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**SOAH DOCKET NO. 473-23-21216
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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 PUBLIC UTILITY COMMISSION OF TEXAS
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**AMICUS CURIAE COMMENTS OF NORTHLAKE RESIDENCES, LLC
IN SUPPORT OF MOTION ADMIT EVIDENCE AND MOTION FOR REHEARING**

COMES NOW Northlake Residences, LLC (“Northlake Residences”) and respectfully requests leave to file these Amicus Curiae Comments in support of the Motion to Admit Evidence filed by Estancia Investments, L.P. and the Town of Northlake, and the Motion for Rehearing of La Estancia Investments, L.P., Town of Northlake, Seth DeLeon, Jeff True, Benito Gonzalez, and Jeremy and Katie Young filed in this docket on February 16, 2024. In summary, Northlake Residences urges the Commission to (1) examine the extreme impact of the route approved in the final order on the Livano Canyon Falls apartment complex, particularly on the actual, existing habitations representing a substantial number of residences; (2) consider the evidence offered in the Motions that provide clarity on this point, and at a minimum to consider that information as evidence supporting the reasonableness of the parties’ agreed route recommended in the Proposal for Decision (“PFD”); and (3) consider that the Commission’s re-routing for the project would have the unintended consequence of *adding* about \$731,000 the project cost, yet *impacting more residences*, while La Estancia Investments has committed at least \$750,000 to ensure the costs remain reasonable for the PFD recommended route.

While Northlake Residences did not formally intervene in this docket, it has been monitoring the developments in the proceedings. Northlake Residences owns and has nearly completed the Livano Canyon Falls 300-unit apartment complex located directly adjacent to Link E2 on the Commission’s approved route, approximately 65 feet from the centerline of proposed

Link E2, with one hundred thirty-two (132) of the units in that complex currently occupied.¹ Northlake hereby represents that another thirty-two (32) are pre-leased and being readied for occupancy. Northlake Residences anticipates that complex will be fully leased by early summer 2024. The apartment complex was identified in the record. The pre-filed testimony of the Town of Northlake's witness David A. Rettig, which was admitted into the record, 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 . . ." ² As described in the Motion for Rehearing, that imposes a vastly greater impact on habitable structures, both in proximity and severity in terms of actual residents affected, than the Estancia Alternative Route 1 would impose in that area, which outcome would be what the Commission was attempting to avoid when it made a change to the Proposal for Decision's recommended route. It is at least likely, that if the Commission had been specifically aware of the current status of the apartment complex, this important information would alone justify the Commission taking another look at their decision.

In granting the Motion for Rehearing, Northlake Residences encourages the Commission to take into account the excessive impact that Segments E2 and C7 have on the Livano Canyon Falls apartments. In doing so, it is reasonable to consider the additional evidence provided by the affidavit of Tom Spies on behalf of Northlake Residences, included in the Motion to Admit Evidence filed by La Estancia and the Town of Northlake.³ Northlake Residences understands the Commission's precedent to resist consideration of habitable structures not identified in the utility's impact studies, but that is surely rooted in avoiding speculation regarding potential but not actual development. In this instance, the develop had been identified as in progress, and it *has now occurred*. It is in the public interest – including for the over 130 residents already occupying the apartments with more to come – to at least consider this fact before a route is finalized. And in terms of the impact on others, there is truly no harm because the prior, agreed route was unopposed. As pointed out in the Motion for Rehearing, the agreed route's impacts on the habitable structures the Commission identified are less impacted, both in resident numbers and in severity, than the Livano Canyon apartments under the modified route, and those other structures are buffered by a

¹ Docket No 55067, Motion for Rehearing by La Estancia et al at 2 and 9 and Exhibit A of the Motion (February 26, 2024)

² Town of Northlake Ex. 4 at 9; see also Town of Northlake Ex. 3.

³ Docket 55067 Motion to Admit Additional Evidence at 2 – 4 and Exhibit A of the motion (February 26, 2024).

six lane highway, screening wall, power poles and other features.⁴ At a minimum, this evidence should be considered if for nothing else as supporting the reasonableness of the route that was agreed upon by the parties and found by the ALJ to be reasonable.

Finally, it is noteworthy that consideration of costs has become an important issue here. In transmission line routing proceedings it is often the case that an “agreed” route may be too costly, and this is important because the costs of these projects are ultimately spread to all ratepayers. In this instance, however, the re-routing made by the Commission would actually *increase* the costs by about \$731,000⁵ but have the unintended consequence of also resulting in *more residences* having serious, negative impacts (to increase as the apartment continues to add residents), not less, which was clearly not the intent of the Commission. In addition, La Estancia is making significant contributions in aid of construction, \$750,000 in commitments, to ensure containment of cost for the agreed route.

WHEREFORE, PREMISES CONSIDERED, Northlake Residences respectfully requests the Commission grant leave for the consideration of these Amicus Curiae Comments, grant the pending Motion to Admit Evidence, and grant the Motion for Rehearing inclusive of the modification to the final route that Motion seeks.

Respectfully submitted,

/s/ Mark A. Walker

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⁴ Docket 55067 Motion for Rehearing at 2 and 8 – 9 (February 25, 2024).

⁵ Commission Open Meeting, discussion by Commissioner Lori Cobos on Item No 14, Docket No. 55067 (January 18, 2024).

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has been served by email on all parties of record on March 1, 2024 who have provided an email address by 26th day of February 2024, in accordance with the Order Suspending Rules in Project No. 50664.

/s/ Mark A. Walker
Mark A. Walker