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Filing Date - 2024-06-24 11:14:18 AM

Control Number - 55768

Item Number - 760

**SOAH DOCKET NO. 473-24-06199
PUC DOCKET NO. 55768**

**APPLICATION OF CENTERPOINT §
ENERGY HOUSTON ELECTRIC, LLC § BEFORE THE STATE OFFICE
TO AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY FOR § OF
A PROPOSED 138 kV TRANSMISSION §
LINE WITHIN HARRIS AND §
MONTGOMERY COUNTIES § ADMINISTRATIVE HEARINGS**

KIMRA PFEIFER INITIAL BRIEF

Dated: June 24, 2024

Respectfully submitted,

KIMRA PFEIFER

/s/ Kimra Pfeifer

Kimra Pfeifer

27314 N. Creek Drive, Magnolia, TX 77354

(713) 303-9149

kim.d.pfeifer@gmail.com

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I. INTRODUCTION

The applicant, CenterPoint Energy Houston, seeks to amend its certificate of convenience and necessity (CCN) to construct and operate a new 138-kilovolt (kV) transmission line and new distribution station (Mill Creek Station).

The intervenor (Kimra Pfeifer)¹ supports the routing of the proposed project along what is designated as Route 4A in the application². As discussed below, Route 4A best meets the criteria in PURA 37.056 and 16 Texas Administrative Code TAC 25.101 when compared to the other proposed routes. CenterPoint's experts Bradley Diehl³, TRC's expert James Nicholas⁵, PUC's expert David Bautista⁶, Texas Parks and Wildlife (TPWD)⁸, and Schuchat Family Trust's expert T. Brian Almon⁷ all recommend Route 4A as it best meets PURA and PUC criteria and Prudent Avoidance.

II. JURISDICTION

The PUC has jurisdiction over this matter under PURA 14.001, 32.001, 37.051, 37.053, 37.056, and 16 TAC 25.101. SOAH has jurisdiction over this proceeding under Tex. Gov't Code 2003.049 and PURA 14.053.

¹ Kimra Pfeifer Statement of Position (PUC-55768-490)

² Final CEHE's Application Package (CEHE Exhibit 100)

³ Direct Testimony of Bradley J. Diehl (CEHE Exhibit 200 at 19:4-6)

⁵ Supplemental Testimony of James Nicholas (CEHE Exhibit 401 at 5:20-23)

⁶ Errata to the Direct Testimony of David Bautista (PUC Staff Ex.6A at 25:2-5)

⁷ Cross-Rebuttal Testimony of Brian Almon4101144.1 (Redacted Schuchat Exhibit D at 3:7-9)

⁸ TX-park-wildlife (PUC-55768-233 at 3)

III. PROCEDURAL HISTORY

On October 27, 2023, CenterPoint Houston filed an application for its Proposed Project in Magnolia and Harris Counties¹⁰. On November 30, 2023, the Commission filed an Order of Referral and Preliminary Order to transfer the proceeding to the State Office of Administrative Hearings (SOAH) and identify the issues that must be addressed¹¹. On February 8, 2024, the SOAH Administrative Law Judge (ALJ) found the application sufficient for further review on the merits¹². On February 26, 2024 CenterPoint Energy Houston filed an Amended Application¹³. From June 10 to June 12, 2024, a hearing on the merits was convened and concluded by SOAH.

¹⁰ CenterPoint Energy Houston Electric, LLV's Motion for Modification of the intervention period and referral to the SOAH (PUC-55768-2)

¹¹ Order of Referral and Preliminary Order (PUC-55768-18)

¹² SOAH Order 7 – Ruling on Route Adequacy and Denying Pending Motions to Strike (PUC-55768-309)

¹³ Amended Application and Supporting Materials (PUC-55768-316&317&319)

IV. ISSUES TO BE ADDRESSED

Intervenor Kimra Pfeifer will address the following sections – *Route, Cost to Consumers, Texas Parks and Wildlife, Coastal Management Program, and Other Issues*. Intervenor Kimra Pfeifer will skip sections *Application, Notice, Public Input, Need, Best Management Practices, Permits, and Limitation of Authority*.

A. Route

1. 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? **Per the CenterPoint application¹⁴, 4-A is the route that is the “best meets” route. Route 4-A has the following benefits over route 13-BM¹⁵:**
 - a. **Number of directly affected likely habitable structures within 40 feet for 4-A is 0 and for 13-BM is 3**
 - b. **Number of directly affected likely habitable structures within 300 feet for 4-A is 16 and for 13-BM is 103**
 - c. **Total length of route 4-A is 3.05 miles and for 13-BM is 3.34 miles**
 - d. **Length of new ROW required for 4-A is 16,104ft and for 13-BM is 17,612ft**
 - e. **Number of local road crossings for 4-A is 4 and for 13-BM is 8**
 - f. **Length of route across all NWI mapped wetlands for 4-A is 806ft and for 13-BM is 1471ft**
 - g. **Length of route across open water for 4-A is 504ft and for 13-BM is 816ft**
2. 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? **There are not any other routes that would have a less negative effect on landowners. Route 13-BM would have a greater impact on landowners¹⁶.**

¹⁴ Final CEHE’s Application Package (CEHE Exhibit 100 at 28)

¹⁵ CEHC Response to Tall Pines RFI (Tall Pines Alliance Exhibit 17 at 3)

¹⁶ Errata to the Direct Testimony of David Bautista (Staff Exhibit 6A at 39:16-19 and at 40:1-11)

3. If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues: **This intervenor is not proposing any alternative route to the recommended 4-A.**
 - a. Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations? **NA**
 - b. Have the accommodations to landowners diminished the electric efficiency of the line or reliability? **NA**

B. Cost to Consumers

1. Are the proposed transmission facilities necessary to meet state or federal reliability standards? **Yes, per the application.**
2. What is the estimated cost of the proposed transmission facilities to consumers? **Intervenor skips this question.**
3. 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? **Intervenor skips this question.**
4. **Of the two routes, 4-A and 13-BM, route 4-A is more economical for rate payers and consumers. Route 4-A has an estimated cost of \$63,676,172 whereas route 13-BM has a cost of \$76,034,337.¹⁷ This means route 13-BM is \$12,358,165 more than route 4-A.**

C. Texas Parks and Wildlife Department

1. 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? **Yes, TPWD recommended route 4-A as the best route.¹⁸**

¹⁷ Revised Rebuttal Testimony of Jacob P. Tomczyszyn (CEHE Exhibit 302 at 12:9-11)

¹⁸ TX-park-wildlife (PUC-55768-233 at 3)

D. Coastal Management Program

1. 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: **Route 4-A does not fall within 31 TAC §27.1(a).**
 - a. Do the facilities comply with the goals and applicable policies of the Coastal Management Program in accordance with 16 TAC § 25.102(a)? **NA**
 - b. Will the facilities have any direct and significant effects on any of the applicable coastal natural resource areas specified in 31 TAC § 26.3(b)? **NA**

E. Other Issues

1. 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? **Construction plans have not been defined, so this is currently unknown.**
2. 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 applicant comply with the additional notice requirements of 16 TAC § 22.52(a)(2) and (a)(3)(C)? **All parties do not agree on a common route. Route 4-A, which this intervenor supports meets these requirements. Route 13-BM which other intervenors are proposing does not meet these requirements.**
 - b. Was written consent obtained from landowners directly affected by the proposed modifications to the route segments? **Not at this time.**

CERTIFICATE OF SERVICE

I certify that on June 24, 2024, this instrument was filed with the Public Utility Commission of Texas and a true and correct copy was served on all parties of record by email in this proceeding in accordance with SOAH Order No. 21 in this docket.

/s/ Kimra Pfeifer
Kimra Pfeifer