection of FM 1171 and IH-35. La Estancia intends to construct warehouses, retail and commercial facilities, and other structures alongside the FM 1171 right of way, and the Link E6 Modification that La Estancia asks the Commission to approve will ensure that the Oncor transmission line does not prevent that planned development.

FURTHER AFFIANT SAYETH NOT.

Executed this 26th day of February 2024.



Finley Ewing IV

STATE OF TEXAS

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COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO BEFORE ME by Finley Ewing IV on February 26, 2024.



Lori McCormick

NOTARY PUBLIC, STATE OF TEXAS

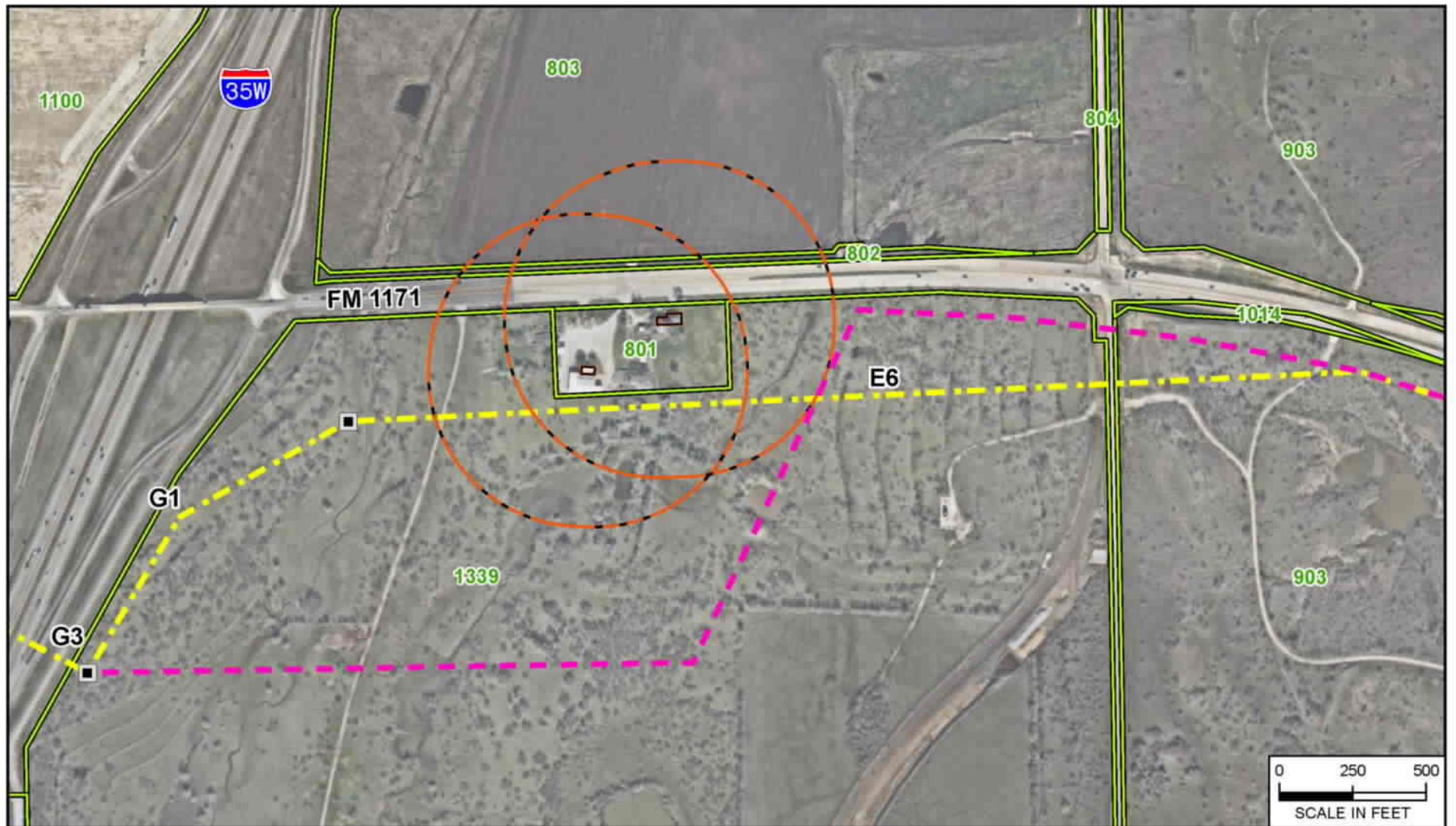
Lori McCormick

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

3/10/25

EXHIBIT B-1



LINK E6 AND G1 POTENTIAL MODIFICATIONS RAMHORN HILL SWITCH -- DUNHAM SWITCH 345 kV TRANSMISSION LINE PROJECT



TRACT NUMBER AND
BOUNDARY



PUC APPROVED TRANSMISSION
LINE ROUTE LINK



NODE BETWEEN ADJACENT
ROUTE LINKS



HABITABLE
STRUCTURE



HABITABLE STRUCTURE
520 FT BUFFER



LA ESTANCIA
MODIFICATION

AERIAL PHOTOGRAPHY FLOWN: 1-7-2024

EXHIBIT CREATED: 2-22-2024