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Item Number - 1841

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Executive Director

Public Utility Commission of Texas

June 4, 2024

Your ref: TPWD Project No. 50925

John Silovsky
Wildlife Habitat Assessment Program
Wildlife Division
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

Re: Response to Texas Parks and Wildlife Department Recommendations and Comments related to 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*

Dear Mr. Silovsky:

In accordance with the requirements of Section 12.0011 of the Texas Parks and Wildlife Code, the Public Utility Commission of Texas provides a written response to the recommendations and comments of the Texas Parks and Wildlife Department filed in the above styled case.

The Commission's responses are contained in the attached order. Because the Department's recommendations and comments were submitted in connection with a contested case, the Commission's decisions were based on admitted evidence and matters officially noticed as required by the Administrative Procedures Act, Tex. Gov't Code Ann. § 2001.141.

If you have any questions or need further information, please do not hesitate to contact me at 512-936-7282.

Sincerely,

A handwritten signature in black ink that reads "Shelah Cisneros".

Shelah Cisneros
Commission Counsel

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

2024 MAY -6 PM 2:06

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

ORDER ON REHEARING

This Order addresses the application of Oncor Electric Delivery Company LLC (Oncor) to amend its certificate of convenience and necessity (CCN) for the Ramhorn Hill – Dunham 345-kilovolt (kV) transmission line in Denton and Wise Counties. The State Office of Administrative Hearings (SOAH) issued a proposal for decision (PFD) in this proceeding that included the recommended route and an alternative, the secondary route. If written consent by the directly affected landowner of tract 801 is obtained, the PFD recommends route 179-C as modified by La Estancia Investments, LP's alternatives 1 and 2 and Denton County Land & Cattle 1, LP's and Denton County Land & Cattle 2, LP's (collectively, DCLC) modifications to links M1 and M5 (the PFD's recommended route). If written consent by the directly affected landowner of tract 801 is not obtained, the PFD recommends route 179-C as modified by La Estancia's alternative 1 only and DCLC's modifications to links M1 and M5 (the PFD's secondary route).

The Commission declines to adopt either the PFD's recommended route or the PFD's alternative secondary route. The Commission instead approves Oncor's CCN amendment along route 179-C as modified by replacing links C7, E2, and E1 with links C4 and C6 (modified route 179-C), by DCLC's modifications to links M1 and M5, and by La Estancia's proposed modification to links E6 and G1. La Estancia's modifications to links E6 and G1 relocate these links southward away from tract 801 to be sited more than 500 feet from habitable structures nos. 256 and 257. The Commission approves this route because it affects fewer habitable structures than the routes recommended in the PFD. The modified route 179-C with DCLC's modifications to links M1 and M5 and La Estancia's modification to links E6 and G1 adheres more closely with the Commission's policy of prudent avoidance because it also avoids affecting the Livano Canyon

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Falls apartment complex south of link C7 and east of link E2 and the habitable structures on tract 801. Therefore, the Commission adopts the proposal for decision in part and rejects it in part, including findings of fact and conclusions of law, to the extent described in this Order.

The Commission makes the following modifications to the proposal for decision. The Commission modifies the following findings of fact to reflect the Commission's approval of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modified links E6 and G1 rather than the PFD's recommended route: 74, 75, 76, 77, 79, 82, 91, 93, 95, 102, 104, 109–128, 166, and 170. Because the Commission selects modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modified links E6 and G1 instead of the PFD's recommended route or the PFD's secondary route, the Commission adds finding of fact 75A, 82A, and 82B; deletes findings of fact 78, 80, 81, 83, 89, 94, 103, 105; and modifies conclusions of law 13 and 14 and ordering paragraph 2.

Additionally, the Commission modifies finding of fact 36 for accuracy. The Commission modifies findings of fact 37, 38, and 39 to delete duplicate references to parties within the same finding of fact. The Commission modifies finding of fact 42 to state the intervenors who were dismissed. The Commission modifies finding of fact 44 to add an intervenor who filed a statement of position. The Commission modifies finding of fact 168 to update a citation to the Texas Administrative Code. The Commission modifies conclusion of law 2 for consistency with the Commission's previous orders. The Commission adds a new conclusion of law after conclusion of law 15 for completeness. The Commission modifies ordering paragraph 2 to reflect that it is approving the modified route 179-C with DCLC's modifications to links M1 and M5 and La Estancia's modifications to links E6 and G1. The Commission adds ordering paragraph 2A to reflect La Estancia's commitment to make a \$500,000 contribution in aid of construction for the proposed modification to links E6 and G1. The Commission modifies ordering paragraph 14 for consistency with the Commission's previous orders.

Finally, the Commission makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, readability, and conformity with the Commission's order-writing format.

I. Findings of Fact

The Commission adopts the following findings of fact.

Applicant

1. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.
2. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. Oncor holds CCN number 30043 to provide service to the public.

Application

4. On June 8, 2023, Oncor filed an application, with an errata filed on August 28, 2023, to amend its CCN for a new double-circuit 345-kV transmission line to be built on triple-circuit-capable structures, between the proposed Ramhorn Hill switch, located in Wise County, and the proposed Dunham switch, located in Denton County.
5. Oncor hired Halff Associates, Inc. to prepare an environmental assessment and alternative route analysis for the proposed transmission line, which was included as part of the application.
6. On June 20, 2023, Commission Staff recommended that the application be found sufficient.
7. In State Office of Administrative Hearings (SOAH) Order No. 2 filed on June 28, 2023, the SOAH administrative law judge (ALJ) found the application administratively complete.

Description of the Transmission Facilities

8. Oncor proposes to construct a new double-circuit 345-kV transmission line to be built on triple-circuit-capable structures in Denton and Wise counties.
9. The triple-circuit-capable structures will include a vacant third circuit position to allow for the future addition of an underbuilt 138-kV circuit.
10. The transmission line will be located between the proposed Ramhorn Hill switch—which is approximately two miles south of the intersection of United States Highway 287 and State Highway 114 near Rhome, Wise County—and the proposed Dunham switch—which

is located approximately 1.4 miles southeast of the intersection of United States Highway 377 and Farm-to-Market Road 1181, in Flower Mound, Denton County.

11. In this Order, the term *transmission facilities* includes the new transmission line and Oncor's construction of the proposed Ramhorn Hill and Dunham switching stations.
12. Oncor will own, operate, and maintain the proposed transmission line and the proposed transmission facilities.
13. Both switching stations will be built in a 12-breaker, breaker-and-a-half arrangement and will tap into the existing 345-kV transmission system in the northwestern DFW Metroplex.
- 13A. Oncor's Hicks-to-Willow Creek line is an existing 345-kV transmission line.
- 13B. The proposed Ramhorn Hill switch will directly interconnect to the existing Hicks-to-Willow Creek 345-kV transmission line.
- 13C. Oncor's Lewisville-to-Krum West and Lewisville-to-Roanoke lines are existing 345-kV transmission lines.
- 13D. The proposed Dunham switch will directly interconnect to the existing Lewisville-to-Krum West and Lewisville-to-Roanoke 345-kV transmission lines.
14. The transmission facilities will primarily be constructed on steel monopole structures, generally within a 100-foot-wide right-of-way, except where alternate structures or additional right-of-way width are required to address engineering constraints.
15. The typical structure for the transmission line will be approximately 120 to 175 feet in height.
16. Oncor estimated that it would finalize engineering and design by October 2024, procure materials and equipment by October 2024, complete construction of facilities by December 2025, and energize the facilities by December 2025.

Public Notice and Input

17. Prior to filing the application, Oncor held two public meetings in Fort Worth, Texas on December 7 and 8, 2022.

18. Oncor published notice of the public meetings in the *Denton Record Chronicle* on November 26 and 27, 2022, and in the *Wise County Messenger* on November 23, 2022, which are the newspapers of general circulation in Denton and Wise counties, respectively.
19. Prior to the public meetings, Oncor mailed 2,068 individual written notices of the public meetings to all owners of property within 500 feet of the proposed route centerlines.
20. Oncor sent written notice of the public meetings to the Department of Defense Siting Clearinghouse.
21. At the public meetings, Oncor provided a questionnaire, which provided a space for participants to include any general comments, remarks, or concerns.
22. Seventy-seven individuals signed in as attendees at the public meeting held on December 7, 2022, and Oncor received 27 questionnaires at that public meeting. Ninety-five individuals signed in as attendees at the public meeting held on December 8, 2022, and Oncor received 44 questionnaires at that public meeting. Oncor also received questionnaires and other correspondence following the public meeting.
23. The questionnaires and comments indicated an overwhelming preference for maximizing the transmission facilities' distance from residences, schools, churches, and recreational areas.
24. Other areas of concern were the impact on the residential aesthetics; opposition to particular routes or locations; concerns of health effects of high-power lines; the efficiency and length of the project; impact on wildlife and natural resources; and impacts on farming or ranching.

Notice of the Application

25. On June 8, 2023, Oncor sent written notice of the application by first class mail to directly affected landowners of record; municipalities and municipal officials of the towns of Argyle, Bartonville, Corral City, DISH, Double Oak, Flower Mound, Northlake, Trophy Club, and Westlake, as well as the cities of Aurora, Denton, Fort Worth, Haslet, Justin, Keller, New Fairview, Newark, Rhome, Southlake, and Roanoke; counties and county officials of Denton County and Wise County; the Office of Public Utility Counsel; the

Department of Defense; Brazos Electric Power Cooperative; Denton Municipal Electric dba CoServ Electric; Texas Municipal Power Agency; Tri-County Electric Cooperative; Wise County Electric Cooperative; and certain pipeline owners and operators.

26. On June 8, 2023, Oncor mailed a copy of the environmental assessment and routing analysis to the Texas Parks and Wildlife Department.
27. Oncor published notice of the application in the *Denton Record Chronicle*, a newspaper having general circulation in Denton County, Texas, and in the *Wise County Messenger*, a newspaper having general circulation in Wise County, Texas, on June 10 and 15, 2023, respectively.
28. On June 28, 2023, Oncor filed the affidavit of Chris Reily, Regulatory Manager II at Oncor, attesting that notice was provided as described in finding of fact 25.
29. On June 28, 2023, Oncor filed another affidavit of Mr. Reily, including the publisher's affidavits of Alice McConnaughey, attesting to the publications of notice described in finding of fact 27.
30. On July 13, 2023, Oncor filed the supplemental affidavit of Mr. Reily, attesting to notices that were returned as return to sender or unable to forward as well as re-sent notices.
31. On August 8, 2023, Oncor filed the second supplemental affidavit of Mr. Reily, attesting to notices that were returned as return to sender or unable to forward as well as re-sent notices.
32. In SOAH Order No. 2 filed June 28, 2023, the SOAH ALJ found Oncor's proposed notice sufficient.

Referral to SOAH for Hearing

33. On June 9, 2023, the Commission referred this docket to SOAH and issued a preliminary order, establishing a decision deadline and specifying issues to be addressed in this proceeding.
34. SOAH ALJ Christiaan Siano convened a prehearing conference on June 26, 2023, via videoconference, to address a procedural schedule and other prehearing matters.

35. In SOAH Order No. 2 filed on June 28, 2023, the SOAH ALJ adopted a procedural schedule and set the hearing on the merits.

Intervenors

36. In SOAH Order No. 2 filed on June 28, 2023, the SOAH ALJ memorialized the prehearing conference held on June 26, 2023 in which the SOAH ALJ granted the motions to intervene of City of Argyle (modified to include the City of Justin in SOAH Order No. 4); Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of Watkins Family Trust; Matthew A Spaethe; DHL Supply Chain; Wayne and Norma Wilkerson; Town of Northlake; Eric and Diane Howe; GRBK Edgewood LLC; GBTM Sendera LLC; April Burrill; Alliance West, LP; Margaret and Antonio Chavez; Rodney Stokes; and Zachariah Linton.
37. In SOAH Order No. 4 filed on July 24, 2023, the SOAH ALJ granted the motions to intervene of PMB Rolling V Land LP; Jason Bailey; Jeremy Young; Seth DeLeon; Joanna Girard; Deborah N. Dallas; Sally Allen; Joseph Gerson; Tyrel Looney; Haihong Xu; Bettye Wiley Neely, Aubrey Eugene Wiley, David Randolph Wiley, Donald Bryan Neely, Dana Lauraine Tur, Howard Ray Schwope, and Janice Vardakis; Stephanie Cox; Brian Eddy; Dennis Tolleson; Stephanie Geddes; Kristopher Munn; Steve and Rhonda Boisvert; City of Argyle; Benito Gonzalez; Justin Butler; Ross Brewer; H3M Property Holdings LP; Janet Bresler; Stephen Jenkins (corrected to Stephan in SOAH Order No. 6); Curt Whitworth; Charles Dee and Gretchen Brown; Kimberley Ventrca (reverted to protestor status in SOAH Order No. 6); John Roddam; Yvette and Nick Deligny; La Estancia Investments, LP; Chandra Vipparla; Emily Rutherford; Greg Maberry; GFAT, LLC; Mallory Maberry; Joshua Chute; Haley Lane; David Bratton; Jerry Bratton; Jennifer Eller; Cory Lane; Michael Holyfield (corrected to Michael and Deborah Holyfield in SOAH Order No. 6); Anthony Lassetter; Carla Crockett; James Ehlinger; Jeffrey and Holly Cannedy; Russell Sherwood; Stevanna Matthews-Tyler; Joshua Marshall; Tracy Mills; Harold Woolsey; Jean Young; Martha and Robert Vinyard; J. Young Land and Cattle Co. Ltd.; Cora James; Keely James; Adler James; Bryant James; Dylan James; Min Sun; Fran Flores; Old WR Ranch I LP; SWC 1171-377 Ltd.; 64.3 SE 1171/377 LLC; Texas Municipal Power Agency; TCCI Range - Mead 2021 LLC; Deanna Turner; Shale Creek HOA; Garry DeLong (reverted to protestor status in SOAH Order No. 5); Danny and Gayle Hill; Dennis

Mortimer; Veronica Shields; Janet Beverly; Jose Aguilar; Michael and Marnie Hamilton; Scott and Trinda Mulkey; Daniel Jenkins; Lacey McVea; Seth McVea; Brandon Bennett; Vanessa Bennett; Brian Crawley; Terri Koehler; Melissa Humphrey; Richard Humphrey; David Bradley Cook; Sandee Cook; Stephanie Smith; Greg Scott; Andrew Wey; Janice Wey; Carla Gastineau; Randy Mirror; Gordon Sutherland; Jonathan Castro; Daniel Dennis; Melissa Dennis; Rachel Santini; Nicolo Santini; Robert D. Chambers; David Buchanan; Leah Buchanan; Curtis Tally; Henry Northlake Development LLC; Dawn Ehlinger; Amanda Crandall; Donald Dalrymple; Ronald Dalrymple; Crystal Boyd; Ryan and Linda Shawaluk; Ken Burrill; Randy Kaster; Ana Simmons; Timothy Simmons; Jeffrey Scott Brooks; Justin Butler; Gage Harris; and Shelly Butler.

38. In SOAH Order No. 5 filed on July 26, 2023, the SOAH ALJs granted the motions to intervene of Ashley Acker; James Allen Powers; Christen Powers; Rama Prasad Chalasani; Todd Family Holdings LP; James Kimmorie; Charles Gardtti; Jazmarae Moran; Brandon Wobb; Jason Trisko; Kelly Trisko; Heidi Sherman; Eric Jackson; Brian Voight; Carrie Kimmbrilo; Emigdio Torres; Jeffrey Shorman; Latrice Sharpe; Jasmine Mondmer; Rebekah Gaiotti; Becky Reed; Janette Purg; Charlene Jackson; Sandra Mills; David Rogers; Ruben Robles; Marjorie A. Pate; Michael Czap; Maureen Czap; Janet Michlitsch; Fanchon Casazza; Lorena Garcia; Alison Brooks; Milagros Vargas; Eagle Income Properties, LP, AIL Investment, LP, Petrus Investment, LP, HW Indian Springs, LP, HWC Justin 407, LLC HP Gibbs, LP, Pecan square Phase I, LLC, Pecan Square Phase 2A, LLC, Pecan Square Phase 2B, LLC Pecan Square Phase 3A, LLC, and Pecan Square Phase 3B, LLC; Cristina Chavez; Brenda A. Cline; Julio Chavez; Manuel Luciano; Marlene Becotte; Shalene Bowlby; Michael Bowlby; Frankie Mercado; Deion Stamper; Sarah Ogletree; Latoya Odems; Bruce Odems; Sandra Nunez; Kelly Leach; Fred Stamper; Austin Weedor; Everett Stamper; Evette Stamper; Dianna Weedor; Dave Carter; Brayton Ogletree; Everett Gillum; Lisa Wilke; Kelli Schellenberg; Mary Ashmore; Veronica Shields; Aristeo Flores; Terry Parrott; Florence Randall; Martin Ruiz; David Stall; Connie Stall; Stella Villegas; Erin Waymire; Kathy Waymire; Wes Waymire; Deborah Atchley; Kasey Leary; Zachary Leary; Garrett Davis; Judith and Jorge Arzuaga; Misty Hayner; Bruce Nemeth; David Johnsen; James and Holly Lewis; Leslie Miller; Lisa Lonchar; Eric Howe; Raymond

Loustaunau; Carrie Polka; Tobias Polka; Katie Morehead; Ronald Morehead; Floyd I. McCurdy Testamentary Trust; Peggy McCurdy; Edward Volponi; Patty Newcomb; Andrew Lyon; Shawn Wells; Fred Mapel; Rebecca Schrimsher; Joseph Schrimsher; Phillip Cruson; Amy Roddam; Gordon Marks; Zac Harbert; Kim Harbert; Jeff and Mary Davis; Kari Cottrell de Mendoza; Rod Stokes; Cynthia and Harvey Reeves; Bo Whitley; Debra Joiner; Todd Templeton; Karen Templeton; Alan Yarbrough; Sarah Yarbrough (corrected to Sara in SOAH Order No. 6); Jeff Balduini; Sarah Wood; Ronald Wood; Eric and Sarah Johnson; Janet Zelnik; Cara McCaskill (reverted to protestor status in SOAH Order No. 6); Joseph McCaskill (reverted to protestor status in SOAH Order No. 6); Charles and Ellena Manton; James and Pamela Matthews; Brenna Matthews; Wyatt Matthews; Kurt Carter; Luke Oliver; Colin Mayne; Tamara Hines; Chad Crowther; Rodney Hines; Dirk Bohse; Cindy Valdez; Matias Villarreal; Michelle Davis (reverted to protestor status in SOAH Order No. 6); Bonnie James; Travis James; Legacy Cattle and Land LLC; Continental U.S. Management LLC; Steve Elis; Michelle Hamilton (corrected to Michael in SOAH Order No. 6); Bill Beverly; Keith (Bobby) Norris; Jawahar Chiluveru; Robert B. Logan; Mya Grant; Jessica Butler (reverted to protestor status in SOAH Order No. 6); Abbie Rodriguez; Paramjit Sahota; Christina Rioux; Curtis Attaway; Manraj Kaur; Lisa and Jay Hemby; Adam Shaddy; Bhaskara Gorantla; Lisa Junkins; Ned Lana; Mario Bartolini; Pat Stevens (reverted to protestor status in SOAH Order No. 6); L. Marvin Guier (reverted to protestor status in SOAH Order No. 6); Kathy Guier; Bryan Crosby; Aston Long; Steve and Kathy Waldfrum; Susan Thomas; James Thomas; Carla Hardeman, Rena Hardeman, and Heidi Hardeman; Jay Warner; Don and Michelle Cooper; Crystal Clarke (reverted to protestor status in SOAH Order No. 6); City of Rhome; Robert H Heygster; CADG Avalon at Argyle, LLC; Avalon 162, LLC; Avalon 71, LLC; Craig LaPlant; Hardeman Estates HOA, Inc; CTMGT AR II, LLC; CTMGT Alpha Ranch III, LLC; JTS 3.8, LLC; Justin Town Center, Ltd; Shale 114, LP; City of New Fairview; Rebecca Ann Smith; Jody Ray (reverted to protestor status in SOAH Order No. 6); Margarita Graham; Jason Graham; Tomas Mendoza; Jennifer Andress; Mackey Andress; Becky Bettis; Milagros Rivera Torres; Jeff Taylor; Dawn Clyburn; Scott Clyburn; Amy Legorreta; Matthew Rice; Maci Kauffman;

Michael and Julie Prickett; Brandon Kauffman; Meredith and Jason Guess; and Luke Oliver.

39. In SOAH Order No. 6 filed on July 28, 2023, the SOAH ALJs granted the motions to intervene of Denton County Land and Cattle LP; Denton County Land and Cattle 2, LP; Jeffrey True; Lance Roberts; Michael Allen; John Becotte; Kevin Oliver; Viktor Chopovenko; Anzhela Chopovenko; Martin Rojas; Connie Svoboda; Shelley Warner; Margaret L. Heygster; Craig and Alice D.K. Jones; Nicholas Lembotesis; Dudley Realty, LLC; Ben Weaverling; Edna Weaverling; Dennis Mirabel; Kari Mirabel; Sheron White; Archie L. White; Donella Wheeler; Pam Smith; Trevor Keele; Kimn and Terri Niermann; Ariel Keele; Martina Mitchell; Brian Mitchell; Robin Amerine; Nancy Acevedo; Zachary Osborne; Viktoria Nizhnik; Iakov Nizhuik; and Barry Smith.
40. In SOAH Order No. 8 filed August 9, 2023, the SOAH ALJs granted the late motions to intervene of Julie Mooney and Patrick Mooney. SOAH Order No. 8 also directed Oncor to file a written list of intervenors who did not file direct testimony or a statement of position by August 11, 2023, in accordance with SOAH Order No. 1.
41. On August 11, 2023, Oncor filed a list of intervenors who either did not file direct testimony or a statement of position.
42. In SOAH Order No. 9 filed August 16, 2023, the SOAH ALJs dismissed the following intervenors who were determined not to have filed direct testimony or a statement of position: City of Argyle; Lance Roberts; Jason Bailey; Michael Allen; Sally Allen; Joseph Gerson; Tyrell Looney; Haihong Xu; Stephanie Cox; Brian Eddy; Stephanie Geddes; Kristopher Munn; Steve and Rhonda Boisvert; Benito Gonzalez; Stephan Jenkins; Curt Whitworth; Yvette and Nick Deligny; Chandra Vipparla; Emily Rutherford; Haley Lane; Jennifer Eller; Cory Lane; Anthony Lassetter; Carla Crockett; James Ehlinger; Jeffrey and Holly Cannedy; Stevanna Matthews-Tyler; Joshua Marshall; Jean Young; J. Young Land and Cattle Co. Ltd.; Cora James; Keely James; Adler James; Bryant James; Dylan James; Min Sun; Fran Flores; Deanna Turner; Danny and Gayle Hill; Dennis Mortimer; Veronica Shields; Jose Aguilar; Scott and Trinda Mulkey; Lacey McVea; Seth McVea; Brandon Bennett; Vanessa Bennett; Brian Crawley; Terri Koehler; Melissa Humphrey; Richard

Humphrey; David Bradley Cook; Sandee Cook; Greg Scott; Andrew Wey; Janice Wey; Carla Gastineau; Randy Mirror; Gordon Sutherland; Jonathan Castro; Rachel Santini; Nicolo Santini; David Buchanan; Leah Buchanan; Curtis Tally; Dawn Ehlinger; Amanda Crandall; Ronald Dalrymple; Ryan and Linda Shawaluk; Ken Burrill; Randy Kaster; James Allen Powers; Christen Powers; James Kimmorie; Charles Gardtti; Jazmarae Moran; Brandon Wobb; Jason Trisko; Kelly Trisko; Heidi Sherman; Eric Jackson; Brian Voight; Carrie Kimbrilo; Emigdio Torres; Jeffrey Shorman; Latrice Sharpe; Jasmine Mondmer; Rebekah Gaiotti; Becky Reed; Janette Purg; Charlene Jackson; Sandra Mills; David Rogers; Ruben Robles; Michael Czap; Maureen Czap; Janet Michlitsch; Fanchon Casazza; Lorena Garcia; Alison Brooks; Milagros Vargas; Cristina Chavez; Brenda A. Cline; Julio Chavez; John Becotte; Manuel Luciano; Marlene Becotte; Shalen Bowlby; Michael Bowlby; Deion Stamper; Sarah Ogletree; LaToya Odems; Bruce Odems; Sandra Nunez; Kelly Leach; Fred Stamper; Austin Weedor; Everett Stamper; Evette Stamper; Dianna Weedor; Dave Carter; Brayton Ogletree; Everett Gillum; Lisa Wilke; Kelli Schellenberg; Kasey Leary; Zachary Leary; Garrett Davis; Judith and Jorge Arzuaga; Misty Hayner; Bruce Nemeth; David Johnsen; Leslie Miller; Lisa Lonchar; Carrie Polka; Tobias Polka; Edward Volponi; Andrew Lyon; Fred Mapel; Phillip Cruson; Gordon Marks; Jeff and Mary Davis; Kari Cottrell de Mendoza; Bo Whitley; Jeff Balduini; Sarah Wood; Ronald Wood; Eric and Sarah Johnson; Charles and Ellena Manton; Kurt Carter; Luke Oliver; Colin Mayne; Tamara Hines; Chad Crowther; Rodney Hines; Dirk Bohse; Aristeo Flores; Cindy Valdez; Connie Stall; Matias Villarreal; David Stall; Bonnie James; Travis James; Legacy Cattle and Land LLC; Continental U.S. Management LLC; Connie Svoboda; Jawahar Chiluveru, Mya Grant; Abbie Rodriguez; Paramjit Sahota; Christina Rioux; Curtis Attaway; Manraj Kaur; Lisa and Jay Hemby; Adam Shaddy; Bhaskara Gorantla; Lisa Junkins; Ned Lana; Mario Bartolini; Kathy Guier; Aston Long; Steve and Kathy Waldfrum; Susan Thomas; James Thomas; Carla Hardeman, Rena Hardeman, and Heide Hardeman; Mary Ashmore, Terry Parrott; Florence Randall; Martin Ruiz; Jay Warner; Stella Villegas; Shelley Warner; Erin Waymire; Kathy Waymire; Wes Waymire; Don and Michelle Cooper; City of Rhome; CADG Avalon at Argyle, LLC; Margaret L. Heygster; Robert H. Heygester; Avalon 162, LLC; Avalon 71, LLC; Nicholas Lembotesis; CTMGT

AR II, LLC; Benjamin Weaverling; CTMGT Alpha Ranch III, LLC; Edna Weaverling; Shale 114, LP; City of New Fairview; Rebecca Ann Smith; Margarita Graham; Jason Graham; Tomas Mendoza; Mackey Address; Milagros Rivera Torres; Jeff Taylor; Dawn Clyburn; Scott Clyburn; Amy Legorreta; Mathew Rice; Maci Kauffman; Michael and Julie Prickett; Brandon Kauffman; Dennis Mirabal; Kari Mirabal; Sheron White; Archie L. White; Donella Wheeler; Pam Smith; Trevor Keele; Ariel Keele; Martina Mitchell; Brian Mitchell; Robin Amerine; Nancy Acevedo; Zachary Osborne; Viktoria Nizhnik; Iakov Nizhuik; Barry and Stephanie Smith; Julie Mooney; Patrick Mooney; April Burrill; Michael and Deborah Holyfield; Zachariah Linton; Robert D. Chambers; Ashley Acker; Debra Joiner; Bryan Crosby; Bettye Wiley Neely, Aubrey Eugene Wiley, David Randolph Wiley, Donald Bryan Neely, Dana Lauraine Tur, Howard Ray Schwope, and Janice Vardakis; Becky Bettis; Kevin Oliver; and Frankie Mercado.

Testimony and Statements of Position

43. On June 8, 2023, Oncor filed the direct testimony of its witnesses, Harsh Naik, Russell J. Marusak, Brenda J. Perkins, and Amy L. Zapletal.
44. The following intervenors filed testimony or a statement of position on or before August 1, 2023: Greg Maberry; the Furst Ranch Intervenors; Henry Northlake Development LLC; the Hillwood Parties; La Estancia Investments, LP; Texas Municipal Power Agency; the Town of Northlake; Deborah N Dallas; Jeffrey True; Jeremy and Katie Young; Seth DeLeon; City of Justin; DHL Supply Chain; Dudley Realty, LLC; TCCI Range-Mead 2021 LLC; Alan and Sara Yarbrough; Amy and Justin Roddam; Ana and Timothy Simmons; Anzhela and Victor Chopovenko; Bryan Crosby; Craig LaPlant; Daniel and Melissa Dennis; Daniel Jenkins; Eric and Diane Howe; HA Smith Properties LP; Hardeman Estates HOA, Inc; James and Holly Lewis; James, Pamela, Brenna, and Wyatt Matthews; Janet Bresler; Jennifer Address; Joanna Girard; JTS 3.8, LLC/Justin Town Center, Ltd.; Justin and Shelly Butler; Kimn and Terri Nierman; Meredith and Jason Guess; Robert B. Logan; Robert L. and Martha J. Vinyard; Rodney & Dian Stokes; Todd and Karen Templeton; Tracy Millis; Zac and Kim Harbert; Bill Beverly Jr.; Bobby Norris; David Bratton; Jerry Bratton; Denton County Land and Cattle; Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of Watkins Family Trust; the Floyd T. McCurdy

Testamentary Trust; GBTM Sendera, LLC and GRBK Edgewood LLC; GFAT, LLC; H3M Property Holdings LP; Janet Beverly; Margaret and Antonio Chavez; Martin Rojas; Matthew A Spaethe; Michael and Marnie Hamilton; New Dimension Investment II, LLC; PMB Rolling V Land LP; Rama Prasad Chalasani; Todd Family Holdings L.P.; Wayne and Norma Wilkerson; Alliance West, LP; Charles Dee and Gretchen Brown; Craig and Alice D.K. Jones; Crystal Boyd; Cynthia and Harvey Reeves; Deborah Atchley; Dennis Tolleson; Donald Dalrymple; Gage Harris; Harold Woolsey; Janet Zelnik; Jeffrey Scott Brooks; Joshua Chute; Katie and Ronald Morehead; the estate of Marjorie A Pate; Raymond Loustaunau; Rebecca and Joseph Schrimsher; Ross Brewer; Russell Sherwood; Shale Creek HOA; and Shawn Wells.

45. On August 14, 2023, Commission Staff filed the direct testimony of its witness, John Poole.
46. On August 14 through 17, 2023, the following parties filed cross-rebuttal testimony: New Dimension Investments II, LLC; La Estancia Investments, LP; Edgar Brent Watkins and Mary Ann Livengood, co-trustees of the Watkins Family Trust; the Hillwood Parties; Jeremy and Katie Young; and Seth DeLeon.
47. On August 21, 2023, Oncor filed the rebuttal testimonies of its witnesses: Dr. Edward P. Gelmann, Mr. Naik, Mr. Marusak, Ms. Perkins, and Ms. Zapletal.

Route Adequacy

48. Oncor's application presented 74 alternative routes for the Commission's consideration.
49. No party filed testimony or a position statement challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation. No party raised a route adequacy challenge that resulted in a route adequacy hearing.
50. Intervenor Deborah N. Dallas filed a pleading styled as a challenge of route adequacy but in substance it was a statement of position and did not challenge the adequacy of the alternative routes, as found in SOAH Order No. 7 filed on August 8, 2023.
51. The application provided an adequate and sufficiently delineated number of geographically diverse routes to conduct a proper evaluation.

Hearing on the Merits

52. The hearing on the merits convened on August 28, 2023, and concluded on August 30, 2023, via videoconference. Oncor secured a meeting space in Austin for all parties who wished to attend the hearing on the merits in person.
53. The following parties made appearances and participated in the hearing on the merits: Oncor; Commission Staff; Old WR Ranch I, LP., 64.3 SE 1171/377, LLC, and SWC 1171-377, Ltd. (Furst Ranch); La Estancia Investments, LP (La Estancia); PMB Rolling V Land, LP; 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 I, 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); TMPA; the Town of Northlake; Deborah N. Dallas; Seth DeLeon; the City of Justin; Dudley Realty, LLC; TCCI Range-Mead 2021, LLC; Jeremy and Katie Young; Edgar Brent Watkins and Mary Ann Livengood, Co-Trustees of the Watkins Family Trust; Bill Beverly, Jr., Matthew Spaethe; Margaret and Antonio Chavez; GFAT, LLC; David Bratton; Jerry Bratton; Janet Beverly, Rama Prasad Chalasani; Michael and Marnie Hamilton; Keith (Bobby) Norris; Martin Rojas; Peggy Logan McCurdy; the Floyd T. McCurdy Testamentary Trust; Wayne and Norma Wilkerson; Denton County Land and Cattle, LP; Denton County Land & Cattle 2, LP; GRBK Edgewood, LLC; GBTM Sendera, LLC; Alliance West, LP; DHL Supply Chain; New Dimension II, LLC; H3M Property Holdings, LP and Ross Brewer; Todd Family Holdings, LP; Charles Dee and Gretchen Brown; Robert and Martha Vinyard; Viktor and Anzhela Chopovenko; and Jeff True.

Need for the Proposed Transmission Line and Adequacy of Existing Service

54. The 345-kV transmission system in the north Fort Worth and Roanoke area is approaching its designed operating limits at current demand levels.
55. Oncor performed power flow studies and contingency analysis under NERC Reliability Standard TPL-001-4 and the ERCOT Planning Guide, which identified post-contingency system performance issues beginning in the summer of 2023, including thermal overloads, loading limitations, and voltage criteria exceedances on area transmission lines and autotransformers.

56. To address these issues, Oncor recommended the Roanoke area upgrades project to ERCOT for review.
57. ERCOT's independent review observed thermal overloads on ten transmission elements and voltage criteria exceedances on five transmission elements.
58. On August 16, 2022, ERCOT's board of directors approved the Roanoke area upgrades project as a tier 1 transmission project.
59. The tier 1 transmission project consists of several transmission improvements that are components of the Roanoke area upgrades project, and the proposed transmission facilities approved in this Order constitutes one of those components.
60. The transmission facilities are needed to provide additional transmission capacity that will resolve thermal overloads and voltage criteria exceedances in post-contingency conditions, enhance operational flexibility, and address loading limitations that are restricting Oncor's ability to interconnect new transmission service customers.
61. ERCOT's board designated the transmission facilities critical to the reliability of the ERCOT transmission system, and ERCOT recommended the transmission facilities as necessary to alleviate existing and potential transmission and distribution constraints and system needs within ERCOT in the annual report filed under PURA¹ § 39.155(b).
62. Commission Staff witness Mr. Poole concluded that, under the factors set out in PURA § 37.056(c), the transmission facilities are necessary and the best option to meet the need when compared to other alternatives.
63. Oncor demonstrated a need for the transmission facilities.
64. No party submitted evidence contesting the need for the transmission facilities.

Effect of Granting the Application on Oncor and Other Utilities and Probable Improvement of Service or Lowering of Cost

65. Oncor is the only electric utility involved in the construction of the transmission facilities.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

66. Oncor will own the proposed transmission line and both of the endpoints, and the transmission facilities will not serve, connect to, or utilize the facilities of any other electric utility.
67. Certain links will cross transmission facilities jointly owned by Texas Municipal Power Agency, and Oncor will coordinate with Texas Municipal Power Agency to address any potential impacts or modifications to the existing facilities.
68. The construction of the transmission line along any proposed alternative route will likely not adversely affect service by other utilities in the area.
69. It is likely that the construction of the transmission facilities will enhance the reliability of the transmission system and facilitate robust wholesale competition.

Routing of the Transmission Facilities

70. To identify alternative route links for the transmission facilities, Halff Associates delineated a study area, sought public official and agency input, gathered data regarding the study area, and performed constraints mapping.
71. Of the 74 routes filed with Oncor's application, Oncor identified route 179 as the route that best addresses PURA and the Commission's substantive rules. Route 179 is composed of Links A0, A4, B1, B61, B62, C1, C21, C23, C7, E2, E1, E6, G1, G3, H41, H42, H8, I8, J3, K1, L5, L4, L3, L2, M1, M2, M3, R4, V2, and Z.
72. Commission Staff recommended route 179-C, a modification of route 179, as the route that best addresses PURA and the Commission's substantive rules. Route 179-C is comprised of Links A0, A4, B1, B61, B62, C1, C21, C23, C7, E2, E1, E6, G1, G3, H41, H42, H8, I8, J3, K1, L5, L4, L3, L2, M1, M5, R2, R5, U3, V3, V4, and Z.
73. Intervenor La Estancia Investments, LP proposed further modifications of routes 179 or 179-C, designated La Estancia Alts. 1 and 2.
74. La Estancia Alt. 1 is comprised of the same links as either route 179 or 179-C except it connects links C21 and C3 and then replaces C23-C7-E2 with C3-C6. The full route with route 179-C is: A0-A4-B1-B61-B62-C1-C21-La Estancia Alt. 1 link-C3-C6-E1-E6-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M5-R2-R5-U3-V3-V4-Z.

75. La Estancia Alt. 2 is comprised of the same links as either route 179 or 179-C except it modifies Links E6 and G1 to track FM 1171. La Estancia Alt. 2 also requires the consent of the owner of tract 801 as designated in the environmental assessment and routing analysis. The full route with route 179-C and La Estancia Alt. 1 and La Estancia Alt. 2 is: A0-A4-B1-B61-B62-C1-C21-La Estancia Alt. 1 link-C3-C6-E1-Modified E6-Modified G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M5-R2-R5-U3-V3-V4-Z.
- 75A. La Estancia did not obtain the consent of the owner of tract 801. On February 26, 2024, La Estancia proposed different modifications to links E6 and G1 that relocate the transmission line southward at least 500 feet away from tract 801 on property owned by La Estancia.
76. Intervenor Denton Land and Cattle, LP and Denton Land and Cattle 2 (together, DCLC) proposed further modifications to route 179-C, designated as DCLC modified M1 and modified M5. Each modification seeks to modify a particular link of Route 179-C. The full route with modified route 179-C would be: A0-A4-B1-B61-B62-C1-C23-C4-C6-E6-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-Modified M1-Modified M5-R2-R5-U3-V3-V4-Z.
77. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 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. The full route with modified route 179-C, DCLC modified links M1 and M5, and La Estancia's modified links E6 and G1 would be: A0-A4-B1-B61-B62-C1-C23-C4-C6-La Estancia's modification to links E6 and G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-Modified M1-Modified M5-R2-R5-U3-V3-V4-Z.
78. DELETED.
79. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 is approximately 20.9 miles in length.
80. DELETED.
81. DELETED.

Estimated Costs

- 82. The estimated cost of the proposed transmission line facilities on Route 179-C with DCLC modified links M1 and M5 is \$177,016,432.
- 82A. Modified route 179-C is only 432 feet longer than route 179-C and has a similar number of turning structures. The estimated cost of modified route 179-C with DCLC modified links M1 and M5 is expected to be similar to unmodified route 179-C with DCLC modified links M1 and M5.
- 82B. La Estancia commits to making a contribution in aid of construction in the amount of \$500,000 to offset the estimate costs of La Estancia's modification to links E6 and G1.
- 83. DELETED.
- 84. The estimated cost of the proposed Ramhorn Hill switching station is \$33,510,000 and the estimated cost of the proposed Dunham switching station is \$41,348,000.
- 85. The total estimated cost for the transmission facilities is reasonable.
- 86. The transmission facilities will be financed through a combination of debt and equity.

Proposed Alternative Routes or Facilities Configurations

- 87. No party suggested alternative facility configurations.
- 88. Parties suggested alternative routing as referenced above.
- 89. DELETED.
- 90. No party contended that any requested modifications would diminish the electric efficiency or reliability of the transmission line.
- 91. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 would minimize adverse impacts on directly affected landowners and no additional alternative route configurations for the transmission line would have less overall landowner impact.

Prudent Avoidance

92. Commission rules define prudent avoidance under 16 Texas Administrative Code (TAC) § 25.101(a)(6) as the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
93. There are 107 habitable structures located within 500 feet of modified route 179-C with DCLC modified links M1 and M5 DCLC modified links M1 and M5 and La Estancia’s modification to links E6 and G1.
94. DELETED.
95. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia’s modification to links E6 and G1 complies with the Commission’s policy of prudent avoidance.

Community Values

96. Information regarding community values was received from local, state, and federal agencies and incorporated into the environmental assessment and routing analysis and the transmission line’s route selection.
97. Oncor held public meetings which resulted in the submittal of completed questionnaires or other correspondence indicating primary concerns relating to community values.
98. Following the public meetings, Halff Associates made route link modifications in consideration of community feedback, where feasible.
99. Oncor implemented route link modifications after considering recommendations from certain development representatives in the study area.
100. The proposed transmission line adequately addresses the expressed community values.

Using or Paralleling Compatible Rights-of-Way and Paralleling of Property Boundaries

101. Oncor evaluated the use and paralleling of existing compatible rights-of-way and apparent property boundaries when developing route 179.
102. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia’s modification to links E6 and G1 parallels existing compatible corridors for approximately 25,136 feet or 22.84% of its length.

- 103. DELETED.
- 104. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 uses or parallels existing compatible rights-of-way to a reasonable extent.
- 105. DELETED.

Engineering Constraints

- 106. Oncor evaluated engineering and construction constraints when developing route 179-C or any of the recommended modifications to route 179-C.
- 107. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along route 179-C or any of the recommended modifications to route 179-C.
- 108. Given the ongoing nature of rapid development in the study area, it is possible that new obstacles may arise before Oncor acquires right-of-way for the proposed transmission facilities.

Other Comparisons of Land Uses and Land Types

Radio Towers and Other Electronic installations

- 109. No commercial AM radio transmitters were identified within 10,000 feet of centerline of route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
- 110. Two FM radio towers, microwave towers, or other electronic installations were identified within 2,000 feet of the centerline of route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
- 111. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will adversely affect any communication operations in the proximity of the route.

Airstrips and Airports

- 112. There are four airports registered with the Federal Aviation Administration not equipped with at least one runway greater than 3,200 feet in length and within 10,000 feet of the

centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.

113. There are three airports registered with the Federal Aviation Administration equipped with at least one runway greater than 3,200 feet in length and within 20,000 feet of the centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
114. There are no private airstrips within 10,000 feet of the centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
115. There are two heliports within 5,000 feet of the centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
116. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will adversely affect any airports, airstrips, or heliports.

Irrigation Systems

117. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 does not cross agricultural lands with known mobile irrigation systems.
118. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will adversely affect any agricultural lands with known mobile irrigation systems.

Recreational and Park Areas

119. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 does not cross any parks or recreational areas.
120. Four parks or recreational areas are located within 1,000 feet of the centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.

121. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will adversely affect the use of recreational and park areas.

Historical and Archaeological Values

122. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 crosses one recorded cultural resource site.
123. There are three recorded cultural resource sites located within 1,000 feet of the centerline of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.
124. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 crosses areas with a high potential for historical or archeological sites for 58,203 feet.
125. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will adversely affect historical or archaeological resources.

Aesthetic Values

126. An estimated 63,502 feet of the right-of-way of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 is within the foreground visual zone of United States or state highways.
127. An estimated 40,152 feet of the right-of-way of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 is within the foreground visual zone of park or recreational areas.
128. It is unlikely that the presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 will have a significant adverse effect on the aesthetic quality of the surrounding landscape.

Pipelines

128A. The presence of transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 is not expected to adversely affect any oil and gas pipelines.

Environmental Integrity

- 129. The environmental assessment and routing analysis analyzed the possible impacts of the transmission line on numerous environmental factors.
- 130. Oncor and Halff Associates evaluated the effects of the transmission facilities on the environment, including potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
- 131. Current county listings for federally and state-listed threatened and endangered species were obtained from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department. United States Fish and Wildlife Service-designated critical habitat locations were included in the review.
- 132. Construction and operation of the proposed transmission facilities is unlikely to have significant effect on the physiographic or geologic features and resources in the area.
- 133. Construction and operation of the proposed transmission facilities is unlikely to have substantial impacts to surface water resources in the area.
- 134. Construction and operation of the proposed transmission facilities is not expected to adversely impact on the groundwater resources in the area.
- 135. In light of avoidance measures to be used, construction and operation of the proposed transmission facilities is not anticipated to have significant direct impacts to the area's aquatic resources.
- 136. There are 11 threatened or endangered plant species with potential to occur within the study area.
- 137. There are 42 federally- or state-listed endangered, threatened, proposed endangered, proposed threatened, or candidate species with potential to occur in the study area.

138. After Commission approval of a route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- and state-listed animal species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally- or state-listed animal species are observed during a field survey of the Commission-approved route, Oncor may further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance and mitigation strategies.
139. Oncor can construct the transmission facilities in an ecologically sensitive manner on the proposed route.
140. Oncor will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
141. It is appropriate for Oncor to follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. (2012); *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA (2006); and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the USFWS (April 2005). It is appropriate for Oncor to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
142. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate right-of-way clearance for the proposed transmission line.
143. It is appropriate for Oncor to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
144. It is appropriate for Oncor to avoid, to the maximum extent practical, causing adverse environmental impacts to sensitive plant and animal species and their habitats as identified

by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.

145. It is appropriate for Oncor to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowner agrees otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
146. It is appropriate for Oncor to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way. The use of chemical herbicides to control vegetation within the right-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
147. It is appropriate for Oncor to use best management practices to minimize the potential burden on migratory birds and threatened or endangered species.
148. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department's Written Comments and Recommendation

149. The Texas Parks and Wildlife Department (TPWD) provided information and recommendations regarding the preliminary study area for the proposed transmission facilities to Halff Associates on October 7, 2022.
150. The TPWD was provided a copy of the environmental assessment and routing analysis for the proposed transmission facilities.
151. On July 20, 2023, the TPWD filed its comments and recommendations on the proposed transmission facilities.
152. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond appropriately.

153. Oncor represents that it will use avoidance or mitigation procedures, as appropriate, to comply with laws protecting federally listed species.
154. Oncor represents that it will re-vegetate the right-of-way as necessary and according to Oncor's vegetation management practices, the stormwater pollution prevention plan developed for construction of the proposed transmission line, if any, and in many instances, landowner preferences or requests.
155. Oncor's standard vegetation removal, construction, and maintenance practices adequately address concerns expressed by the TPWD.
156. Oncor represents that it will use appropriate avian protection procedures.
157. Oncor represents that it will comply with all environmental laws and regulations, including those governing threatened and endangered species.
158. Oncor represents that it will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act (33 U.S.C. § 1251, et seq.).
159. Oncor represents that it will cooperate with the United States Fish and Wildlife Service and the TPWD if threatened or endangered species' habitats are identified during field surveys.
160. Oncor represents that, if construction affects federally listed species or their habitat, or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, Oncor will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and Texas Commission on Environmental Quality, as appropriate, to obtain permitting and perform any required mitigation.
161. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with Oncor's standard practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and are sufficient to address the TPWD's comments and recommendations.

161A. No modifications to the transmission facilities are needed to address the TPWD's recommendations and comments.

Permits

162. Before beginning construction of the proposed transmission facilities, Oncor will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.
163. Before beginning construction of the proposed transmission facilities, Oncor will obtain a miscellaneous easement from the Texas General Land Office if the transmission line crosses any state-owned riverbed, navigable stream or other property interest.
164. Before beginning construction of the proposed transmission facilities, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
165. It is appropriate for Oncor, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality. In addition, before commencing construction, it is appropriate for Oncor to prepare a stormwater-pollution-prevention plan if required, to submit a notice of intent to the Texas Commission on Environmental Quality if required, and to comply with all other applicable requirements of the general permit.
166. It is appropriate for Oncor to conduct a field assessment of modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 before beginning construction of the transmission facilities approved by the Commission's order to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these assessments, Oncor will identify all necessary permits from Denton and Wise counties and federal and state agencies. Oncor will comply with the relevant permit conditions during construction and operation of the transmission facilities along modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1.

167. After designing and engineering the alignments, structure locations, and structure heights, Oncor will determine the need to notify the Federal Aviation Administration based on the final structure locations and designs. If necessary, Oncor will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

Coastal Management Program

168. No part of the proposed transmission facilities is located within the coastal management program boundary as defined in 31 TAC § 27.1(a).

Agreements of Parties on Routing

169. The parties reached no agreement as to routing.

Modification of Applicant's Proposed Route

170. All municipalities, utilities, counties, and directly affected landowners to the modifications identified in modified route 179-C with DCLC modified links M1 and M5 were previously noticed.
171. All landowners directly affected by the La Estancia Alt. 1 modification consented to the modification.
172. Except for the owner of tract 801, all landowners directly affected by the La Estancia Alt. 2 modification consented to the modification.
- 172A. All landowners directly affected by La Estancia's modification to links E6 and G1 consented to the modification.
173. Except for BNSF Railway Company, all landowners directly affected by the DCLC modified M1 consented to the modification.
174. All landowners directly affected by the DCLC modified M5 consented to the modification.

Limitation of Authority

175. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
176. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order to construct the transmission facilities.

II. Conclusions of Law

The Commission adopts the following conclusions of law.

1. Oncor is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
2. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
3. Oncor must obtain the Commission's approval to construct the transmission facilities and to provide service to the public using the facilities.
4. SOAH exercised jurisdiction over this proceeding in accordance with PURA § 14.053 and Texas Government Code §§ 2003.021 and .049.
5. The application is sufficient under 16 TAC § 22.75(d).
6. The Commission processed this docket in accordance with the requirements of PURA; the Administrative Procedure Act,² Texas Government Code §§ 2001.001 through 2001.093; and the Commission's rules.
7. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
8. Additional notice of the approved route is not required under 16 TAC § 22.52(a)(2) because it consists of properly noticed links contained in the application and, for the modifications identified, all affected municipalities, utilities or counties landowners previously received notice.
9. Additional notice of the approved route is not required under 16 TAC § 22.52(a)(3)(C) because it consists of properly noticed links contained in the application and, for the modifications identified, all directly affected landowners previously received notice.
10. Oncor held public meetings and provided proper notice of those public meetings in compliance with 16 TAC § 22.52(a)(4).

² Tex. Gov't Code §§ 2001.001–.903.

11. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.
12. The Texas Coastal Management Program does not apply to the transmission facilities, and the requirements of 16 TAC § 25.102 do not apply to the application.
13. Modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 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 modified route 179-C with DCLC modified links M1 and M5 and La Estancia's modification to links E6 and G1 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056 and 16 TAC § 25.201.
15. ERCOT is an independent organization as defined by PURA § 39.151.
- 15A. The Commission must approve or deny the application not later than the 180th day after it was filed under PURA § 37.057.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order.
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 modified with links C4 and C6 replacing links C7, E2, and E1 and with modifications as described as the Denton County Land and Cattle's modifications to links M1 and M5 and La Estancia's modification to links E6 and G1 (comprising routing links A0, A4, B1, B61, B62, C1, C23, C4, C6, La Estancia's modification to link E6 and G1, G3, H41, H42, H8, I8, J3, 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. The Commission is not certifying a third circuit through this Order.

3. La Estancia must make a contribution in aid of construction in the amount of \$500,000 to accommodate its requested modifications to link E6 and G1.
4. Oncor must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing metallic pipelines that are paralleled by the proposed electric transmission facilities.
5. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the proposed transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
6. Oncor must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
7. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
8. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.
9. Before beginning construction, Oncor must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.

10. Oncor must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.
11. Oncor must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. (2012); *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA (2006); and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the USFWS (April 2005). Oncor must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
12. Oncor must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
13. Oncor must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, Oncor must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
14. Oncor must implement erosion-control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas. Also, Oncor must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the

- landowner or the landowner's representative. However, the Commission does not require Oncor to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
15. Oncor must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the proposed transmission line approved by this Order. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
 16. The Commission does not permit Oncor to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.
 17. If possible, and subject to the other provisions of this Order, Oncor must prudently implement appropriate final design for the transmission line to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Oncor to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then Oncor must file an application to amend its CCN as necessary.
 18. Oncor must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when Oncor identifies all charges.
 19. The Commission limits the authority granted by the Order to a period of seven years from the date the Order is signed unless the transmission line is commercially energized before that time.

20. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 6th day of May 2024.

PUBLIC UTILITY COMMISSION OF TEXAS



LORI COBOS, COMMISSIONER

JIMMY GLOTFELTY, COMMISSIONER

KATHLEEN JACKSON, COMMISSIONER

20. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

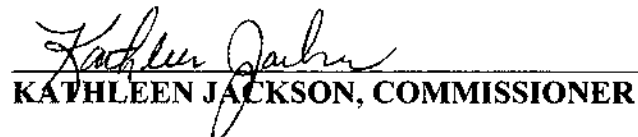
Signed at Austin, Texas the 6th day of May 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

LORI COBOS, COMMISSIONER

A large, bold, handwritten signature in black ink, appearing to read 'Jimmy Glotfelty', is written over a horizontal line.

JIMMY GLOTFELTY, COMMISSIONER

A handwritten signature in black ink, appearing to read 'Kathleen Jackson', is written over a horizontal line.

KATHLEEN JACKSON, COMMISSIONER



July 19, 2023

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David Yoskowitz, Ph.D.
Executive Director

Ms. Marisa Wagley
Public Utility Commission
P.O. Box 13326
Austin, TX 78711-3326

RE: PUC Docket No. 55067: Application of Oncor Electric Delivery Company, LLC for a Certificate of Convenience and Necessity for the Proposed Ramhorn Hill Switch – Dunham Switch 345-kilovolt Transmission Line Project in Denton and Wise Counties

Dear Ms. Wagley:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment and Alternate Route Analysis (EA) received by our office on June 8, 2023, regarding the above-referenced proposed transmission line project.

TPWD is providing input on this proposed project to facilitate the incorporation of beneficial management practices (BMP) during construction, operation, and maintenance that may assist the project proponent in minimizing impacts to the state's natural resources. For tracking purposes, please refer to TPWD project number 50925 in any return correspondence regarding this project.

Under the Texas Parks and Wildlife Code (PWC) §12.0011(b)(2) and (b)(3), TPWD has the authority to provide recommendations and informational comments that will protect fish and wildlife resources to local, state, and federal agencies that approve, license, or construct developmental projects or make decisions affecting those resources. Under PWC §12.0011(c), the Commission has a non-discretionary duty to respond to the recommendations and informational comments filed by TPWD and include any reason it disagrees with or did not act on or incorporate the recommendation or comment.

Now, pursuant to PWC §12.0011(b)(2) and (b)(3), TPWD offers the following comments and recommendations concerning this project.

Project Description

Oncor Electric Delivery Company, LLC (Oncor) is proposing to construct approximately 20 to 23 miles of new double-circuit 345-kilovolt (kV) electric transmission line, to be built on triple-circuit capable structures, between the

proposed Ramhorn Hill Switch and the proposed Dunham Switch in Denton and Wise Counties. The proposed Ramhorn Hill Switch will be located approximately two miles south of the intersection of United States Highway (US) 287 and State Highway (SH) 114 near Rhome, Texas. The proposed Dunham Switch will be located approximately 1.4 miles southeast of the intersection of US 377 and Farm-to-Market Road (FM) 1171 (regionally known as Cross Timbers Road) in Flower Mound, Texas. The project will be constructed on 120- to 175-foot-tall steel monopole structures within a proposed right-of-way (ROW) width of 100 feet.

Oncor retained Halff Associates, Inc. (Halff) to prepare the EA submitted with Oncor's application for a Certificate of Convenience and Necessity (CCN) for this project. The EA is intended to provide information and address the requirements of Section 37.056(c)(4)(A)-(D) of the Texas Utilities Code, Public Utility Commission of Texas (PUC) Procedural Rules Section 22.52(a)(4), PUC Substantive Rules Section 25.101, and the PUC CCN application form for a proposed transmission line.

Previous Coordination

TPWD provided scoping information and recommendations regarding the preliminary study area for this project to Halff on October 7, 2022. This letter is included in Appendix A of the EA.

Recommendation: Please review the TPWD correspondence in Appendix A and consider the recommendations provided, as they remain applicable to the project as proposed.

Proposed Route

Oncor's Recommended Route

According to the EA, Halff evaluated 221 alternative routes, and Oncor filed 74 geographically diverse alternative routes with the CCN application. In addition to reviewing the EA, Oncor considered engineering feasibility, the estimated cost of alternative routes, construction limitations, and other information. Oncor selected Route 179 (Links A0-A4-B1-B61-B62-C1-C21-C23-C7-E2-E1-E6-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M2-M3-R4-V2-Z) as the route that best meets the requirements of the Texas Utilities Code Section 37.56 (c)(4)(A)-(D) and the PUC Substantive Rule Section 25.101(b)(3)(B). Oncor's office memorandum, which is included as Attachment No. 7 to the CCN application, discusses Oncor's selection of Route 179. In addition to other significant factors, Oncor lists the following significant natural resource factors which led to the selection of Route 179, excerpted as follows:

- *The length of Route 179 is approximately 21.8 miles, which is only 1.9 miles longer than the shortest among all the filed routes (Route 16) and approximately 1.1 miles shorter than the longest alternative route included in the Application (Route 216 is the longest at approximately 22.9 miles);*
- *Route 179 parallels existing compatible corridors for 23% of its length (including apparent property boundaries). Route 117 possesses the highest percentage parallel to existing corridors (40%) but is longer in route length (22.7 miles) and has a higher number of habitable structures within 500 feet of its centerline (263). Route 221 had the lowest percentage (17%) parallel to existing corridors;*
- *Route 179 crosses 20,248 feet of cropland/hay meadow and crosses 71,051 feet of rangeland pasture. Route lengths crossing cropland/hay meadow varied from 12,347 feet (Route 164) to 36,231 feet (Route 69). Route lengths crossing rangeland pasture varied from 46,458 feet (Route 26) to 76,318 feet (Route 187);*
- *Route 179 crosses 10,126 feet of upland woodlands and has 7,162 feet of its route through riparian areas. Route 26 has the greatest length (15,960 feet) of its route across upland woodlands and Route 28 has the greatest length (15,718 feet) of its route across riparian areas. The Link M5 Corridor Routes contain the greatest length across upland woodlands and riparian areas which are associated with the floodplain of Elizabeth Creek;*
- *Route 179 has no length of its route across potential wetlands (57 of the filed routes cross potential wetlands, with Routes 92 and 218 having the highest crossing length of 849 feet);*
- *Route 179 has 27 streams crossed by its centerline (the greatest number of streams crossed within the filed routes is 33);*
- *The length of Route 179 that is parallel to streams (within 100 feet) is 1,351 feet (the greatest amount of route length parallel to streams within the filed routes is 5,108 feet);*
- *Route 179 has 1,704 feet of its route across lakes or ponds (open waters). Route 185 has the greatest length (2,080 feet) across lakes or ponds of the filed routes;*
- *Route 179 has one known rare/unique plant location within the route right-of-way. Nine of the filed routes have four known rare/unique plant locations within the route right-of-way;*

The EA Table 7-2 presents the environmental data for the 221 alternative routes, and Oncor's routing memorandum includes Table 2 which reduced EA Table 7-2 to present the environmental data only for the 74 routes filed with the CCN. TPWD's review of Table 2 from Oncor's routing memorandum indicates that Oncor's recommended Route 179 will cross the following land uses or ecological resources:

- 20,248 feet of cropland or hay meadow
- 71,051 feet of rangeland pasture
- 10,126 feet of upland woodlands
- Zero feet of parks or recreational areas
- 7,126 feet of riparian areas
- Zero feet of potential wetlands
- 27 streams
- 1,351 feet paralleling streams
- 1,704 feet of lakes or ponds (open waters)
- One known rare/unique plant location within the right-of-way

TPWD's Recommended Route

In addition to the review of the EA and publicly available data, TPWD evaluated potential impacts to fish and wildlife resources and recreational areas using the following criteria from Table 7-2 in the EA and Table 2 of Oncor's routing memorandum:

- Length of alternative route
- Length of route parallel to existing transmission lines
- Length of route parallel to railroads
- Length of route parallel to existing public roads/highways
- Length of route parallel to pipelines
- Length of route across parks and recreational areas
- Length of route across commercial or industrial areas
- Length of route across cropland or hay meadows
- Length of route across rangeland pasture
- Length of route across upland woodlands
- Length of route across riparian areas
- Length of route across potential wetlands
- Number of stream crossings by the route
- Length of route parallel (within 100 feet) to streams
- Length of route across lakes or ponds (open water)

TPWD did not evaluate the routes using *length of route parallel to apparent property boundaries* because the existence of property lines does not always represent a linear disturbance or a break between contiguous tracts of habitat and cannot be used to assume existing habitat fragmentation. TPWD also did not evaluate the routes using *length of route parallel to existing compatible ROW* because this metric includes apparent property boundaries and does not contribute to an understanding of potential impacts to wildlife habitat. Data regarding length across commercial and industrial areas, cropland, hay meadows, and rangeland

pasture indicate minimization of impacts to potential habitats along a route due to the capability of spanning habitats in cropland, hay meadows, and rangeland pasture and due to minimal habitat availability in developed commercial and industrial areas. The following ecological and land use criteria had values of zero for all routes and were not used by TPWD to compare routes: *length of route across agricultural cropland with mobile irrigation systems* and *length of route through known habitat of endangered or threatened species*.

TPWD typically recommends that transmission line routes be located adjacent to previously disturbed areas such as existing utility or transportation ROWs and discourages fragmenting habitat or locating in areas that could directly negatively impact wildlife, including federally and state listed species, while also minimizing the route length. After careful evaluation of the 74 routes filed with the CCN application, TPWD selected **Route 137** (Links A0-A4-B1-B61-B62-C1-C21-C22-C8-C9-E8-F2-F1-F5-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M2-M4-R5-U3-V3-V4-Z) as the route having the least potential to impact fish and wildlife resources. The decision to recommend **Route 137** was based primarily on the following factors that **Route 137**:

- Has a moderate overall length (21.1 miles) (All routes: 20.1 to 22.9 miles)
- Has a portion of ROW parallel to existing transmission lines, railroads, public roads or highways, and pipelines combined (29,577 feet) representing 27% of its route length (All routes: 45,953 feet to 14,866 feet; representing 38% to 13% of route length)
- Crosses commercial and industrial areas, cropland, hay meadow, and rangeland pasture combined for 83% of route length (All routes: 86% to 72%)
- Has the second shortest length across upland woodlands (9,310 feet) (All routes: 8,022 feet to 15,960 feet)
- Has a relatively short length across riparian areas (7,573 feet) (All routes: 4,579 feet to 15,718 feet)
- Along with 17 other routes, crosses zero potential wetlands (All routes: zero to 849 feet)
- Has a moderate number of stream crossings (26) (All routes: 16 to 33)
- Has a relatively short length (1,354 feet) of route parallel (within 100 feet) to streams (All routes: zero feet to 5,108 feet)
- Contains zero known rare/unique plant locations within the ROW (All routes: zero to four)
- Avoids crossing Northwest Independent School District (ISD) Outdoor Learning Center where it crosses Denton Creek.

Denton Creek is the largest creek within the study area, and all routes cross Denton Creek using one of five links: G2, G6, H41, H5, or H6. Link H6 contains the least

impact to upland woodlands and riparian areas at Denton Creek; however, Link H6 crosses Northwest ISD Outdoor Learning Center, a site with wildlife habitat, wetland improvements, and prairie restoration. Link H6 occurs only in Route 142. Elsewhere along Route 142, Route 142 ranks poorly for most natural resource criteria, and TPWD eliminated Route 142 and Link H6 from consideration. Link H5 contains 3,220 feet of potential impacts to upland woodlands and riparian areas combined while also crossing Northwest ISD Outdoor Learning Center for a greater length than Link H6, and TPWD eliminated routes containing Link H5 because of the natural resource impacts at a public nature center. Of the remaining Links crossing Denton Creek, impacts to upland woodlands and riparian areas combined were greatest for Link G2 (5,650 feet). The remaining Links G6 and H41 had moderate impacts to upland woodlands and riparian areas combined (1,866 feet and 3,345 feet, respectively). Overall, Route 137 and Route 179 ranked very similarly and generally exhibited shorter lengths across natural resource criteria than other routes using Links G6 or H41. Of the 28 routes that utilize links G6 or H41, Route 137 crosses the least amount of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined (18,795 feet of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined; All Routes: 15,477 feet to 31,345 feet). Route 179 follows with 18,992 feet of upland woodlands, riparian areas, potential wetlands, and lakes/ponds combined. Route 137 crosses 502 feet of the Canyon Falls Club recreational area, and Route 179 does not. However, the Canyon Falls Club is a highly manicured development with concrete parking and sidewalks in the location of proposed Route 179 and exhibits low wildlife value compared to natural areas. Also, because Route 179 crosses a native Mollisol Blackland Prairie that is mapped in the Texas Natural Diversity Database (TXNDD) along Link E6 and Link C6, and Route 137 avoids crossing this prairie, TPWD recommends Route 137 over Route 179.

The EA indicates that the extent of the field investigation included reconnaissance surveys of the study area by visual observation from public roads and public ROW. The EA did not provide sufficient information based on field surveys to determine which route would best minimize impacts to important, rare, and protected species and their associated habitats. Therefore, TPWD's routing recommendation is based solely on the natural resources information provided in the CCN application and the EA, as well as publicly available information examined in a Geographic Information System (GIS).

Recommendation: Of the routes evaluated in the EA and filed with the CCN application, **Route 137** appears to best minimize adverse impacts to natural resources. TPWD recommends the PUC select a route that would minimize adverse impacts to natural resources, such as **Route 137**.

State Regulations: Parks, Public Recreation Areas, Scientific Areas, Wildlife Refuges, or Historic Sites

As indicated in TPWD's October 7, 2022, scoping letter, PWC chapter 26 requires that before a state agency can approve any project that will result in the use or taking of public land designated and used as a park, public recreation area, scientific area, wildlife refuge, or historic site, that a state agency must provide certain notices to the public, conduct a hearing, and render a finding that there is no feasible and prudent alternative and that the project includes all reasonable planning to minimize harm to the property. Additionally, per Section 6(f) of the U.S. Land and Water Conservation Fund Act (LWCF), no public outdoor recreation areas acquired or developed with LWCF assistance can be converted to non-recreational uses without Department of Interior approval. The conversion must be in accordance with the statewide outdoor recreation plan and replaced with other recreation land of reasonable equivalent usefulness and location.

The EA indicates that 52 of the Route Alternatives filed with the CCN would cross parks/recreational areas, and that no parks, recreational areas, scientific areas, wildlife refuges, or historic sites funded by the LWCF were found within the study area.

Recommendation: If the approved route crosses a public park/recreational area, TPWD recommends the PUC adhere to the requirements of PWC chapter 26.

Implementation of Beneficial Management Practices

In general, Halff and Oncor attempted to design route alternatives to minimize project impacts to waterways, floodplains, riparian areas, wetlands, woodlands, and recreational areas, and paralleled existing disturbed corridors, where feasible. Where links were proximal to streams, Halff and Oncor attempted to design crossings to span streams, to avoid multiple meanders, to be aligned perpendicular to the channel, and to allow sufficient space between the top of the bank and any proposed structure locations. Oncor committed to implementing erosion controls during construction, re-establishing vegetation in a timely manner either naturally or with seed in steep areas and obtaining appropriate permits for work within streams if such a permit is necessary.

The EA acknowledged several of TPWD's recommended BMP from TPWD's October 7, 2022, scoping letter; however, there were few commitments that those BMP would be implemented.

To more comprehensively avoid or minimize potential impacts to fish and wildlife resources, TPWD encourages further commitment to implement BMP recommended in TPWD's October 7, 2022, scoping letter.

Recommendation: TPWD recommends Oncor, and the PUC utilize the following BMP, which are more fully described in TPWD's October 7, 2022, letter, when specifically applicable to the project:

- Conduct surveys of the PUC-approved route for federal and state listed species or potential suitable habitat
- Educate employees and contractors of state listed species and species of greatest conservation need (SGCN) that are susceptible to project activities and that potentially occur within the area
- Avoid vegetation clearing during March 15 – September 15 general bird nesting season
 - If unable to avoid vegetation clearing during the bird breeding season, survey for active bird nests and avoid disturbance until fledged
- Proactively install bird flight diverters where transmission lines cross habitats most attractive to birds, e.g. creeks, drainages, wetlands, floodplains
- Use dark-sky friendly lighting practices at lighted facilities, such as substations and switching stations
- Utilize a biological monitor during construction when required by law or permit
- Allow wildlife to safely leave the site on their own, without harassment or harm
- Avoid impacts to SGCN flora and fauna if encountered during project construction, operation, and maintenance activities
- Use wildlife escape ramps in excavated areas, or cover while unattended, and inspect for trapped wildlife prior to backfilling
- Avoid the use of erosion control blankets containing polypropylene fixed-intersection mesh. Erosion control measures utilized for the project should be implemented with consideration for potential impacts to wildlife species
- Report encounters of threatened species, endangered species, and SGCN to the Texas Natural Diversity Database
- If working in inland waters, prepare an Aquatic Resource Relocation Plan and coordinate with TPWD Kills and Spills Team to obtain a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters*
- If equipment will come in contact with inland waters, prepare and follow an aquatic invasive species transfer prevention plan
- Prepare and follow a revegetation and maintenance plan to monitor, treat, and control terrestrial invasive species within the ROW
- Revegetate and maintain ROW with native vegetation for the benefit of wildlife, including pollinators. A revegetation program should emphasize native species while considering landowner preferences and wildlife needs.

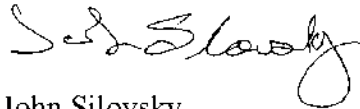
Ms. Marisa Wagley

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July 19, 2023

TPWD appreciates the opportunity to review and comment on this EA. If you have any questions, please do not hesitate to contact Environmental Review Biologist Ms. Karen Hardin by email at karen.hardin@tpwd.texas.gov or by phone at (903) 322-5001. Thank you for your favorable consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Silovsky", with a stylized, looping flourish at the end.

John Silovsky
Wildlife Division Director

JS:KH:bdk

cc: Ms. Meredith Longoria
Ms. Laura Zebehazy
Ms. Karen Hardin
Mr. Chris Reily, Regulatory Manager, Oncor, Chris.Reily@oncor.com