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SOAH DOCKET NO. 473-23-22222
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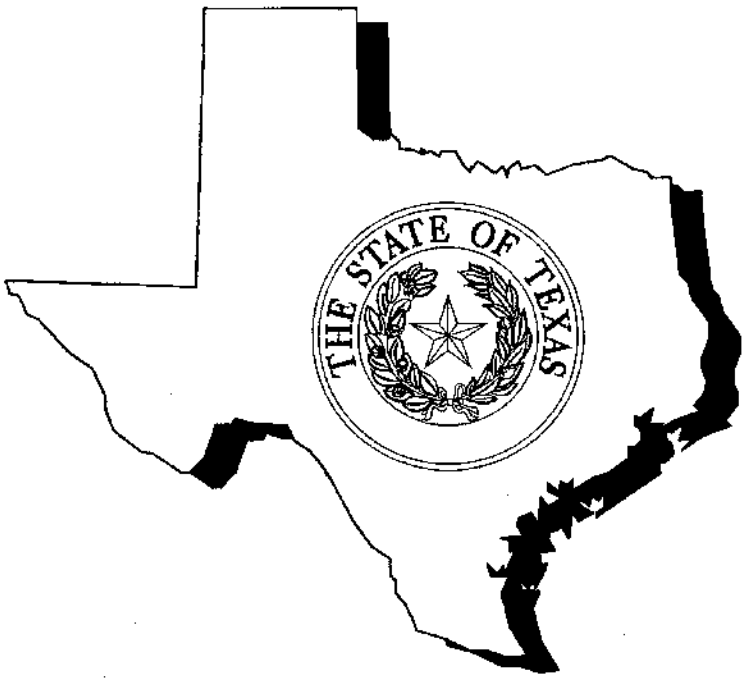
JOINT APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION AND WIND ENERGY TRANSMISSION TEXAS, LLC TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE NORTH MCCAMEY-TO-BEARKAT 345-KV TRANSMISSION LINE IN GLASSCOCK, REAGAN, AND UPTON COUNTIES	§	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS



DIRECT TESTIMONY OF

JAMES EUTON

INFRASTRUCTURE DIVISION

PUBLIC UTLITY COMMISSION OF TEXAS

AUGUST 23, 2023

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I. PROFESSIONAL QUALIFICATIONS

Q. Please state your name, occupation, and business address.

A. My name is James Euton. I am employed by the Public Utility Commission of Texas (Commission), as an Engineering Specialist within the Infrastructure Division. My business address is 1701 N. Congress Avenue, Austin, Texas 78701.

Q. Please outline your educational and professional background.

A. I have a Bachelor of Science degree in Mechanical Engineering and a Master of Business Administration degree. I have been employed at the Commission since October of 2021. Attachment JE-1 details my educational and professional background.

Q. Are you a registered professional engineer?

A. No. I am an Engineer-in-Training (EIT) and my Texas EIT certification number is 71024.

Q. Have you testified as an expert before the Commission or the State Office of Administrative Hearings (SOAH)?

A. Yes. Attachment JE-2 provides a summary of the dockets in which I have filed direct testimony.

Q. On whose behalf are you testifying?

A. I am testifying on behalf of Commission Staff (Staff).

II. PURPOSE AND SCOPE OF TESTIMONY

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to present Staff's recommendations regarding the joint application of LCRA Transmission Services Corporation (LCRA TSC) and Wind Energy Transmission Texas, LLC (WETT) to amend their Certificates of Convenience and Necessity (CCN) to construct a new double-circuit 345 kilovolt (kV) transmission line on steel lattice structures within Glasscock, Reagan, and Upton Counties, Texas. The new transmission line will extend from the LCRA TSC North McCamey Station, located approximately 0.60 miles north of the City of McCamey and one mile west of United States (US) Highway 67, to the WETT Bearkat Station, located approximately 4.25 miles northeast of St. Lawrence, west of County Road 125.[1]

Q. What is the scope of your testimony?

A. The scope of my testimony is to provide Staff's recommendation regarding the need for the project and regarding selection of routes from among the alternative routes presented by LCRA TSC and WETT.

Q. What are the statutory requirements that a utility must meet to amend its CCN to construct a new transmission line?

A. Section 37.056(a) of the Public Utility Regulatory Act (PURA)[2] states that the Commission may approve an application for a CCN only if the Commission finds that the CCN is

[1] Application at 5 (Jun. 22, 2023).

[2] Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

necessary for the service, accommodation, convenience, or safety of the public. Further, PURA provides that the Commission shall approve, deny, or modify a request for a CCN after considering the factors specified in PURA § 37.056(c), which are as follows:

(1) the adequacy of existing service;

(2) the need for additional service;

(3) the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and

(4) other factors, such as:

(A) community values;

(B) recreational and park areas;

(C) historical and aesthetic values;

(D) environmental integrity;

(E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted; and

(F) to the extent applicable, the effect of granting the certificate on the ability of this state to meet the goal established by PURA § 39.904(a).

Q. Do the Commission's rules provide any instruction regarding routing criteria?

A. Yes. 16 Texas Administrative Code (TAC) § 25.101(b)(3)(B) requires that an application for a new transmission line address the criteria in PURA § 37.056(c), and that upon considering those criteria, engineering constraints and costs, the line shall be routed to the extent reasonable to moderate the impact on the affected community and landowners, unless grid reliability and security dictate otherwise. The following factors shall be considered in the

selection of LCRA TSC's and WETT's alternative routes:

(i) whether the routes parallel or utilize existing compatible rights-of-way for electric facilities, including the use of vacant positions on existing multiple-circuit transmission lines;

(ii) whether the routes parallel or utilize existing compatible rights-of-way, including roads, highways, railroads, or telephone utility rights-of-way;

(iii) whether the routes parallel property lines or other natural or cultural features; and

(iv) whether the routes conform with the policy of prudent avoidance.

Q. What issues identified by the Commission must be addressed in this docket?

A. In the Order of Referral and Preliminary Order issued on June 23, 2023, the Commission identified the following issues that must be addressed:

1. Is the applicants' application to amend its CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration must be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated proposed transmission facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under consideration and to any analysis and reasoned justification presented for a limited number of alternative routes. A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis

for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ must allow the applicants to amend the application and to provide proper notice to affected landowners; however, if the applicants choose not to amend the application, then the ALJ may dismiss the case without prejudice.

2. Did the applicants provide notice of the application in accordance with 16 TAC § 22.52(a)(1), (2), and (3)?

3. Did the applicants provide notice of the public meeting in accordance with 16 TAC § 22.52(a)(4)?

4. What were the principal concerns expressed in the questionnaire responses received at or after any public meetings held by the applicants regarding the proposed transmission facilities?

5. Taking into account the factors set out in the Public Utility Regulatory Act (PURA) § 37.056(c), are the proposed transmission facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a)? In addition, please address the following issues:

   a. How do the proposed transmission facilities support the reliability and adequacy of the interconnected transmission system?

   b. Do the proposed transmission facilities facilitate robust wholesale competition?

   c. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed transmission facilities?

d. Are the proposed transmission facilities needed to interconnect a new transmission service customer?

6. In considering the need for additional service under PURA § 37.056(c)(2) for a reliability transmission project, please address the historical load, forecasted load growth, and additional load currently seeking interconnection.

7. Are the proposed transmission facilities the better option to meet this need when compared to using distribution facilities? If the applicant is not subject to the unbundling requirements of PURA § 39.051, are the proposed transmission facilities the better option to meet the need when compared to a combination of distribution facilities, distributed generation, and energy efficiency? In answering this issue, if the proposed transmission facilities include a transmission line to address distribution load growth, please address the following:

a. The data used to calculate the applicants' load-growth projections that support the need for a transmission-line solution;

b. The date, origin, and relevance of the data used to calculate the applicants' load-growth projections;

c. The assumptions made and relied on to generate the load-growth projections, including but not limited to the assumed rates of load growth, the factors (if any) applied to calculate forecasted loads for new developments in the need study area, and adjustments (if any) made to forecasted loads to account for customer load served by any other electric utilities also providing electric service within the applicants' need study area;

d. The location, described in writing and depicted on a map, of the boundaries of the need study area and all existing transmission facilities (including proposed substations or switching stations) within the need study area used for the load-growth projections;

e. If included in the applicants' load-growth projections, the nature, scope, and location depicted on a map of the following loads:

i. the applicants' current consumers,

ii. the applicants' pending load request, and

iii. future development projects included in the applicants' load-growth projections;

f. The location depicted on a map of the existing load center, the load center including existing load and currently requested loads, and the load center including existing load, currently requested loads, and the applicants' projected load growth;

g. The location and identity of any existing transmission lines, whether inside or outside the need study area, that are as close as, or closer to, any load-serving substation proposed in this application compared to the existing transmission line or substation used for the proposed interconnection or tap;

h. The location and identity of any existing substations with remaining transformer capacity, whether inside or outside the need study area, that are as close as, or closer to, any load-serving substation proposed in this application compared to the existing transmission line or substation used for

the proposed interconnection or tap;

i. If other utilities are providing distribution service within the applicants' need study area, the location and nature of the other utilities' distribution facilities described in writing and depicted on a map;

j. An analysis of the feasibility, design, and cost effectiveness of a distribution-voltage-level alternative that uses the same point(s) of interconnection or tap and endpoint(s) and that is routed along the same alternative routes as the transmission-level radial line that is requested to be approved;

k. The applicants' planning study or other reports reflecting the nature and scope of new-build distribution facilities or existing distribution-facility upgrades necessary for projected load growth anticipated before the projected load growth that is the basis for this application; and

l. A comparative cost analysis between all new-build distribution facilities or existing distribution-facility upgrades and the proposed radial transmission facilities that segregates the distribution-alternative costs to support the pending load requests and specific future development loads from general load growth in the need study area.

8. Weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), which proposed transmission-line route is the best alternative?

9. Are there alternative routes or configurations of facilities that would have a less negative effect on landowners? What would be the incremental cost of those routes or configurations of facilities?

10. If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues:
    a. Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?
    b. Have the accommodations to landowners diminished the electric efficiency of the line or reliability?
11. Are the proposed transmission facilities necessary to meet state or federal reliability standards?
12. What is the estimated cost of the proposed transmission facilities to consumers?
13. What is the estimated congestion cost savings for consumers that may result from the proposed transmission facilities considering both current and future expected congestion levels and the ability of the proposed transmission facilities to reduce those congestion levels?
14. Are the best management practices for construction and operating transmission facilities that are standard in the Commission's electric CCN orders adequate? If not, what additional practices should be required for the proposed transmission facilities?
15. For each additional practice proposed, please address the following:
    a. What is the additional cost to design, construct, and operate the proposed transmission facilities, including the cost to consumers?
    b. What benefit, if any, will the proposed practice provide?
    c. What effect, if any, will the proposed practice have on the reliability of the transmission system?

d. What effect, if any, will the proposed practice have on the design, construction, or operation of the proposed transmission facilities?

e. What effect, if any, will the proposed practice have on the expected date to energize the proposed transmission facilities?

16. Did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with section 12.0011(b) of the Texas Parks and Wildlife Code? If so, how should the Commission respond through its order?

17. What permits, licenses, plans, or permission will be required for construction and operation of the proposed transmission facilities? If any alternative route requires permission or an easement from a state or federal agency, please address in detail the following:

a. What agency is involved, and what prior communication have the applicants had with the agency regarding the proposed transmission facilities?

b. Has the agency granted the required permission or easement? If not, when is a decision by the agency expected?

c. What contingencies are in place if the agency does not grant the required permission or easement or if the process to obtain the required permission or easement would materially affect the estimated cost, proposed design plans, or anticipated timeline to construct the proposed transmission facilities?

18. Is any part of the proposed transmission facilities located within the coastal management program boundary as defined in 31 TAC § 27.1(a)? If so, please address

the following issues:

a. Do the facilities comply with the goals and applicable policies of the Coastal Management Program in accordance with 16 TAC § 25.102(a)?

b. Will the facilities have any direct and significant effects on any of the applicable coastal natural resource areas specified in 3 1 TAC § 26.3(b)?

19. Are the circumstances for this line such that the seven-year limit discussed in section III of this Order should be changed?

20. What portions of the proposed transmission facilities will LCRA TSC and WETT respectively build, own, or operate? Please identify both the structure that will serve as the dividing point at which ownership of the transmission line changes between LCRA TSC and WETT and the entity that will own the structure.

21. Will anything occur during construction that will preclude or limit a generator from generating or delivering power or that will adversely affect the reliability of the ERCOT system?

22. If complete or partial agreement of the parties is reached on a route that relies on modifications to the route segments as noticed in the application, please address the following issues:

a. Did the applicants comply with the additional notice requirements of 16 TAC § 22.52(a)(2) and (a)(3)(C)?

b. Was written consent obtained from landowners directly affected by the proposed modifications to the route segments?

Q. Which issues in this proceeding have you addressed in your testimony?

A. I have addressed the issues from the Order of Referral and Preliminary Order and the requirements of PURA § 37.056 and 16 TAC § 25.101.

Q. If you do not address an issue or position in your testimony, should that be interpreted as Staff supporting any other party's position on that issue?

A. No. The fact that I do not address an issue in my testimony should not be considered as agreeing, endorsing, or consenting to any position taken by any other party in this proceeding.

Q. What have you relied upon or considered to reach your conclusions and make your recommendation?

A. I have relied upon my review and analysis of the data contained in the joint application of LCRA TSC and WETT and the application's accompanying attachments, including the *Environmental Assessment and Alternative Route Analysis* (EA)[3] prepared by POWER Engineers, Inc. (POWER). I have relied upon my review of the direct testimonies and statements of position filed in this proceeding by or on behalf of LCRA TSC and WETT and the intervenors, requests for information (RFI), as well as the Electric Reliability Council of Texas' (ERCOT) Independent Review of the Bearkat – North McCamey – Sand Lake 345-kV Transmission Line Addition Project.[4] I have also relied upon my review of the letters from the Texas Parks and Wildlife Department (TPWD) to Ms. Marisa Wagley, dated August

[3] Application, Attachment 1.

[4] *Id.*, Attachment 4b.

18, 2023.[5]

III. RECOMMENDATIONS

Q. What recommendation do you have regarding LCRA TSC's AND WETT's application?

A. I recommend that the Commission approve the joint application of LCRA TSC and WETT to amend their CCNs to construct a new double-circuit 345-kV transmission line on steel lattice structures within Glasscock, Reagan, and Upton Counties, Texas. I also recommend that the Commission order LCRA TSC and WETT to construct the proposed transmission line using Route 19 (Segments 1-2-5-11-13-15-16B-22-30-45-58-59-60-62-84-85-90-99-104-106-112-134-138-140-147-148-151-154-161-163-164-170-172-175-177). I further recommend that the Commission include in its order approving LCRA TSC's and WETT's application the following paragraphs to mitigate the impact of the proposed project:

1. LCRA TSC and WETT shall conduct surveys, if not already completed, to identify pipelines that could be affected by the transmission lines and coordinate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.
2. If LCRA TSC and WETT encounters any archeological artifacts or other cultural resources during project construction, work must cease immediately in the vicinity of the artifact or resource, and the discovery must be reported to the Texas Historical

[5] Attachment JE-3.

Commission. In that situation LCRA TSC and WETT must take action as directed by the Texas Historical Commission.

3. LCRA TSC and WETT must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: The 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 *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. LCRA TSC and WETT must 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.

4. LCRA TSC and WETT must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. LCRA TSC and WETT must ensure that the use of chemical herbicides to control vegetation within the rights-of-way complies with rules and guidelines established in the Federal Insecticide Fungicide and Rodenticide Act and with Texas Department of Agriculture regulations.

5. LCRA TSC and WETT must minimize the amount of flora and fauna disturbed during construction of the transmission lines, except to the extent necessary to

establish appropriate right-of-way clearance for the transmission lines. In addition, LCRA TSC and WETT must revegetate, using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, LCRA TSC and WETT must avoid adverse environmental influence 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.

6. LCRA TSC and WETT 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 necessary. LCRA TSC and WETT 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. LCRA TSC and WETT is not required to restore the original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the project's structures or the safe operation and maintenance of the lines.

7. LCRA TSC and WETT must use Best Management Practices (BMPs) to minimize the potential impacts to migratory birds and threatened or endangered species.

8. LCRA TSC and WETT must cooperate with directly affected landowners to implement minor deviations from the approved route to minimize the burden of the transmission lines. 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 landowners that have agreed to the minor deviation.

9. LCRA TSC and WETT must report the transmission line approved by the Commission 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, LCRA TSC and WETT must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when all costs have been identified.

IV. PROJECT JUSTIFICATION

A. DESCRIPTION OF THE PROJECT

Q. Please describe the proposed project.

A. The proposed project will consist of a new double-circuit 345-kV transmission line on steel lattice structures within Glasscock, Reagan, and Upton Counties, Texas. The project will utilize two conductors per phase. The new transmission line will connect the existing WETT Bearkat Station, located approximately 4.25 miles northeast of St. Lawrence, west of County Road 125, to the existing LCRA TSC North McCamey Station, located approximately 0.60 miles north of the City of McCamey and one mile west of US Highway 67. Depending on which route is selected, the line will traverse between 61 and 84 miles.[6]

Q. Does LCRA TSC's and WETT's application contain a number of alternative routes sufficient to conduct a proper evaluation?

A. Yes. LCRA TSC's and WETT's application proposed 50 primary alternative routes.[7] LCRA

[6] Application at 7.

[7] *Id.* at 22.

TSC and WETT selected Route 29 as the primary route that they concluded best addressed PURA and Commission Substantive Rules.[8]

Q. Is the proposed project located within the incorporated boundaries of any municipality?

A. No. None of the primary alternative routes would be constructed within the boundaries of any municipality.[9]

Q. Does any part of this project lie within the Texas Coastal Management Program (TCMP) boundary?

A. This project is not located within the Coastal Management Program boundary.[10]

B. NEED FOR THE PROJECT

Q. Could you briefly summarize the need for the project?

A. The proposed transmission line project is needed to address reliability issues associated with the rapid load growth in the oil and gas industry and to improve the power import capability of the Delaware Basin area.[11] ERCOT has conducted an independent review of the Bearkat – North McCamey – Sand Lake 345-kV Transmission Line Addition Project and recommends this Regional Planning Group (RPG) project to address the reliability issues associated with the rapid load growth in the Delaware Basin area and has designated the

[8] *Id.*

[9] *Id.* at 10.

[10] *Id.* at 34.

[11] *Id.* at 13.

project critical to reliability.[12]

Q. Has an independent organization, as defined in PURA § 39.151, determined that there is a need for the Proposed Project?

A. Yes. As previously stated, the ERCOT RPG reviewed the Bearkat – North McCamey – Sand Lake 345-kV Transmission Line Addition Project and has established a need for the proposed project.

Q. Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a)?

A. Yes. In my opinion, based on the data and load projections provided by LCRA TSC and WETT and the ERCOT RPG in attachments 4a and 4b of the application, it is evident that this project is necessary and is the best way to address the reliability issues resulting from load growth in the area.

C. PROJECT ALTERNATIVES

Q. Did LCRA TSC and WETT consider distribution alternatives to the Proposed Project?

A. Yes. Distribution alternatives were not considered viable alternatives to provide service to the industrial loads that are driving the load growth to be addressed by this project.[13]

Q. What transmission alternatives did the ERCOT RPG review in its selection of the proposed project?

A. The ERCOT RPG evaluated three options as part of the Delaware Basin Study and two

[12] *Id.*, Attachment 4b at 23.

[13] Application at 18.

alternatives proposed for Texas-New Mexico Power (TNMP) and Garland Power and Light (GP&L).[14] These options were as follows:

- Stage 1 Upgrade: Adding a second circuit on the existing Big Hill – Bakersfield 345-kV line.
- Stage 2 Upgrade: a new Bearkat – North McCamey – Sand Lake double-circuit 345-kV line.
- Stage 5 Upgrade: a new Faraday – Lamesa – Clearfork – Riverton double-circuit 345-kV line.
- A proposed modification by GP&L to the Stage 2 Upgrade that would terminate on to the new 345-kV circuits from Bearkat at King Mountain, making a portion of the new Bearkat – North McCamey circuit share towers with the existing King Mountain to North McCamey circuit.
- A proposed modification by TNMP to the Stage 2 Upgrade that loops the new North McCamey to Sand Lake double-circuit 345-kV line into a new Cedarvale 345-kV substation.[15]

On March 3, 2022, the Commission approved the ERCOT endorsed Stage 1 upgrade in Docket No. 52610.[16] ERCOT has also selected the proposed Stage 2 Upgrade as the best option to address reliability issues created by the load growth.[17]

Q. Do you agree that the proposed project is the best option when compared to other alternatives?

A. Yes, I agree that the proposed project is the best option to address the reliability issues in the area.

[14] *Id.*, Attachment 4b at 15 and 16.

[15] *Id.*

[16] Direct Testimony of Paul Bell at 12 (June 22, 2023).

[17] Application, Attachment 4b at 15 and 16.

V. ROUTING

A. STAFF RECOMMENDATION

Q. Which route do you recommend upon considering all factors, including the factors in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)?

A. Based on my analysis of all the factors that the Commission must consider under PURA § 37.056 and 16 TAC § 25.101, I recommend that Route 19 be approved for the Proposed Project. The basis for my recommendation is discussed in more detail in the remainder of my testimony.

B. COMMUNITY VALUES

Q. Has LCRA TSC and WETT sought input from the local community regarding community values?

A. Yes. LCRA TSC and WETT held three public open house meetings in accordance with 16 TAC § 22.52 on January 17, 18, and 19, 2023 in St. Lawrence, McCamey, and Big Lake, Texas.[18] Approximately 745 notices were mailed to landowners with properties within 500 feet of the centerline of a route segment.[19] Notice of the public open house meetings were provided to the Department of Defense Siting Clearinghouse in accordance with 16 TAC § 22.54(a)(4).[20] On January 5, 2023, public notice for the open house meetings was published in *The Crane News* in Upton County, *The Big Lake Wildcat* in Reagan County, and *The*

[18] Application at 23.

[19] *Id.*

[20] *Id.*

Stanton Martin County Messenger in Glasscock County.[21] A total of 87 individuals attended the three public open house meetings and a total of 61 questionnaire submittals were provided in-person and via mail or email after the open-houses.[22]

Q. Did members of the community who attended the public meetings express concerns about the proposed project?

A. Yes. As mentioned, 61 questionnaires were submitted, which had respondents rank several factors concerning routing factors. The most important factor was maximizing the distance from residences and businesses at 41 percent, followed by paralleling other existing right-of-way (ROW) at 23 percent.[23] Also, certain route segments received positive and negative comments. Segments 157, 164, and 168 received the most negative concerns, while segment 164 also received the most positive comments.[24]

Q. Subsequent to filing their application, has LCRA TSC and WETT made or proposed any routing adjustments to accommodate landowners?

A. Yes. Intervenors Jerry Hoelscher and Arlene Hoelscher requested information for a proposed Route 18A in an RFI and LCRA TSC and WETT responded with estimated cost and evaluation data for the route.[25] Route 18A differs from proposed Route 18, by using Segment 172 in place of proposed Segments 171 and 173.[26] I have included information for Route

[21] *Id.*

[22] *Id.*, at 24.

[23] *Id.*, Attachment 1 at 4-4.

[24] *Id.*

[25] Response Of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC To Jerry Hoelscher and Arlene Hoelscher's First Request for Information (Aug. 11, 2023).

[26] *Id.* At Response to Request No. 1-1a.

18A in my routing analysis.

Q. Did any intervenors file comments in support of or in opposition to of any routes or route segments?

A. Yes.

Q. What routes and route segments were opposed and supported by the intervenors?

A. Oxy USA Inc. and Occidental Permian LTD support Route 19.[27] Mark Frysak, on behalf of the Frysak Family, supports routes that utilize route segment 172, to include Route 19.[28] Conversely, a handful of intervenors oppose routes that include route segments 164, 170, 172, and 175, which are relevantly included on Routes 19 and 29.[29]

Q. In your opinion, would construction of the proposed project on Route 19 mitigate the concerns expressed by members of the community at the open house meetings and intervenor comments presented in this proceeding?

A. In my opinion, Route 19 can mitigate, to some extent, the concerns expressed by the community at the public open house meetings and the intervenor comments presented in this proceeding.

[27] Direct Testimony of Suzanne Mottin on behalf of Oxy USA Inc. and Occidental Permian Ltd at 7 (August 14, 2023).

[28] Direct Testimony of Mark Frysak at 5 (August 11, 2023).

[29] *See* Statement of Position of Frank A. and Dolores Gully Family Trust at 2 (Aug. 12, 2023) (opposing route segment 164); Direct Testimony of Carl D. Hoelscher at (Aug. 14, 2023) (opposing route segments 170 and 172, filed in Docket No. 55121); Direct Testimony of Mohammed Ally on behalf of Carl D. Hoelscher and Michael Hoch at 13 (Aug. 14, 2023) (opposing route segments 170, 172, and 175, filed in Docket No. 55121); and Direct Testimony of Greg Schwertner on behalf of Hatchel 433, LLC and Link 164 Opposition Landowners at 4-5 (Aug. 14, 2023) (opposing route segment 164, filed in Docket No. 55121).

Q. Are property values and the impact on future or potential development factors that are considered by the Commission in a CCN proceeding under PURA § 37.056(c)(4) or in 16 TAC § 25.101(b)(3)(B)?

A. No. PURA and the Commission's rules do not list these issues as factors that are to be considered by the Commission in a CCN proceeding. However, these rules do require consideration of using or paralleling existing ROW, which may minimize concerns about these impacts.

Q. Are there any airstrips or heliports located in the study area?

A. There are no Federal Aviation Administration (FAA) registered public or military airports with runways longer than 3,200 feet in length within 20,000 feet of the primary alternative routes.[30] The Rankin Airport is the only FAA registered public or military airports with a runway shorter than 3,200 feet in length within 10,000 feet of 17 primary alternative routes.[31] There were no private heliports identified within 5,000 feet of the primary alternative routes.[32] Six primary alternative routes are within 10,000 feet of three private airstrips, with the remaining 44 primary alternative routes having two.[33] Route 19 has two private airstrips that are within 10,000 feet of its ROW centerline.[34]

Q. Are there any electronic communication facilities in the study area?

A. There are no AM radio transmitters within the study area and the number of FM radio

[30] Application, Attachment 1 at 5-34.

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *Id.*, Attachment 1 at Table 5-1.

transmitters, microwave towers, and other electronic communications towers located within 2,000 feet of the primary alternative routes ROW centerline ranges from one to seven.[35] Route 19 has four FM radio transmitters, microwave towers, and other electronic communications towers located within 2,000 feet of its ROW centerline.[36]

C. RECREATIONAL AND PARK AREAS

Q. Are any parks or recreational areas located within 1,000 feet of the centerline of any of the alternative routes?

A. There are no parks or recreational areas within 1,000 feet of the centerline ROW of any of the primary alternative routes.[37]

D. HISTORICAL VALUES

Q. Are there possible impacts from the proposed project on archeological and historical values, including known cultural resources crossed by any of the proposed alternative routes or that are located within 1,000 feet of the centerline of any of the alternative routes?

A. There are no cemeteries within 1,000 feet of the ROW centerlines for any of the primary alternative routes.[38] There is one recorded cultural resource site located within 1,000 feet of

[35] *Id.*, Attachment 1 at 5-36.

[36] *Id.*, Attachment 1 at Table 5-1.

[37] *Id.*

[38] *Id.*

the centerlines of 35 primary alternative routes and Route 18A.[39,40] The number of primary alternative routes that are located within 1,000 feet of a recorded cultural resource site ranges from zero to four, with only 5 primary alternative routes having zero.[41] None of the primary alternative routes cross any National Register of Historical Places (NRHP) and only one primary alternative route has an NRHP within 1,000 feet of its ROW centerline.[42] All of the primary alternative routes ROW cross areas of high archeological/historic site potential, ranging from 19.06 miles for Route 12 to 29.67 miles for Route 9.[43] If any further archeological or cultural resources are found during construction of the proposed transmission line, LCRA TSC and WETT should immediately cease work in the vicinity of the archeological or cultural resources, and should immediately notify the Texas Historical Commission.

E. AESTHETIC VALUES

Q. In your opinion, which of the primary alternative routes would result in a negative impact on aesthetic values, and which portions of the study area will be affected?

A. In my opinion, all of the primary alternative routes would result in a negative impact on aesthetic values, some routes more than others, depending on the visibility from homes and public roadways. Temporary effects would include views of the actual transmission line

[39] *Id.*

[40] Response Of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC To Jerry Hoelscher and Arlene Hoelscher's First Request for Information at Attachment A.

[41] Application, Attachment 1 at Table 5-1.

[42] *Id.*

[43] *Id.*

construction (e.g. assembly and erection of the structures) and of any clearing of right-of-way. Permanent effects would involve the visibility of the structures and the lines. Therefore, I conclude that aesthetic values would be impacted throughout the study area, and that these temporary and permanent negative aesthetic effects will occur on any primary alternative routes approved by the Commission.

Q. In your opinion, how will the negative impact on aesthetic values of constructing the proposed project on Route 19 compare to the negative impact on aesthetic values of constructing the proposed project on the other proposed alternative routes?

A. In my opinion, the negative impact on aesthetic values of constructing the proposed project on Route 19 will be similar to that of constructing the proposed project on the other primary alternative routes. The estimated length of ROW within the foreground visual zone of U.S. and state highways ranges from 3.20 miles for Route 12 to 34.26 miles for Route 38 and the estimated length of ROW within the foreground visual zone of Farm-to-Market (FM) roads ranges from 6.48 miles for Route 50 to 21.58 miles for Route 36.[44] Route 19 has an estimated length of ROW within foreground visual zone of U.S. and state highways of 4.30 miles, while Route 29 has a significantly higher estimated length of 8.00 miles.[45] Additionally, Route 19 has an estimated length of ROW within foreground visual zone of FM roads of 8.16 miles, which is only slightly higher than Route 29, which has an estimated length of 7.75 miles.[46]

[44] *Id.*

[45] *Id.*

[46] *Id.*

F. ENVIRONMENTAL INTEGRITY

Q. Please provide a general description of the area traversed by the primary alternative routes.

A. The area traversed by the project is located within the High Plains Physiographic province, which is predominantly flat plains consisting of open farmland, rangeland, and pastureland.[47] The majority of the study area has been impacted by land improvements associated with agriculture, oil and gas facilities, industrial, and residential/commercial structures.[48]

Q. What was involved in your analysis of the environmental impact of the Proposed Project?

A. I reviewed the information provided in the EA and the Direct Testimonies and/or Statements of Position filed in this proceeding by or on behalf of LCRA TSC and WETT and the intervenors, and letters from TPWD to Ms. Marisa Wagley, dated August 18, 2023.[49]

Q. Based on your review of the information identified above, in your opinion, will the proposed project present a significant negative impact to environmental integrity?

A. In my opinion, the impacts to environment integrity will be minor and temporary. Transmission lines do not often create many long-term impacts on soils. Additionally, LCRA TSC and WETT will employ erosion control measures to minimize the potential adverse effects the proposed project will have on the natural environment.[50] Impacts on vegetation

[47] Application, Attachment 1 at 2-6 and 2-49.

[48] *Id.* at 2-49.

[49] Attachment JE-3.

[50] Application, Attachment 1 at 1-13 and 1-14.

would primarily be the result from clearing and maintaining the new ROW and may include periodic mowing and/or herbicide applications.[51] None of the primary alternative routes cross any known occupied habitat for any federally listed endangered or threatened species.[52] If suitable habitat for federally or state listed plants or animals is discovered by LCRA TSC and WETT, they shall coordinate with TPWD and the United States Fish and Wildlife Service to determine avoidance and mitigation strategies.[53]

Q. From an environmental perspective, how does Route 19 compare to the other alternative routes?

A. Route 19 is the shortest primary alternative route at 61.39 miles, while Route 29 is the tenth shortest at 63.73 miles.[54] The percentage of route lengths paralleling existing compatible ROW ranges from 27% to 58%.[55] Route 19 parallels existing compatible ROW for 37% of its length and Route 29 parallels existing compatible ROW for 42% of its length.[56] The number of stream crossing by the primary alternative routes range from 11 to 29, with Route 19 having 25 crossings and Route 29 having 21.[57] None of the primary alternative routes have ROW within the 100-year floodplains.[58] In my opinion, construction of the proposed project on Route 19 is acceptable from an overall environmental perspective when compared

[51] *Id.*, at 5-23.

[52] *Id.*, at 5-27.

[53] *Id.*, at 1-5.

[54] *Id.* at Table 5-1.

[55] *Id.*

[56] *Id.*

[57] *Id.*

[58] *Id.*

to the other primary alternative routes. TPWD selected Route 29 as the route having the least potential impact on environmental integrity, stating the following:

- Route 29 is the 10th shortest route at 63.73 miles, which is only 2.34 miles longer than the shortest route;
- 42.1 percent of Route 29 is parallel and adjacent to existing transmission line ROW and other existing ROW (roadways);
- Route 29 does not cross any parks/recreational areas and there are no parks/recreational areas within 1,000 feet of its centerline;
- Route 29 does not cross any rivers;
- Route 29 does not cross any open water (lakes, ponds);
- Route 29 does not cross any known habitat of federally listed endangered or threatened species;
- Route 29 does not cross any 100-year floodplains. [59]

Q. Do you conclude that Route 19 is acceptable from an environmental and land use perspective?

A. Yes. Like Route 29, Route 19 does not cross any rivers, any open water (lakes, ponds), any known habitat of federally listed endangered or threatened species, 100-year floodplains, or cross any parks/recreational areas and there are no parks/recreational areas within 1,000 feet of its centerline and is the least expensive and shortest route.[60] I conclude that Route 19 is acceptable from an environmental and land use perspective.

G. ENGINEERING CONSTRAINTS

Q. Are there any possible engineering constraints associated with this Proposed Project?

A. Yes. After the Commission approves a route for the proposed project, project design teams for LCRA TSC and WETT will enter into a design phase to more accurately locate existing

[59] Attachment JE-3.

[60] Application, Attachment 1 at Table 5-1.

and possibly new engineering constraints that could arise in an active oil field development area.[61] In Section III of my testimony, I recommended ordering paragraph number eight requiring LCRA TSC and WETT to cooperate with directly affected landowners for minor route deviations, which should help to mitigate such constraints should they arise. In my opinion, all of the possible constraints can be adequately addressed by using design and construction practices and techniques that are usual and customary in the electric utility industry.

Q. Are there any special circumstances in this Proposed Project that would warrant an extension beyond the seven-year limit for the energization of the lines?

A. No, LCRA TSC and WETT have not described any special circumstances that would merit an extension of this limit for this project.

H. COSTS

Q. What is LCRA TSC's and WETT's estimated cost of constructing the proposed project on each of the primary alternative routes?

A. Attachment 3 of the application lists LCRA TSC's and WETT's estimated costs of constructing each proposed route, ranging from $358,341,000 for Route 19 to $445,047,000 for Route 40. The table below shows the total estimated cost for each of the 50 primary alternative routes and Route 18A from least expensive to most expensive:[62,63]

[61] Direct Testimony of Nathan D. Laughlin at 12 (June 22, 2023).

[62] Application, Attachment 3.

[63] Response Of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC To Jerry Hoelscher and Arlene Hoelscher's First Request for Information at Attachment B.

Route	Estimated Total Cost
19	$358,341,000
26	$361,205,000
29	$361,319,000
20	$361,450,000
13	$362,207,000
17	$363,973,000
27	$364,314,000
25	$364,650,000
15	$365,648,000
28	$366,875,000
22	$366,897,000
18A	$368,594,000
24	$368,755,000
6	$371,091,000
18	$371,458,000
16	$373,426,000
4	$374,393,000
31	$375,875,000
14	$375,975,000
32	$377,398,000
46	$377,527,000
21	$378,426,000
5	$378,484,000
7	$379,692,000
12	$380,362,000
30	$381,122,000
23	$381,669,000
3	$382,742,000
50	$383,509,000
45	$384,177,000
2	$386,719,000
9	$387,857,000
47	$390,949,000
33	$393,041,000
11	$394,495,000
38	$394,525,000
37	$396,367,000

1	$400,743,000
10	$401,773,000
34	$404,877,000
49	$408,934,000
35	$411,323,000
43	$415,626,000
42	$419,423,000
36	$419,850,000
44	$424,252,000
48	$425,671,000
39	$427,457,000
41	$430,321,000
8	$430,784,000
40	$445,047,000

Additionally, there are estimated substation facilities costs for the North McCamey and Bearkat substations, at $11,800,00 and $22,802,000, respectively.[64]

Q. Do LCRA TSC's and WETT's estimated cost of constructing the Proposed Project appear to be reasonable?

A. After reviewing LCRA TSC's and WETT's estimates, I believe they are reasonable. However, the reasonableness of the final installed cost of the completed project will be determined at a future date in a rate case proceeding.

[64] Application, Attachment 3.

I. MODERATION OF IMPACT ON THE AFFECTED COMMUNITY AND LANDOWNERS

Q. Do the Commission's rules address routing alternatives intended to moderate the impact on landowners?

A. Yes. Under 16 TAC § 25.101(b)(3)(B), "the line shall be routed to the extent reasonable to moderate the impact on the affected community and landowners unless grid reliability and security dictate otherwise."

Q. Have LCRA TSC AND WETT proposed any specific means by which it will moderate the impact of the proposed project on landowners or the affected community other than adherence to the Commission's orders, the use of good utility practices, acquisition of and adherence to the terms of all required permits, and what you have discussed above?

A. Not to my knowledge.

J. RIGHT-OF-WAY

Q. Do the Commission's rules address routing along existing corridors?

A. Yes. The following factors are to be considered under 16 TAC § 25.101(b)(3)(B):

(i) Whether the routes utilize existing compatible rights-of-way, including the use of vacant positions on existing multiple-circuit transmission lines;

(ii) Whether the routes parallel existing compatible rights-of-way;

(iii) Whether the routes parallel property lines or other natural or cultural features; and

(iv) Whether the routes conform with the policy of prudent avoidance.

1. USE AND PARALLELING OF EXISTING, COMPATIBLE RIGHT-OF-WAY (INCLUDING APPARENT PROPERTY BOUNDARIES)

Q. Please describe how LCRA TSC and WETT propose to use or parallel existing compatible ROW for the proposed project.

A. The primary routes are evaluated by four criteria:[65]

1) Length of ROW using existing transmission line ROW
2) Length of ROW parallel and adjacent to existing transmission line ROW
3) Length of ROW parallel and adjacent to other existing ROW (roadways)
4) Length of ROW parallel and adjacent to apparent property lines (or other natural or cultural features, etc.)

None of the primary alternative routes utilize existing transmission line ROW.[66] The length of ROW parallel and adjacent to existing transmission line ROW ranges from 0.06 miles for Route 9 to 26.89 miles for Route 3.[67] The length of ROW parallel and adjacent to other existing roadways ranges from zero miles for Routes 3, 4, 5, 6, and 7 to 25.41 miles for Route 40.[68] The length of ROW parallel and adjacent to apparent property lines ranges from 0.18 miles for Routes 19, 20, and 29 to 26.65 miles for Route 8.[69] The table below summarizes the percentage of length of ROW parallel and adjacent to existing ROW and apparent property lines for each primary alternative route, including Route 18A. Existing pipeline

[65] *Id.*, Attachment 1 at Table 5-1.
[66] *Id.*
[67] *Id.*
[68] *Id.*
[69] *Id.*

ROW is not listed as compatible under 16 TAC § 25.101(b)(3)(B).

Route	Length of primary alternative route (miles)	Length of route paralleling and adjacent existing, compatible ROW	Percentage
48	76.45	44.4	58%
47	70.57	40.35	57%
33	72.05	37.92	53%
34	74.53	39.71	53%
35	75.56	38.93	52%
31	67.32	33.93	50%
30	70.06	33.29	48%
32	70.4	33.62	48%
36	78.44	35.87	46%
3	69.09	30.98	45%
8	83.43	37.57	45%
21	65.27	29.47	45%
40	82.49	37.14	45%
41	79.35	35.85	45%
44	79.1	34.78	44%
49	79.67	35.01	44%
50	69.64	30.83	44%
28	64.18	27.83	43%
38	73.92	31.66	43%
39	78.94	34.12	43%
13	62.77	26.65	42%
29	63.73	26.98	42%
14	65.04	26.41	41%
23	67.88	28.09	41%
42	78.92	32.44	41%
43	76.33	31.19	41%
22	63.5	25.66	40%
26	61.8	24.14	39%
37	75.96	29.69	39%
2	70.99	26.85	38%
27	61.93	23.62	38%
4	67.47	24.75	37%
5	68.71	25.58	37%

18	63.46	23.45	37%
19	61.39	22.42	37%
6	67.42	24.38	36%
7	69.63	24.85	36%
17	63.14	22.99	36%
20	61.52	21.9	36%
25	64.21	22.78	35%
18A	63.05	21.72	34%
11	76.72	26.35	34%
16	65.75	22.39	34%
9	78.85	26.38	33%
15	63.63	21.04	33%
24	66.78	22.19	33%
45	72.32	23.59	33%
10	77.65	22.72	29%
46	72.69	20.11	28%
1	76.74	20.6	27%
12	73.07	19.93	27%

2. PARALLELING OF NATURAL OR CULTURAL FEATURES

Q. Describe how LCRA TSC and WETT propose to parallel natural or cultural features for the Proposed Project.

A. The length of ROW parallel to streams or rivers within 100 feet ranges from 0.02 miles for Routes 19, 26, 24, 13, 20, 26, 27, 17, 15, 25, 23, and 16 to 0.56 miles for Routes 39, 41, 42, 40, and 44.[70] Routes 29 and 18A have 0.06 miles of ROW parallel to streams or rivers within 100 feet.[71,72]

[70] *Id.*

[71] *Id.*

[72] Response Of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC To Jerry Hoelscher and Arlene Hoelscher's First Request for Information at Attachment A.

K. PRUDENT AVOIDANCE

Q. Define prudent avoidance.

A. Prudent avoidance is defined by 16 TAC § 25.101(a)(6), as follows: "The limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."

Q. How can exposure to electric and magnetic fields be limited when routing transmission lines?

A. Primarily by proposing alternative routes that would minimize, to the extent reasonable, the number of habitable structures located in close proximity to the routes.

Q. How many habitable structures are located in close proximity to each of the proposed alternative routes?

A. The number of habitable structures within 500 feet of the ROW centerline of the primary alternative routes ranges from 4 to 35. The table below ranks (from the lowest to the highest) the number of habitable structures that are within 500 feet of the ROW centerline of the primary alternative routes in this project, including Route 18A.[73,74]

Route	Number of Habitable Structures
16	4
18	4
18A	4
3	5
4	5
5	5

[73] Application, Attachment 1 at Table 5-1.

[74] Response Of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC To Jerry Hoelscher and Arlene Hoelscher's First Request for Information at Attachment A.

6	5
7	5
13	5
9	6
14	6
15	6
17	6
19	**6**
21	6
22	6
26	6
2	7
20	7
27	7
30	7
31	7
32	7
50	7
28	8
29	8
46	8
10	9
11	9
39	9
41	9
43	9
1	10
12	10
25	10
33	10
38	10
42	10
40	11
23	12
37	12
44	12
24	13
45	13
49	16
47	22

35	27
34	28
36	31
48	31
8	35

There are six habitable structures within 500 feet of the ROW centerline of Route 19, while there are eight habitable structures withing 500 feet of the ROW centerline of Route 29.[75]

Q. Do you conclude that LCRA TSC's and WETT's proposed alternative routes have minimized, to the extent reasonable, the number of habitable structures located in close proximity to the routes?

A. LCRA TSC and WETT have designed their proposed segments in such a way as to minimize, to the extent reasonable, the number of habitable structures located in close proximity to the routes. However, some routes perform better in this area than others.

VI. CONCLUSION

Q. In your opinion, is any one of the proposed alternative routes better than <u>all</u> of the other routes in <u>all</u> respects?

A. No.

Q. If no proposed alternative route is better than all of the others in all respects, why have you recommended Route 19 instead of the other proposed alternative routes?

A. In summary, after analyzing all the factors that the Commission must consider under PURA

[75] Application, Attachment 1 at Table 5-1.

§ 37.056 and 16 TAC § 25.101, I conclude that Route 19 best meets the criteria of PURA and the Commission's rules because:

(1) Route 19 is the least expensive proposed route at $358,341,000, approximately $2.8 million less than the 2nd least expensive proposed route;

(2) Route 19 has one of the lowest number of habitable structures within 500 feet of the centerline with six;

(3) Route 19 is the shortest route with a total length of 61.39 miles; and

(4) Route 19 has the second lowest length of ROW not parallel or adjacent to existing transmission line ROW at 39.84 miles.[76]

Route 19, like all the proposed primary alternative routes, has some advantages and some disadvantages as I have discussed in my testimony. However, I consider Route 19 overall to have the most advantages and to be comparatively superior to the other proposed alternative routes when weighing all of the factors described in my testimony.

Q. Does this conclude your direct testimony?

A. Yes, but I reserve the right to supplement this testimony during the course of the proceeding as new evidence is presented.

[76] *Id.*

Attachment JE-1
Qualifications of James Euton

Academic Experience

Master of Business Administration: Texas A&M University, Corpus Christi July 2018 - December 2019
Major: Business Administration

Bachelor of Science in Engineering: Texas A&M University, Corpus Christi January 2014 - May 2018
Major: Mechanical Engineering

Professional Experience

Engineering Specialist
Public Utility Commission of Texas (PUC) October 2021- Present

General Description:

Perform routine to advanced engineering work on a broad range of infrastructure issues. Work involves applying engineering principles to evaluate engineering and technical issues to include identifying, analyzing, and providing recommendations or testimony regarding issues related to facility planning, construction, operations, and maintenance in the electric and water industries, as well as some telecommunications infrastructure issues.

Essential Functions:

• Identify, analyze, and provide recommendations on issues relating to electric and water infrastructure panning, construction, operations, and maintenance.

• Prepare written testimony for filing in contested proceedings, including certificate of convenience and necessity; sale, transfer, or merger; complaint; fuel reconciliation; and rate proceedings; and defend testimony under cross-examination.

Attachment JE-2
List of Previously Filed Testimony

Docket No. 53973 – *Application of AEP Texas Inc. to Amend its Certificate of Convenience and Necessity for the Naismith-to-Resnik Double-Circuit 138-kV Transmission Line in San Patricio County*

Docket No. 52794 – *Application of Channel Oaks Water System for Authority to Change Rates*

Docket No. 53759 – *Application of Nerro Supply, LLC for Authority to Change Rates*

Docket No. 54634 – *Application of Southwestern Public Service Company for Authority to Change Rates*

August 18, 2023 **Attachment JE-3**

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

RE: PUC Docket No. 55120: Joint Application of LCRA Transmission Services Corporation and Wind Energy Transmission Texas, LLC to Amend their Certificates of Convenience and Necessity for the Proposed North McCamey to Bearkat 345-kilovolt Transmission Line Project in Glasscock, Reagan, and Upton Counties, Texas

Dear Ms. Wagley:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Environmental Assessment and Alternative Route Analysis (EA) received by our office June 22, 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 51007 in any return correspondence regarding this project.

Under Texas Parks and Wildlife Code (PWC) § 12.0011(b)(2) and (b)(3), TPWD has 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

LCRA Transmission Services Corporation (LCRA TSC) and Wind Energy Transmission Texas (WETT) propose to build a new double-circuit 345-kilovolt (kV) transmission line in Glasscock, Reagan, and Upton Counties. LCRA TSC will construct, own, operate, and maintain the southwestern half of the transmission line

connecting to LCRA TSC's existing North McCamey substation and WETT will construct, own, operate, and maintain the northeastern half of the transmission line connecting to WETT's existing Bearkat substation. Depending on the route alternative ultimately selected by the Public Utility Commission of Texas (PUC), the length of the proposed project will be between 61 and 80 miles.

The proposed project will be constructed in a new ROW within an easement of approximately 160 feet in width, using spans that typically range from approximately 900 to 1,500 feet in length. In some areas, easement width and span length could be more or less than the typical depending on terrain and other engineering considerations. Access easements and/or temporary construction easements may be needed in some areas. LCRA TSC and WETT propose to use 345-kV double-circuit lattice structures for typical tangent, angle, and dead-end structures. In some areas, such as transmission line crossings, highway crossings, and areas near aviation facilities, shorter than typical, taller than typical, or alternative structure types may be utilized. Actual structure types utilized may differ slightly based on newer or different designs available at the time of construction.

LCRA TSC and WETT retained POWER Engineers (POWER) to prepare the EA and Alternative Route Analysis for the proposed project. The objective of the EA is to provide information to identify and evaluate a number of geographically diverse routes that are in compliance with the requirements of the Public Utility Regulatory Act (PURA) § 37.056 (c)(4)(A)-(D), the PUC's Certificate of Convenience and Necessity (CCN) Application form, PUC Substantive Rule 25.101 (16 Texas Administrative Code § 25.101), and the preliminary order requirements commonly issued by the PUC for CCN projects. The EA presents the analysis that was conducted by POWER, including land use and environmental data and the effects that could result from the construction, operation, and maintenance of the proposed project.

Previous Coordination

TPWD provided scoping information and recommendations regarding the preliminary study area for this project to POWER on November 2, 2022. This letter was 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 Alternative Routes

LCRA TSC and WETT's Recommended Route

For the proposed project, LCRA TSC, WETT, and POWER evaluated a total of 50 alternative transmission line routes that provide geographically diverse alternatives across the study area and considered 44 environmental and land-use evaluation criteria.

POWER evaluated the routes based upon the features and attributes of each route and the general routing criteria developed by LCRA TSC, WETT, and POWER.

The CCN included the following excerpted information outlining the factors that contributed to LCRA TSC and WETT's selection of Route 29 as the route that best addresses the requirements of PURA and the PUC's Substantive Rules:

Route 29 was identified, in part, based on the following considerations.

- *Is the third lowest estimated cost of the 50 primary alternative routes included in the Application and only $2.9 million, or 0.9%, more than the lowest cost route (approximately $326,717,000);*
- *Has the second highest percentage parallel and adjacent to existing transmission line ROW for approximately 40% of its total estimated length (25.8 miles of 63.7 miles) which will decrease the amount of new disturbance;*
- *Has the tenth shortest length of the 50 primary alternative routes included in the Application (approximately 63.7 miles) and is only 2.3 miles longer than the shortest route;*
- *Low habitable structure count of 8 within 500 feet of the route centerline (habitable structure counts range from 4 to 35);*
- *Does not cross any recorded cultural resources sites and has no national register-listed or determined eligible sites within 1,000 feet of route centerline;*
- *Relatively low overall aesthetic impact.*

TPWD's Recommended Route

To evaluate the potential impacts to fish and wildlife resources, 17 criteria from Table 5-1 in the EA were used. The criterion TPWD used to evaluate potential impacts to fish and wildlife resources include:

1. Length of primary alternative route;
2. Length of route using existing transmission line ROW;
3. Length of route parallel and adjacent to existing transmission line ROW;

4. Length of route not parallel or adjacent to existing transmission line ROW;
5. Length of route parallel and adjacent to other existing ROW (roadways);
6. Length of route across parks/recreational areas;
7. Number of additional parks/recreational areas within 1,000 feet of ROW centerline;
8. Length of route across pasture/rangeland;
9. Length of route across upland woodlands/brushlands;
10. Length of route across bottomland/riparian woodlands;
11. Length of route across National Wetland Inventory mapped wetlands;
12. Length of route across known habitat of federally listed endangered or threatened species;
13. Length of route across open water (lakes, ponds);
14. Number of stream crossings;
15. Number of river crossings;
16. Length of route parallel (within 100 feet) to streams or rivers;
17. Length of route across 100-year floodplains.

TPWD typically recommends that transmission line routes be located adjacent to previously disturbed areas such as existing utility or transportation ROW and discourages fragmenting habitat or locating in areas that could directly negatively impact wildlife, including federally and state listed species. After evaluating the 50 routes filed with the CCN application, TPWD selected **Route 29** as the route having the least potential to impact fish and wildlife resources. The decision to recommend **Route 29** was based primarily on the following factors:

- Route 29 is the 10th shortest route at 63.73 miles, which is only 2.34 miles longer than the shortest route;
- 42.1 percent of Route 29 is parallel and adjacent to existing transmission line ROW and other existing ROW (roadways);
- Route 29 does not cross any parks/recreational areas and there are no parks/recreational areas within 1,000 feet of its centerline;
- Route 29 does not cross any rivers;
- Route 29 does not cross any open water (lakes, ponds);
- Route 29 does not cross any known habitat of federally listed endangered or threatened species;
- Route 29 does not cross any 100-year floodplains.

The EA did not provide sufficient information based on surveys (aerial or field), remote sensing, modeling, or other available analysis techniques 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 resource information provided in the CCN application and EA, as well as publicly available information examined in a Geographic Information System (GIS).

Recommendation: Of the routes evaluated in the EA, **Route 29** appears to be the route that best minimizes adverse impacts to natural resources. TPWD believes the State's long-term interests are best served when new utility lines are sited where possible in or adjacent to existing utility corridors, roads, or rail lines instead of fragmenting intact lands. **Route 29** is parallel and adjacent to existing transmission line ROW and other existing ROW (roadways) for 42.1 percent of its length (26.8 miles) while also maintaining a shorter route length. TPWD recommends the PUC select a route that would minimize adverse impacts to natural resources, such as **Route 29**.

Implementation of Beneficial Management Practices

The EA identifies several BMP that LCRA TSC and WETT will utilize during clearing, construction, and maintenance to conserve and protect natural resources. TPWD appreciates LCRA TSC and WETT's commitments to implement the BMP identified in the EA to avoid or minimize impacts to natural resources and wildlife.

With that being said, TPWD encourages further commitment to implement BMP recommended in TPWD's November 2, 2022, scoping letter in order to more comprehensively avoid or minimize potential impacts to fish and wildlife resources.

Recommendation: TPWD recommends LCRA TSC, WETT, and the PUC utilize the following BMP, which are also described in TPWD's November 2, 2022, letter, when specifically applicable to the project:

- Conduct field 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 general bird nesting season, survey for active bird nests and avoid disturbance until fledged, in compliance with PWC § 64.003.
- Proactively install bird flight diverters where lines cross streams.
- Use dark-sky friendly lighting practices at lighted facilities, such as substations.
- 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.
- 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.

TPWD appreciates the opportunity to review and comment on the EA for this project. Please contact Environmental Review Biologist, Ms. Jessica Schmerler at (512) 389-8054 or Jessica.Schmerler@tpwd.texas.gov if you have any questions. Thank you for your favorable consideration.

Sincerely,

John Silovsky
Wildlife Division Director

JS:JES:bdk

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