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DOCKET NO. 55326

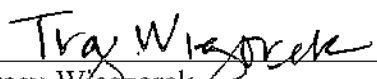
APPLICATION OF LONE STAR	§	
TRANSMISSION, LLC TO AMEND	§	BEFORE THE PUBLIC UTILITY
ITS CERTIFICATE OF	§	COMMISSION OF TEXAS
CONVENIENCE AND NECESSITY	§	
FOR THE CLAYTONVILLE TO	§	
CAMP SPRINGS 138 KV	§	
TRANSMISSION LINE IN FISHER	§	
AND SCURRY COUNTIES, TEXAS	§	

AFFIDAVIT ATTESTING TO THE PROVISION OF NOTICE OF APPROVAL

STATE OF TEXAS §
COUNTY OF TRAVIS §

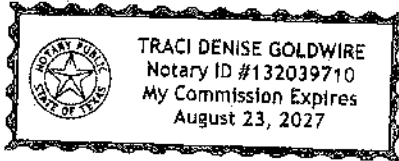
I, Tracy Wieczorek, state that I am Manager, Land Services for Lone Star Transmission, LLC (Lone Star), and that in such capacity, I am qualified and authorized to file and verify information in Docket No. 55326, *Application of Lone Star Transmission, LLC to Amend Its Certificate of Convenience and Necessity for Claytonville to Camp Springs 138-kV Transmission Line in Fisher and Scurry Counties*. In that capacity, I declare as follows:

1. On November 28, 2023, the Public Utility Commission (Commission) issued its Notice of Approval in Docket No. 55326 (Notice of Approval) addressing the application of Lone Star to amend its certificate of convenience and necessity (CCN) to design and construct the proposed Claytonville to Camp Springs 138-kV Transmission Line in Fisher and Scurry counties, Texas.
2. In accordance with Commission Procedural Rule § 22.52(a)(6), on December 14, 2023, Lone Star provided notice, by first class mail, of the entry of the Notice of Approval to the directly affected landowners that previously received direct notice of Lone Star's application in this proceeding.
3. A representative copy of the notice mailed to the directly affected landowners, with a representative copy of the Notice of Approval delivered with the notice, is attached to this affidavit as Attachment No. 1.



Tracy Wieczorek
Manager, Land Services
Lone Star Transmission, LLC

SUBSCRIBED AND SWORN TO BEFORE ME on this 3th day of December, 2023.



Traci Denise Goldwire
Notary Public for the State of Texas



December 14, 2023

<Owner>

<Street>

<City, State, Zip>

RE: PUC Docket no. 55326; Application of Lone Star Transmission, LLC to Amend its Certificate of Convenience and Necessity for the Claytonville-to-Camp Springs 138-kilovolt (kV) transmission line in Fisher and Scurry Counties

Dear <Salutation>:

On August 23, 2023, you were sent a notice explaining that Lone Star Transmission, LLC (Lone Star) filed an application with the Public Utility Commission of Texas (PUC or Commission) to amend its Certificate of Convenience and Necessity (CCN) – number 30196. In its application, Lone Star requested approval from the Commission to construct, own, and operate a single-circuit 138-kV transmission line in Fisher and Scurry Counties, Texas and, in so doing, expand its certificated facilities. You were provided notice as a landowner with property directly affected by the proposed transmission line facility.

On November 28, 2023, the Commission approved Lone Star's application and issued a Notice of Approval that amended Lone Star's CCN (number 30196) to include the proposed 138-kV transmission line facility. Because your property will be directly affected, a copy of the Commission's Notice of Approval is enclosed. Please know that the Commission's approval requires Lone Star to use the single route proposed for the transmission line facility, i.e., the route for which you provided consent.

Over the next few weeks and into 2024, Lone Star will proceed with obtaining and finalizing any outstanding land rights. Thereafter, some clearing activities may occur and full construction is expected to start in the Spring of 2024.

Should you have any questions, please do not hesitate to contact me at (512) 236-3151 (office) or (512) 517-8798 (mobile/text) or at tracy.wieczorek@lonestar-transmission.com.

Sincerely,

Tracy Wieczorek
Manager, Land Services

Lone Star Transmission, LLC

5920 West William Cannon Drive, Building 2, Austin, Texas 78749

DOCKET NO. 55326

APPLICATION OF LONE STAR	§	PUBLIC UTILITY COMMISSION
TRANSMISSION, LLC TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY FOR THE	§	
CLAYTONVILLE-TO-CAMP	§	
SPRINGS 138-KV TRANSMISSION LINE	§	
IN FISHER AND SCURRY COUNTIES	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Lone Star Transmission, LLC to amend its certificate of convenience and necessity (CCN) to construct, own, and operate the Claytonville-to-Camp Springs 138-kilovolt (kV) transmission line in Fisher and Scurry counties. The Commission amends Lone Star's CCN number 30196 to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Lone Star is a Delaware limited liability corporation registered with the Texas secretary of state under filing number 800810714.
2. Lone Star owns and operates for compensation in Texas facilities and equipment to transmit electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. Lone Star holds CCN number 30196 to provide service to the public.

Application

4. On August 23, 2023, Lone Star filed an application to amend its CCN number 30196 for authority to construct, own, and operate the proposed Claytonville-to-Camp Springs 138-kV transmission line, a single-circuit 138-kV transmission line in Fisher and Scurry counties.
5. The proposed transmission line will connect between the low side of Lone Star's existing 345/138-kV Claytonville substation located at the northeast corner of the junction of Farm-to-Market Road 611 and County Road 448 in Fisher County and the

new 138/12-kV Camp Springs substation, which will be owned by Golden Spread Electric Cooperative, Inc. and constructed by Big County Electric Cooperative, Inc., Golden Spread's member distribution cooperative. The Camp Springs substation will be located along County Road 4151, approximately 0.5 miles south of its intersection with U.S. Highway 180 in Scurry County.

6. Lone Star retained Burns & McDonnell Engineering Company, Inc. to prepare an environmental assessment and routing analysis for the proposed transmission line, which Lone Star attached to the application.
7. On August 29 and 30, 2023, Lone Star filed errata to the application to correct landowner notice information.
8. In Order No. 3 filed on September 19, 2023, the administrative law judge (ALJ) found the application administratively complete.

Description of the Proposed Transmission Line

9. The proposed transmission line is a single-circuit 138-kV transmission line connecting Lone Star's existing 345/138-kV Claytonville substation located in Fisher County and the new 138/12-kV Camp Springs substation.
10. Lone Star will construct the proposed transmission line using primarily concrete monopoles with a single 336.4-kilocircular-mil "Linnet" aluminum-conductor-steel-reinforced conductor per phase and a single 0.591" 48 fiber Optical Ground Wire. A 7#7 overhead shield wire will be installed for the final spans into the Claytonville and Camp Springs substations. The right-of-way width for the proposed transmission line will be 100 to 150 feet, and the typical structure for the transmission line will be between approximately 100 and 120 feet in height.
11. The proposed transmission line will connect to the new Camp Springs substation. The point of interconnection will be located at a new Lone Star-owned dead-end structure located outside the Camp Springs substation.
12. Lone Star proposed a single route for the proposed transmission line. Written agreement was obtained from all impacted landowners whose land is crossed by the proposed route.

13. The proposed transmission line is not located within the incorporated boundaries of any municipality.
14. The proposed route is approximately 16.8 miles in length.

Schedule

15. Lone Star estimated that it would finalize engineering and design by May 2024, procure material and equipment by August 2024, complete construction by December 2024, and energize the transmission line approved by this Notice of Approval by December 2024.

Public Input

16. To develop information on community values for the transmission line, Lone Star held a public meeting on October 18, 2022. The meeting was held at the Hermleigh Independent School District Cafeteria, 8010 Business U.S. Highway 84-H, Hermleigh, Texas.
17. On or about October 6, 2022, Lone Star directly mailed 42 individual written notices to landowners who own property located within 300 feet of the proposed route's centerline. The notice included a map of the study area depicting the proposed route and a document with additional information about the proposed transmission facilities.
18. On October 6, 2022, Lone Star directly mailed written notice of the public meeting to the Department of Defense Siting Clearinghouse.
19. Approximately 13 individuals signed in at the public meeting. Neither Lone Star nor Burns & McDonnell received any proposed transmission line questionnaires during or following the public meeting.
20. On August 23, 2023, Lone Star provided notice to the Department of Defense Siting Clearinghouse of the planned filing of the application.
21. Burns & McDonnell contacted federal, state, and local regulatory agencies, elected officials, and organizations regarding the proposed transmission line. All agency comments, concerns, and information received were taken into consideration by Burns & McDonnell and Lone Star in development of the proposed route. Copies of correspondence with the various state and federal regulatory agencies, and local and county officials and departments are included in attachment 17A of the environmental assessment.

Notice

22. On September 12, 2023, Lone Star filed the following:
- a. the affidavit of Stephanie Tanner, Lone Star's authorized representative, attesting that notice was mailed to landowners on August 23, 2023; revised notice was mailed to Lubbock Christian University on August 30, 2023; notice was provided to neighboring utilities, county and municipal authorities, the Department of Defense Siting Clearinghouse, and the Office of Public Utility Counsel on August 23, 2023; and a copy of the environmental assessment and application were provided to the Texas Parks and Wildlife Department on August 23 and 29, 2023;
 - b. a publisher's affidavit attesting to the publication of notice in *The Snyder News*, a newspaper of general circulation in Scurry County, on August 30, 2023; and
 - c. a publisher's affidavit attesting to the publication of notice in *The Publisher*, a newspaper of general circulation in Fisher County, on September 1, 2023.
23. In Order No. 3 filed on September 19, 2023, the ALJ found notice sufficient.

Intervenors

24. In Order No. 4 filed on September 25, 2023, the ALJ granted the motion to intervene of Yungblut Half-Circle 7 Ranch.

Evidentiary Record

25. In Order No. 6 filed on November 28, 2023, the ALJ admitted the following evidence into the record:
- a. Lone Star's application and accompanying attachments filed on August 23, 2023;
 - b. Lone Star's response to the standard CCN questions filed on August 24, 2023;
 - c. Lone Star's errata filed on August 29 and 30, 2023;
 - d. Lone Star's affidavit of mailed and published notice filed on September 12, 2023;
 - e. Lone Star's response to Commission Staff's first request for information (RFI), including attachments, filed on September 22, 2023;
 - f. Lone Star's response to Commission Staff's second RFI filed on October 13, 2023;

- g. Texas Parks and Wildlife Department's letter filed on October 19, 2023; and
- h. Commission Staff's recommendation on final disposition filed on October 30, 2023.

Route Adequacy

- 26. Lone Star's application presented one unopposed route for the Commission's consideration.
- 27. No party filed testimony or a statement of position challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
- 28. The application provided an adequate and sufficiently delineated route to conduct a proper evaluation.

Need for the Proposed Transmission Line

- 29. The proposed transmission line is needed to provide transmission service to a transmission service customer, Golden Spread.
- 30. Golden Spread requested that Lone Star construct a new transmission line from its existing 345/138-kV Claytonville substation to a new point of interconnection at the new 138/12-kV Camp Springs substation.
- 31. The proposed transmission line is needed to provide service to a transmission service customer, Big Country Electric, who will utilize the service to meet increasing oil and gas loads in Fisher and Scurry counties.
- 32. Golden Spread provided historical and forecasted load information for the new substation and for existing Big Country Electric substations in the area.
- 33. The peak loads served have grown from 11.3 megawatts (MW) in 2017 to 27.5 MW in 2022 and are forecasted to be 37.4 MW in 2027.
- 34. Lone Star's analysis of Big Country Electric's distribution system identified violations (loading and voltage) and the need for additional facilities to serve the forecasted load.

35. The proposed transmission line will reduce the overall load on the Plainview substation and could be extended in the future to provide power to future or existing substations to serve more load.
36. The proposed transmission line provides the requested transmission service to the Camp Springs substation, which is centrally located amid the oil and gas loads and allows Big Country Electric to carve out the distribution lines and loads to be connected to the Camp Springs substation from the distribution system currently connected to other existing substations.
37. Because the interconnecting transmission line is a Tier 4 neutral project under ERCOT Nodal Protocols § 3.11, the transmission line did not require review by the ERCOT regional planning group.
38. Lone Star communicated with ERCOT regarding the proposed transmission line to inform them and provide them with an opportunity to respond or comment.
39. Lone Star has not received any questions or had any additional correspondence with ERCOT after this initial communication.
40. Lone Star demonstrated a reasonable need for the proposed transmission line.

Proposed Transmission Line Alternatives

41. There are no practical alternatives to the proposed transmission line. Lone Star hired an independent third-party consultant to develop various distribution and transmission options for the proposed transmission line.
42. Lone Star considered four transmission line options to interconnect the new Camp Springs substation to other existing substations or interconnection points in the area. Transmission costs ranged from \$14.9 million to \$35.4 million. All transmission options required the same amount of Big Country Electric distribution facility costs, which total approximately \$34.3 million.
43. Lone Star selected this proposed 138-kV transmission line as the best option from an operational reliability and cost perspective compared to the other transmission alternatives evaluated.

44. Lone Star evaluated four distribution-only conceptual options to serve the forecasted load in the area. Lone Star determined the distribution-only options would require extensive upgrades and additions or would require distribution line express feeders to Big Country Electric distribution system. Distribution-only options range in cost from \$47.3 million to \$59.2 million.
45. The distribution-only options would result in higher line losses and would fail to provide Big Country Electric with the flexibility to accommodate changes in load levels in the future.
46. Any option other than a transmission option would not be responsive to the transmission customer's request for transmission service.

Probable Improvement of Service or Lowering of Consumer Cost

47. The proposed transmission line is needed to address increasing oil and gas loads in Fisher and Scurry counties.
48. The proposed transmission line will not result in a lowering of costs to consumers.

Effects of Granting the CCN Amendment on Other Utilities

49. The proposed transmission line is intended to interconnect to the Camp Springs substation, which is being constructed by Big Country Electric as agent for Golden Spread Electric and will ultimately be operated by Big Country Electric under an operation and maintenance agreement to serve load within its service territory.
50. Golden Spread and Big Country Electric have agreed to the proposed transmission line.
51. There are no other electric utilities in the area.
52. It is unlikely that the construction of the proposed transmission line will adversely affect service by other electric utilities in the area.

Estimated Costs

53. The total estimated cost of the proposed transmission line is \$23,360,000.
54. The estimated cost of the transmission line facilities is \$21,208,000.
55. The estimated cost of the substation facilities is \$2,152,000.

56. Substation upgrades will include constructing an additional line terminal within the substation, which will include a new pull-off structure, foundations, surge arrestors, bus/bus supports, voltage transformers, disconnect and ground switches, and a new 138-kV gas circuit breaker and associated relay modifications.
57. Lone Star proposes to use a combination of existing cash on hand, existing debt facility, and owner equity to finance the proposed transmission line.

Prudent Avoidance

58. Prudent avoidance, as defined in 16 Texas Administrative Code (TAC) § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
59. There are no habitable structures located within 300 feet of the proposed route’s centerline.
60. The construction of transmission facilities along the proposed route complies with the Commission’s policy of prudent avoidance.

Community Values

61. Lone Star and Burns & McDonnell’s routing analysis considered and incorporated information received from landowners and from local, state, and federal agencies.
62. All of the directly affected landowners whose land is crossed by the proposed route have agreed to the proposed route. No directly affected landowners have opposed the proposed route.
63. The proposed transmission line will have minimal impact on community values.

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

64. The proposed route parallels compatible rights-of-way or property boundaries for approximately 14.6 miles.
65. The proposed route uses or parallels existing compatible rights-of-way and apparent property boundaries to a reasonable extent.

Engineering Constraints

- 66. Lone Star evaluated engineering and construction constraints when developing the proposed route.
- 67. Lone Star did not identify any known engineering constraints that would prevent construction of the proposed transmission line along the proposed route.

Other Comparisons of Land Uses and Land Types

- 68. The study area is primarily rural with little development.
- 69. The predominant land use within the study area is rangeland, pastureland, and cropland.
- 70. The study area is located within the North-Central Plains Physiographic Province. Elevations within the study area range between approximately 2,400 feet above mean sea level in the west to approximately 2,000 feet above mean sea level in the extreme northeast.

a. Radio Towers and Other Electronic Installations

- 71. There are no known commercial AM radio transmitters located within 10,000 feet of the proposed route's centerline.
- 72. There are no known FM radio transmitters, microwave towers, or other similar electronic installations within 2,000 feet of the proposed route's centerline.
- 73. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any communication operations in the proximity of the proposed route.

b. Airstrips, Airports, and Heliports

- 74. There are no airports registered with the Federal Aviation Administration with at least one runway greater than 3,200 feet in length within 20,000 feet of the proposed route's centerline.
- 75. There are no airports registered with the Federal Aviation Administration with runways no greater than 3,200 feet in length within 10,000 feet of the proposed route's centerline.
- 76. There are no private airstrips within 10,000 feet of the proposed route's centerline.
- 77. There are no heliports located within 5,000 feet of the proposed route's centerline.

78. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

79. The proposed route does not cross pasture or cropland with mobile irrigation systems.

d. Pipelines

80. The proposed route crosses metallic pipelines transmitting hydrocarbons five times.
81. It is unlikely that the proposed transmission line will adversely affect any crossed metallic pipelines that transport hydrocarbons.

Other Route Attributes

82. The proposed route crosses approximately 8.7 miles of upland woodland or brushland.
83. The proposed route crosses approximately 0.6 mile of bottomland or riparian woodland.
84. The length of the proposed route crossing potential wetland areas, as mapped by the United States Fish and Wildlife Service National Wetland Inventory, is approximately 0.16 mile.
85. The proposed route crosses approximately 22 streams and 29 feet of open water (such as lakes or ponds).
86. The proposed route parallels streams for approximately 2,210 feet.
87. The proposed route traverses approximately 1,243 feet of 100-year floodplain area.
88. The proposed transmission line will have minimal impact on these land use attributes.

Recreation and Park Areas

89. None of the proposed route crosses any parks or recreational areas.
90. There are no additional recreational or park areas within 1,000 feet of the proposed route's centerline.
91. It is unlikely that the transmission facilities will adversely affect the use and enjoyment of any park or recreational areas.

Historical and Archaeological Areas

92. The proposed route crosses no known cultural resource sites, and there are no previously recorded cultural sites located within 1,000 feet of the centerline of the proposed route.

93. No listed National Register of Historic Places or eligible properties are within 1,000 feet of the proposed route.
94. There are no known cemeteries within 1,000 feet of the proposed route.
95. The proposed route crosses areas with a high potential for historical or archeological sites for 11.51 miles.
96. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any historical or archeological areas.

Aesthetic Values

97. The study area exhibits a moderate degree of aesthetic quality for the region. The majority of the study area is in agricultural use with a mixture of pastureland, rangeland, and cropland, as well as current and remnant oil and gas infrastructure, existing electric transmission facilities, wind turbines, and road transportation corridors.
98. No outstanding aesthetic resources, designated scenic views, or unique visual elements were identified within the study area.
99. Although residential development is limited to a few residential structures in the study area, the landscape has experienced a high degree of alteration due to transportation corridors, existing electric transmission lines, and agricultural practices.
100. The proposed route has approximately 0.04 mile of right-of-way located within the foreground visual zone of United States or state highways.
101. The proposed route has approximately 5.6 miles of right-of-way located within the foreground visual zone of farm-to-market or ranch-to-market roads.
102. The proposed route is not located within the foreground visual zone of parks or recreational areas.
103. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect aesthetic values.

Environmental Integrity

104. The area traversed by the proposed transmission line is located within the North-Central Plains Physiographic Province, which occurs in the north-central portion of Texas east to the high plains. The proposed transmission line will be in eastern Scurry County and western Fisher County.
105. The environmental assessment and routing analysis analyzed the possible effects of the proposed transmission line on numerous environmental factors.
106. Burns & McDonnell obtained information from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department regarding the possibility of encountering any endangered or threatened species in the area affected by the proposed transmission line.
107. Burns & McDonnell evaluated the potential impacts of the proposed transmission line on the environment, including endangered and threatened species.
108. Burns & McDonnell evaluated potential impacts to soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
109. It is unlikely that there will be significant adverse impacts on wetland resources, ecological resources, endangered and threatened species, or land use as a result of construction of the proposed transmission facilities approved by this Notice of Approval.
110. The proposed route does not cross any known habitat of federally listed endangered or threatened species.
111. It is unlikely that there will be any significant adverse consequences for populations of any federally listed endangered or threatened species.
112. It is appropriate for Lone Star to mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
113. It is appropriate for Lone Star to minimize the amount of flora and fauna disturbed during construction of the proposed transmission line.

114. It is appropriate for Lone Star to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
115. It is appropriate for Lone Star to avoid, to the maximum extent reasonably possible, causing adverse environmental impacts to sensitive plants and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
116. It is appropriate for Lone Star to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for Lone Star to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line's structures or the safe operation and maintenance of any transmission line.
117. It is appropriate for Lone Star to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. The use of chemical herbicides to control vegetation within rights-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.
118. It is appropriate for Lone Star to protect raptors and migratory birds by following the procedures 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 California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.
119. It is appropriate for Lone Star 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.

120. It is appropriate for Lone Star to use best management practices to minimize any potential harm that the proposed route presents to migratory birds and threatened or endangered species.
121. It is unlikely that the proposed transmission line will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department Comments and Recommendations

122. On August 23, 2023, Lone Star provided a copy of the environmental assessment for the proposed transmission line to Texas Parks and Wildlife Department.
123. On October 19, 2023, the Texas Parks and Wildlife Department filed a letter making various comments and recommendations regarding the proposed transmission line.
124. The Texas Parks and Wildlife Department's letter addressed issues relating to effects on ecology and the environment but did not consider the other factors the Commission and utilities must consider in CCN applications.
125. Lone Star took into consideration the recommendations offered by the Texas Parks and Wildlife Department.
126. Before beginning construction, it is appropriate for Lone Star to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.
127. Lone Star will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
128. Lone Star will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.
129. 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, Lone Star will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and the Texas Commission on

Environmental Quality as appropriate to coordinate permitting and perform any required mitigation.

130. Burns & McDonnell relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by the Texas Parks and Wildlife Department, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.
131. Lone Star will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to the extent that field surveys identify threatened or endangered species' habitats.
132. The standard mitigation requirements included in the ordering paragraphs of this Notice of Approval, coupled with Lone Star's current practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and sufficiently address the Texas Parks and Wildlife Department's comments and recommendations.
133. The Commission does not address the Texas Parks and Wildlife Department's recommendations for which there is not record evidence to provide sufficient justification, adequate rationale, or an analysis of any benefits or costs associated with the recommendation.
134. This Notice of Approval addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.
135. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the transmission facilities.

Permits

136. Before beginning construction of the proposed transmission line approved by this Notice of Approval, Lone Star will obtain the necessary permits from the Texas Department of Transportation for instances in which the proposed transmission line crosses a state-maintained road or highway or if any portion of the transmission line will be accessed from a state-maintained road or highway.

137. Before beginning construction of the proposed transmission line approved by this Notice of Approval, Lone Star will obtain a miscellaneous easement from the Texas General Land Office if the proposed transmission line crosses any state-owned riverbed or navigable stream.
138. Before beginning construction of the transmission facilities approved by this Notice of Approval, Lone Star will obtain any necessary permits or clearances from federal, state, or local authorities.
139. If a stormwater pollution-prevention plan is required by the Texas Commission on Environmental Quality (TCEQ), Lone Star will submit a Notice of Intent to the TCEQ at least 48 hours before construction begins, will maintain a stormwater pollution-prevention plan on site at the initiation of clearing and construction activities, and comply with all other applicable requirements.
140. It is appropriate for Lone Star to conduct a field assessment of the entire length of the proposed route before beginning construction of the proposed transmission line approved by this Notice of Approval to identify water resources, cultural resources, potential migratory bird issues, and threatened or endangered-species habitat impacted as a result of the proposed transmission line. As a result of these assessments, Lone Star will identify any additional permits that are necessary, will consult any required agencies, will obtain all necessary permits, and will comply with the relevant permit conditions during construction and operation of the proposed transmission line.
141. Lone Star will obtain floodplain development and road-crossing permits from the county in which the proposed route is located depending on the location of the transmission-line structures.
142. Lone Star will obtain permits from the Texas Historical Commission for the proposed transmission line right-of-way, as necessary.
143. Lone Star will comply with any Federal Aviation Administration requirements to alter the design of the structures or potential requirements to mark or illuminate certain line structures.

144. Lone Star will obtain permits or comply with other requirements from the United States Fish and Wildlife Service, as necessary, related to possible impacts to endangered or threatened species.
145. Lone Star will coordinate with the United States Army Corps of Engineers regarding permits or other requirements associated with possible impacts to waters of the United States under the jurisdiction of the United States Army Corps of Engineers, as necessary.

Coastal Management Program

146. No part of the proposed transmission line approved by this Notice of Approval is located within the coastal management program boundary as defined in 31 TAC § 27.1.

Effect on the State's Renewable Energy Goal

147. The Texas Legislature established a goal in PURA¹ § 39.904(a)² for 10,000 MW of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
148. The transmission line cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Limitation of Authority

149. It is not reasonable and appropriate for a CCN order to be valid indefinitely because it is issued based on the facts known at the time of issuance.
150. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval to construct the proposed transmission line.

Informal Disposition

151. More than 15 days have passed since the completion of notice provided in this docket.
152. No person filed a protest.

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

² Act of June 18, 1999, 76th Leg., R.S., ch. 405, § 39, *repealed by* Act of May 24, 2023, 88th Leg., R.S. ch. 410 (HB 1500), § 46 (former PURA § 39.904).

153. Lone Star, Yungblut Half-Circle 7 Ranch, and Commission Staff are the only parties to this proceeding.
154. No party requested a hearing, and no hearing is needed.
155. Commission Staff recommended approval of the application.
156. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. Lone Star is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).
2. Lone Star must obtain the Commission's approval to construct the proposed transmission line and to provide service to the public using the line under PURA § 37.053.
3. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
4. Lone Star's application is sufficient under 16 TAC § 22.75(d).
5. Lone Star provided notice of the application that complies with PURA § 37.054 and 16 TAC § 22.52(a).
6. Lone Star provided notice of the public meeting that complies with 16 TAC § 22.52(a)(4).
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,³ and Commission rules.
8. The proposed transmission line using the proposed route is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
9. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Notice of Approval, and the requirements of 16 TAC § 25.102 do not apply to the application.

³ Tex. Gov't Code Ann. §§ 2001.001-.902

10. The requirements for administrative approval in 16 TAC § 25.101(b)(3)(C) have been met in this proceeding.
11. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Commission amends CCN number 30196 to include the construction and operation of the proposed transmission line, to perform testing and commissioning of the facilities, and to provide service with and operate the transmission line in Fisher County and Scurry County using the proposed route.
2. Lone Star must consult with pipeline owners or operators in the vicinity of the proposed route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the electric transmission facilities approved by this Notice of Approval.
3. Lone Star must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Notice of Approval and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.
4. Lone Star must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission line. If Lone Star fails to obtain any such permit, license, plan, or permission, Lone Star must notify the Commission immediately.
5. Lone Star 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 Notice of Approval.

6. If Lone Star or its contractors encounter any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Lone Star must report the discovery to, and act as directed by, the Texas Historical Commission.
7. Before beginning construction, Lone Star must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
8. Lone Star must use best management practices to minimize the potential burden to migratory birds and threatened or endangered species.
9. Lone Star 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 *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the United States Fish and Wildlife Service, April 2005. Lone Star must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the proposed transmission line on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
10. Lone Star must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights 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.
11. Lone Star 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, Lone Star must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Lone Star 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.

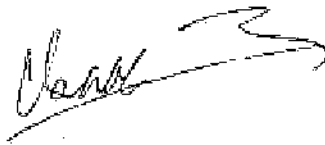
12. Lone Star must implement erosion control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. Also, Lone Star must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or landowner's representative. However, the Commission does not require Lone Star to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the proposed transmission line's structures or the safe operation and maintenance of the line.
13. Lone Star 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 Notice of Approval. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the proposed transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
14. The Commission does not permit Lone Star 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.
15. If possible, and subject to the other provisions of this Notice of Approval, Lone Star 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, Lone Star must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Lone Star to deviate materially from this Notice of Approval 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 Lone Star must file an application to amend its CCN as necessary.
16. Lone Star must include the transmission facilities approved by this Notice of Approval on their 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, Lone Star must provide final construction costs, with any necessary explanation for cost variance, after the completion of construction when Lone Star identifies all charges.

17. The Commission limits the authority granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed unless the proposed transmission line is commercially energized before that time.
18. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas on the 28th day of November 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



ISAAC TA

ADMINISTRATIVE LAW JUDGE