



## **Filing Receipt**

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**Control Number - 56799**

**Item Number - 24**

**SOAH DOCKET NO. 473-24-22699  
PUC DOCKET NO. 56799**

<b>APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE REITER SWITCH–TESORO SWITCH 345 KV TRANSMISSION LINE IN ECTOR AND MIDLAND COUNTIES</b>	<b>§ § § § § § §</b>	<b>BEFORE THE STATE OFFICE     OF    ADMINISTRATIVE HEARINGS</b>
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**UNANIMOUS STIPULATION AND SETTLEMENT AGREEMENT**

This Unanimous Stipulation and Settlement Agreement (“Stipulation”) is made and entered into as of the 23rd day of September, 2024, by and among: Oncor Electric Delivery Company LLC (“Oncor”); Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”); Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore (together, “Oxy”); and Matthew C. Bell, on behalf of himself and Bell Legacy Land LLC (all parties together, the “Signatories”).<sup>1</sup>

**I. Background**

1. On July 25, 2024, Oncor filed an application to amend its certificate of convenience and necessity (“CCN”) for the Reiter Switch to Tesoro Switch 345-kilovolt (“kV”) transmission line project in Ector and Midland counties, Texas, (the “Project”) as well as the direct testimonies of Jared Gurley, Kaleb Roberts, Jody Urbanovsky, and Amy L. Zapletal.

2. The Project is a component of Oncor’s West Texas Rebuild Project, which was endorsed by the Electric Reliability Council of Texas (“ERCOT”) Board of Directors as a Tier 1 project under 16 Texas Administrative Code (“TAC”) § 25.101(b)(3)(D).

3. Oncor’s application proposed 21 potential routes that meet the certification requirements of the Public Utility Regulatory Act (“PURA”)<sup>2</sup> and the Commission’s Substantive Rules<sup>3</sup> for the Commission’s consideration.

4. The length of the routes proposed in the application range from approximately 4.0 to 5.2 miles.

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<sup>1</sup> The Signatories comprise all the parties to this proceeding, including Matthew C. Bell, the only party whose request to intervene has not yet been granted.

<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

<sup>3</sup> See 16 TAC § 25.101.

5. The estimated transmission line costs for the routes proposed in the application range from approximately \$17,993,000 to \$28,794,000, excluding station costs.
6. The Project's estimated station costs are \$5,425,000.
7. There are no known habitable structures located within 500 feet of the centerline of the routes proposed in the application.
8. On July 26, 2024, the Commission referred this matter to the State Office of Administrative Hearings ("SOAH").
9. On August 14, 2024, the SOAH Administrative Law Judge ("ALJ") granted intervention to Oxy.
10. On August 26, 2024, Mr. Bell filed a request to intervene on behalf of himself and Bell Legacy LLC, and included with his request a supplemental explanatory document.
11. On August 26, 2024, witness Huy Le filed direct testimony on behalf of Oxy.
12. No request for intervention has been denied as of the signing of this Unanimous Stipulation and Settlement Agreement.
13. No parties have filed a request for a hearing in this proceeding.
14. Discussions between the Signatories have resulted in this Stipulation concerning the need and routing for the Project.
15. By this Stipulation, the Signatories resolve all issues among them related to this proceeding and hereby stipulate and agree as follows:

## **II. Agreement**

16. The Signatories stipulate that the Project is necessary for the service, accommodation, convenience, and safety of the public.
17. The Signatories stipulate that the Commission should approve the Project along Route 10, which consists of alternative route links A-B4-D3-F4-H4-I4-I5-I6-J.
18. The Signatories stipulate that Oxy is not opposed to Route 10 and all remaining Signatories support Route 10 over any other route filed in this proceeding.
19. Route 10 is approximately 4.43 miles in length.
20. Route 10 parallels existing compatible corridors for approximately 35.34% of its total length.
21. Route 10 is estimated to cost approximately \$18,115,000, exclusive of station costs.

22. The Signatories stipulate that Oxy is not opposed to the Commission's approval of Route 10 and all remaining Signatories believe Route 10 to be the filed route that best meets the requirements of PURA and the Commission's Substantive Rules.

23. Pursuant to motions being filed concurrently with this Stipulation, the Signatories: (i) request that the documents described therein be admitted into evidence, (ii) request dismissal of this case from SOAH's docket and remand of this case to the Commission, and (iii) propose entry of a final order in the form of the Proposed Order attached hereto as Exhibit 1.

24. The Stipulation is supported by the evidence described in the above-referenced motion to admit documents into evidence.

25. The Signatories request that the Commission approve and implement this Stipulation and issue an order consistent with the terms of the Proposed Order, included as Exhibit 1 hereto, granting Oncor's request to amend Oncor's CCN No. 30043 for construction and operation of the Project along Route 10.

26. Pursuant to the motions being filed concurrently herewith, the Signatories request: (i) that the documents described therein be admitted into evidence; (ii) abatement of the procedural schedule set under SOAH Order No. 2; (iii) dismissal of this case from SOAH's docket and remand to the Commission; and (iv) entry of a final order in the form of the Proposed Order included as Exhibit 1 hereto.

### **III. Other Provisions**

27. This Stipulation is binding on each Signatory for the purpose of settling the issues addressed herein. The Signatories acknowledge and agree that a Signatory's support of the matters contained in this Stipulation may differ from its position or testimony in unrelated dockets and cases not referenced in this Stipulation. To the extent there is a difference, a Signatory does not waive its position in such other, unrelated dockets and cases.

28. The Signatories entered into this Stipulation in the interest and spirit of settlement and therefore agree that the provisions of the Stipulation shall be subject to the Commission's final approval. Moreover, the Signatories agree to and move for entry of a final order of the Commission consistent with this Stipulation, as set forth in Exhibit 1 hereto.

29. This Stipulation represents a compromise, settlement, and accommodation among the Signatories, and all Signatories agree that the terms and conditions herein are interdependent and no Signatory shall be bound by a portion of this Stipulation outside the context of the

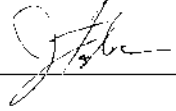
Stipulation as a whole. If the Commission materially changes the terms of this Stipulation or issues a final order inconsistent with a material term of this Stipulation, the Signatories agree that any Signatory adversely affected by that material alteration has the right to withdraw its consent to this Stipulation, thereby becoming released from its commitments and obligations arising hereunder, and proceed as otherwise permitted by law to exercise all rights available under law. Such a right to withdraw must be exercised by providing the other Signatories written notice within twenty (20) calendar days of the date the Commission signs its order acting on this Stipulation. If a Signatory timely and validly withdraws from this Stipulation in accordance with the terms herein, any other Signatory has the right to do the same. Failure to provide such notice within the specified time period shall be deemed a waiver of the right to withdraw and therefore shall constitute approval of any material changes to this Stipulation made by the Commission. The Signatories separately reserve the right to appeal in the event the Commission enters a final order that materially deviates from this Stipulation.

30. Pursuant to Texas Rule of Evidence 408, if any Signatory withdraws its consent from this Stipulation in accordance with the preceding paragraph and this matter proceeds to an evidentiary hearing, oral and written statements made during settlement negotiations, including the terms of this Stipulation as it pertains to the withdrawing Signatory(ies), shall not be admissible as evidence in such a hearing.

31. Each person executing this Stipulation warrants that he or she is authorized to sign this Stipulation on behalf of the Signatory(ies) represented. Facsimile and emailed copies of signatures are valid for purposes of evidencing such execution. The Signatories may sign individual signature pages and/or counterparts to facilitate the circulation and filing of the original of this Stipulation.

Dated this 23rd day of September, 2024.

**ONCOR ELECTRIC DELIVERY COMPANY LLC**

By: 

Name: Jaren A. Taylor

Title: Attorney for Oncor

Date: 9-23-24

**STAFF OF THE PUBLIC UTILITY COMMISSION OF TEXAS**

By: David Skawin <sup>by Rachael L. Curtin</sup>  
w/permission

Name: David Skawin

Title: Attorney for Commission Staff

Date: 9/23/2024

**OXY USA WTP, LP AND KERR-MCGEE OIL & GAS ONSHORE**

By: Michael A. McMillin by Rachael L. Curtis  
w/ permission

Name: Michael A. McMillin

Title: Attorney for Oxy Parties

Date: 9/23/2024

MATTHEW C. BELL

By: 

Name: Matthew C. Bell

Title: Individually and as President of Bell Legacy Land, LLC

Date: 9/20/2024

**SOAH DOCKET NO. 473-24-22699  
PUC DOCKET NO. 56799**

<b>APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE REITER SWITCH–TESORO SWITCH 345-KV TRANSMISSION LINE IN ECTOR AND MIDLAND COUNTIES</b>	§ § § § § § §	<b>BEFORE THE STATE OFFICE      OF     ADMINISTRATIVE HEARINGS</b>
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**JOINT PROPOSED ORDER**

On July 25, 2024, Oncor Electric Delivery Company LLC (Oncor) filed an application with the Public Utility Commission of Texas (Commission) to amend its certificate of convenience and necessity (CCN) for the Reiter Switch to Tesoro Switch 345 kilovolt (kV) transmission line project in Ector and Midland counties, Texas (Project). The parties to this docket filed a unanimous stipulation and settlement agreement resolving all issues. The Commission approves the Project using Route 10 as provided in the parties' unanimous stipulation and settlement agreement and amends Oncor's CCN number 30043 to the extent described by this Order.

**I. Findings of Fact**

The Commission adopts the following findings of fact:

**Applicant**

1. Oncor is a Delaware limited liability company registered with the Texas Secretary of State under filing number 880880712.
2. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. Oncor is required under CCN number 30043 to provide transmission service to the public and electric delivery service within its certificated service area.

**Application**

4. On July 25, 2024, Oncor filed an application to amend its CCN for a new double-circuit 345-kV transmission line to be built on double-circuit lattice steel towers, between Oncor's planned Reiter Switch in Ector County, Texas, and Oncor's existing Tesoro Switch in Midland County, Texas.

5. Oncor hired Halff Associates, Inc. (Halff) to prepare an environmental assessment and alternative route analysis for the proposed transmission line, which was included as part of the application.
6. On August 19, 2024, Commission Staff (Staff) recommended that the application be found sufficient.

**Description of the Proposed Transmission Facilities**

7. The transmission facilities consist of a new double-circuit 345-kV transmission line on double-circuit lattice steel towers between Oncor's planned Reiter Switch and Oncor's existing Tesoro Switch.
8. Oncor will own, operate, and maintain all the transmission facilities concerning the Project.
9. The route approved in this Order, Route 10, is approximately 4.43 miles in length and consists of alternative route links A-B4-D3-F4-H4-I4-I5-I6-J.
10. The transmission line will connect the Reiter Switch to the Tesoro Switch. The Reiter Switch will be located approximately 1.2 miles north of the intersection of State Highway Loop 338 and Farm-to-Market Road 3503, south of Odessa, Texas. Reiter Switch will be built adjacent to Oncor's existing Odessa EHV Switch to Moss Switch and Odessa EHV Switch to Wolf Switch 345-kV circuits. These circuits will terminate into the Reiter Switch 345-kV switchyard prior to construction of the Project. The Tesoro Switch is located approximately 1.5 miles southeast of the intersection of Interstate Highway 20 and State Highway Loop 338 near Odessa, Texas.
11. Oncor's Reiter Switch is an electric utility facility that will be in operation prior to construction of the Project.
12. Oncor's Odessa EHV Switch to Moss Switch and Odessa EHV Switch to Wolf Switch 345-kV circuits are existing electric utility facilities.
13. Oncor's Tesoro Switch is an existing electric utility facility.
14. The transmission line will primarily be constructed on double-circuit lattice steel towers, generally within a 160-foot right-of-way, except where alternate structures and/or a different right-of-way width are required due to design, construction, and terrain-related constraint considerations.
15. The typical structure for the transmission line will be approximately 120 to 180 feet in height.

**Schedule**

16. Oncor estimates that it will finalize engineering and design by April 2026, procure materials and equipment by July 2026, complete construction of facilities by December 2026, and energize the facilities by December 2026.

**Public Input**

17. On April 5, 2024, Halff mailed consultation letters to various public officials and agencies informing them of the Project and giving them an opportunity to provide information about the Project and general Project area. In response, Halff received information from various public officials and agencies.
18. Oncor was not required to hold a public participation meeting because there were fewer than 25 directly affected landowners.
19. Prior to finalizing the preliminary routes, Halff made modifications to the preliminary route links in consideration of information Oncor received through field reconnaissance and landowner feedback.

**Notice of the Application**

20. On July 25, 2024, Oncor sent written notice of the filing of the application by first class U.S. mail to directly affected landowners.
21. On July 25, 2024, Oncor sent written notice of the filing of the application by priority mail to county and municipal officials in Ector County, Midland County, the City of Odessa, and the City of Midland.
22. On July 25, 2024, Oncor sent written notice of the filing of the application by priority mail to the neighboring utilities providing the same utility service within five miles of the proposed facilities.
23. On July 25, 2024, Oncor sent written notice of the filing of the application by overnight mail delivery to the Office of Public Utility Counsel.
24. On July 25, 2024, Oncor sent written notice of the filing of the application by overnight mail delivery and email to the Department of Defense Siting Clearing House (now known as the Military Aviation and Installation Assurance Siting Clearinghouse).
25. On July 25, 2024, Oncor sent written courtesy notice of the filing of the application by first class U.S. mail to certain pipeline associations and pipeline owners/operators.

26. On July 25, 2024, Oncor mailed a copy of the application and environmental assessment by overnight mail delivery to the Texas Parks and Wildlife Department.
27. On August 14, 2024, Oncor filed the affidavit of Christine Williams, Regulatory Manager at Oncor, attesting to the provision of notice on July 25, 2024, as described in this Order.
28. Oncor published notice of the application in the *Odessa American* and the *Midland Reporter-Telegram*, newspapers having general circulation in Ector and Midland counties, on July 31, 2024.
29. On August 14, 2024, Oncor filed a publisher's affidavit attesting to the publication of notice in the *Odessa American* and the *Midland Reporter-Telegram*, as described in this Order.

**Referral to SOAH for Hearing**

30. On July 26, 2024, the Commission referred this docket to the State Office of Administrative Hearings (SOAH) and issued a preliminary order that, among other things, established a decision deadline and specified issues to be addressed in this proceeding.
31. Pursuant to SOAH Order No. 1, filed on July 29, 2024, all parties to the proceeding in the days preceding the scheduled prehearing conference filed an agreed motion to cancel the prehearing conference and an agreed proposed procedural schedule and discovery plan.
32. In SOAH Order No. 2, filed on August 14, 2024, the SOAH Administrative Law Judge (ALJ) adopted a procedural schedule.

**Intervenors**

33. In SOAH Order No. 2, filed on August 14, 2024, the following party's motion to intervene was granted: Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore.
34. On August 26, 2024, Matthew C. Bell filed a request to intervene.

**Testimony**

35. On July 25, 2024, Oncor filed the direct testimony of its witnesses, Jared Gurley, Kaleb Roberts, Jody Urbanovsky, and Amy L. Zapletal.
36. On August 26, 2024, Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore filed the direct testimony of their witness, Huy Le.
37. On September 6, 2024, Staff filed the direct testimony of its witness, Caitlin Gaspar.

**Evidentiary Record**

38. On September \_\_, 2024, the parties filed a joint agreed motion to admit evidence.

39. In SOAH Order No. \_\_, filed on \_\_\_\_, 2024, the SOAH ALJs admitted the following evidence into the record of this proceeding: (a) Oncor's application, with accompanying attachments, filed on July 25, 2024; (b) the direct testimonies and accompanying exhibits of Oncor witnesses Jared Gurley, Kaleb Roberts, Jody Urbanovsky, and Amy L. Zapletal, filed on July 25, 2024; (c) Oncor's Request for Immediate Referral to SOAH and Responses to Standard Order No. 1 Questions, filed on July 25, 2024; (d) Oncor's affidavit attesting to the provision of notice to cities, counties, the Office of Public Utility Counsel, Texas Parks and Wildlife Department, Department of Defense Siting Clearinghouse, and landowners, with accompanying attachments, filed on August 14, 2024; (e) Oncor's affidavit attesting to the provision of newspaper notice, with accompanying attachments, filed on August 14, 2024; (f) Commission Staff's recommendation on the sufficiency of the application and notice, with accompanying memorandum from Caitlin Gaspar, filed on August 19, 2024; (g) the direct testimony of Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore's witness Huy Le, filed on August 26, 2024; (h) the direct testimony and exhibit of Staff witness Caitlin Gaspar, filed on September 6, 2024; and (i) the Unanimous Stipulation and Settlement Agreement and all exhibits thereto, filed on September \_\_, 2024.
40. In SOAH Order No. \_\_, filed on \_\_\_\_, 2024, the SOAH ALJ abated the procedural schedule, dismissed the case from SOAH's docket, and remanded it to the Commission.

**Route Adequacy**

41. The application presented 21 geographically diverse routes. Each of the alternative route links is included in at least one of the 21 filed routes.
42. No party filed testimony or a position statement challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
43. The application provided an adequate number of sufficiently delineated routes to conduct a proper evaluation.

**Need for the Project**

44. The Project is a component of Oncor's West Texas 345-kV Infrastructure Rebuild Project, which was endorsed by ERCOT as a Tier 1 project under ERCOT Nodal Protocol Section 3.11.4.3.

45. Oncor filed a copy of ERCOT's approval of the West Texas 345-kV Infrastructure Rebuild Project with its application on July 25, 2024.
46. The Project is needed to address reliability issues including thermal overloading in the project area and surrounding counties.
47. The Project is also needed to accommodate significant load growth and load integration requests on Oncor's transmission system in west Texas, where the age of existing facilities further contributes to the Project's need.
48. Oncor's steady-state contingency analysis under summer 2028 conditions revealed thermal overloads on several 345-kV transmission lines and 345/138-kV autotransformers in the West Texas portion of Oncor's transmission grid. Oncor identified these thermal overloads under certain North American Electric Reliability Corporation (NERC) post-contingency conditions.
49. ERCOT's independent review of the West Texas 345-kV Infrastructure Rebuild Project revealed thermal overloads under NERC Category P1, P2-1, P3, P6-2, and P7 contingency conditions.
50. ERCOT's independent review of the West Texas 345-kV Infrastructure Rebuild Project recommended the Project, and other system improvements included in Oncor's West Texas 345-kV Infrastructure Rebuild Project, as the preferred solution to address the identified reliability issues.
51. No party challenged the need for the Project, and Staff recommended approval of the proposed transmission line.
52. Oncor demonstrated a reasonable need for the transmission line.

**Project Alternatives**

53. Due to the existing system configuration and remote location of the surrounding transmission lines, alternatives to the Project are limited. There are no feasible alternatives to many of the transmission system improvements (*e.g.*, station reconfigurations) comprising the West Texas 345-kV Infrastructure Rebuild Project.
54. Oncor analyzed constructing additional 345-kV circuits on new structures within new right-of-way next to the existing 345-kV transmission lines leaving Oncor's Morgan Creek Switch. However, this alternative did not produce system performance improvements similar to the West Texas 345-kV Infrastructure Rebuild Project. This alternative would

also require the construction of additional transmission lines on new right-of-way and is not a viable alternative from a cost or timeliness perspective.

- 55. ERCOT did not identify or examine any additional options in its independent review of the West Texas 345-kV Infrastructure Rebuild Project.
- 56. Distribution alternatives to the Project would not resolve the identified reliability issues on the transmission system or address the large loads and generation seeking interconnection at transmission-level voltage.
- 57. Upgrading voltage or bundling of conductors of existing facilities and adding transformers would not address the identified reliability issues or provide the necessary level of service to meet electric demand in the area.

**Effect of Amending the CCN on Other Utilities**

- 58. Oncor is the only electric utility involved in the construction of the Project, and no other utilities' existing facilities will be utilized.
- 59. The Project will not adversely affect service by other utilities in the area.

**Estimated Costs**

- 60. The estimated costs for the 21 filed routes range from \$17,993,000 to \$28,794,000, exclusive of station costs.
- 61. The estimated cost of Route 10's transmission line facilities is \$18,115,000.
- 62. The estimated cost for station work needed to construct the Project is \$5,425,000.
- 63. The cost of Route 10 is reasonable considering the range of cost estimates for the Project's proposed routes.
- 64. The Project will be financed through a combination of debt and equity.

**Prudent Avoidance**

- 65. Commission rules define prudent avoidance under 16 Texas Administrative Code (TAC) § 25.101(a)(6) as the "limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."
- 66. There are no known habitable structures located within 500 feet of Route 10's centerline.
- 67. Construction of transmission facilities along Route 10 complies with the Commission's policy of prudent avoidance.

**Engineering Constraints**

- 68. Oncor evaluated engineering and construction constraints when developing its filed routes.

69. Oncor did not identify any significant engineering constraints associated with the construction of transmission facilities along Route 10 that cannot be resolved with additional consideration by Oncor during the design and construction phases of the Project.

**Community Values**

70. Information regarding community values was received from local, state, and federal agencies and incorporated into the environmental assessment and routing analysis for development of the filed routes.
71. Construction of transmission facilities along Route 10 adequately addresses the expressed community values.

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

72. The application's 21 filed routes parallel existing compatible rights-of-way and apparent property boundaries for between 7.6% and 68.3% of their lengths.
73. Route 10 parallels existing compatible rights-of-way and apparent property boundaries for approximately 35.4% of its length.
74. The application's 21 filed routes use existing Oncor right-of-way for between 6.4% and 12.2% of their lengths.
75. Route 10 utilizes existing Oncor right-of-way for 10.2% of its length.
76. Route 10 uses or parallels existing compatible corridors and apparent property boundaries to a reasonable extent.

**Other Comparisons of Land Uses and Land Types**

77. The study area traverses mostly rural, undeveloped land used primarily for oil and gas production or livestock grazing.
78. Residential development is represented by two isolated developments, and aside from oil and gas production, commercial developments in the study area are generally associated with the City of Odessa in the far northwestern corner of the study area.

**a. Radio Towers and Other Electronic Installations**

- 79. There are no known AM radio transmitters located within 10,000 feet of the centerlines of any filed routes, including Route 10.
- 80. There is one communication tower located within 2,000 feet of the centerlines of all filed routes, including Route 10.
- 81. There are no FM radio transmitters located within 2,000 feet of the centerlines of any filed routes, including Route 10.
- 82. It is unlikely that the presence of transmission facilities along the Route 10 will adversely affect any communication operations near the proposed route.

**b. Airstrips and Airports**

- 83. No airports registered with the Federal Aviation Administration with a runway longer than 3,200 feet are located within 20,000 feet of any filed route, including Route 10.
- 84. No airports registered with the Federal Aviation Administration with no runway longer than 3,200 feet are located within 10,000 feet of any filed route, including Route 10.
- 85. No private airstrips are located within 10,000 feet of any filed route, including Route 10.
- 86. No private heliports are located within 5,000 feet of any filed route, including Route 10.
- 87. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect any airports, airstrips, or heliports.

**c. Irrigation Systems**

- 88. No filed routes cross land irrigated by known mobile irrigation systems, including Route 10.
- 89. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect any agricultural lands with known mobile irrigation systems.

**d. Pipelines**

- 90. No filed route, including Route 10, parallels known pipelines.
- 91. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect any pipelines.

**Recreational and Park Areas**

- 92. No filed route crosses a park or recreational area, including Route 10.
- 93. No parks or recreational areas are located within 1,000 feet of the centerlines of any filed route, including Route 10.

94. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect the use and enjoyment of any recreational or park areas.

**Historical and Archaeological Areas**

95. There are no recorded cultural resource sites identified as being crossed by the filed routes, and no such site is located within 1,000 feet of the centerlines of the filed routes, including Route 10.
96. The length of land with high archaeological or historical site potential that is crossed by a filed route ranges from 3,610 feet to 8,368 feet.
97. Route 10 crosses land with high archaeological or historical site potential for 5,193 feet.
98. No sites in the study area have been recorded in the National Register of Historic Places or designated as a State Antiquities Landmark for Midland County.
99. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect historical or archaeological resources.

**Aesthetic Values**

100. No filed routes are located within the foreground visual zone of any park or recreational area, including Route 10.
101. For the 21 filed routes, the length of right-of-way that is located within the foreground visual zone of any U.S. or State highway ranges from 5,281 feet to 16,558 feet.
102. Route 10 is located within the foreground visual zone of U.S. or State highways for 5,281 feet.
103. It is unlikely that the presence of transmission facilities along Route 10 will significantly or adversely affect the aesthetic quality of the landscape.

**Environmental Integrity**

104. The environmental assessment and routing analysis analyzed the possible impacts of the potential transmission line routes on numerous environmental factors.
105. Current county listings for federally- and state-listed threatened and endangered species were obtained from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department. United States Fish and Wildlife Service-designated critical habitat locations were included in the review.
106. Construction and operation of the transmission facilities will have no significant effect on the physiographic or geologic features and resources of the area.

107. Construction and operation of the transmission facilities will have no significant impact on the surface water resources of the area.
108. Construction and operation of the transmission facilities are not expected to have an adverse impact on the groundwater resources of the area.
109. Construction and operation of the transmission facilities are not expected to have significant impacts to the area's aquatic resources.
110. There are no federally- or state-listed threatened or endangered plant species with potential to occur within the study area.
111. There are no federally-listed threatened, endangered, or proposed endangered animal species with potential to occur in the study area.
112. There is one federally-listed candidate animal species with potential to occur in the study area.
113. There are no state-listed endangered animal species with potential to occur in the study area.
114. There are two state-listed threatened animal species with potential to occur in the study area.
115. After Commission approval of a route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- and state-listed animal species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally- or state-listed animals species are observed during a field survey of the Commission-approved route, Oncor may further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance and/or mitigation strategies.
116. Oncor can construct the transmission facilities in an ecologically sensitive manner along the proposed route.
117. Oncor will mitigate any effect on federally-listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
118. It is appropriate for Oncor to follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: 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. It is appropriate for Oncor to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

119. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate right-of-way clearance for the proposed transmission line.
120. It is appropriate for Oncor to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
121. It is appropriate for Oncor to avoid, to the maximum extent practical, causing adverse environmental impacts to sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
122. It is appropriate for Oncor to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowner agrees otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
123. It is appropriate for Oncor to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way must comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
124. It is appropriate for Oncor to use best management practices to minimize the potential burden on migratory birds and threatened or endangered species.
125. It is unlikely that the presence of transmission facilities along Route 10 will adversely affect the environmental integrity of the surrounding landscape.

**Texas Parks and Wildlife Department's Comments and Recommendations**

126. On May 15, 2024, the Texas Parks and Wildlife Department's Wildlife Habitat Assessment Program provided Halff information and recommendations regarding the preliminary study area for the Project.
127. The Texas Parks and Wildlife Department was provided a copy of the environmental assessment and routing analysis and application for the Project.
128. 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.
129. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond appropriately.
130. Oncor will use avoidance or mitigation procedures, as appropriate, to comply with laws protecting federally-listed species.
131. Oncor will re-vegetate rights-of-way as necessary and according to Oncor's vegetation management practices, the stormwater pollution prevention plan developed for construction of the proposed transmission line, if any, and in many instances, landowner preferences or requests.
132. Oncor's standard vegetation removal, construction, and maintenance practices adequately address concerns expressed by the Texas Parks and Wildlife Department.
133. Oncor will use appropriate avian protection procedures.
134. Oncor will comply with all environmental laws and regulations, including those governing threatened and endangered species.
135. Oncor will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under § 404 of the Clean Water Act.
136. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if threatened or endangered species' habitats are identified during field surveys.

137. If construction impacts federally-listed species or their habitat or impacts water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, Oncor will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and Texas Commission on Environmental Quality, as appropriate, to obtain permitting and perform any required mitigation.
138. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with Oncor's standard practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and are sufficient to address the Texas Parks and Wildlife Department's comments and recommendations.

**Permits**

139. Before beginning construction of the transmission facilities approved by this Order, it is appropriate for Oncor to obtain any necessary permits or clearances from federal, state, or local authorities.
140. Before beginning construction of the transmission facilities approved by this Order, it is appropriate for Oncor to conduct a field assessment of the entire length of the transmission line to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitat impacted as a result of the transmission line. As a result of this assessment, Oncor will identify any additional permits that are necessary, will consult any required agencies, will obtain all necessary permits or clearances from federal, state, or local authorities, and will comply with the relevant permit conditions during construction and operation of the transmission line.
141. After designing and engineering the alignments, structure locations, and structure heights, Oncor will make a final determination of the need for Federal Aviation Administration notification based on the final structure locations and designs. If necessary, Oncor will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate Federal Aviation Administration requirements.

**Coastal Management Program**

142. No part of the proposed transmission facilities are located within the Coastal Management Program as defined in 31 TAC § 27.1.
143. Construction of the proposed transmission facilities along the proposed route will not have any effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 27.1.

**Probable Improvement of Service or Lowering of Consumer Cost**

144. The transmission facilities approved by this Order are needed to address reliability issues identified in post-contingency conditions and will result in an improvement in Oncor's ability to reliably serve its customers.
145. The transmission facilities approved by this Order are not being proposed to, and are not expected to, result in a lowering of costs to customers.

**Limitation of Authority**

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

**II. Conclusions of Law**

The Commission adopts the following conclusions of law:

1. The Commission has authority over this matter under PURA<sup>1</sup> §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
2. Oncor is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).
3. Oncor must obtain the approval of the Commission to construct the proposed transmission line and provide service to the public using the proposed transmission line under PURA § 37.053.
4. The Tesoro Switch is an existing electric utility facility under PURA § 37.056(e).
5. The Odessa EHV Switch to Moss Switch and Odessa EHV Switch to Wolf Switch 345-kV circuits are existing electric utility facilities under PURA § 37.056(e).

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

6. The application is sufficient under 16 TAC § 22.75(d).
7. The application is sufficient with the requirements of 16 TAC § 25.101.
8. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
9. No public meeting on the application was required under 16 TAC § 22.52(a)(4).
10. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
11. The proposed transmission facilities using Route 10 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
12. The construction of transmission facilities along Route 10 complies with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
13. The Texas Coastal Management Program does not apply to any of the proposed transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to this application.

### III. Ordering Paragraphs

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

1. The Commission amends Oncor's CCN number 30043 to include the construction, ownership, and operation of the Reiter Switch to Tesoro Switch 345-kV transmission line project in Ector and Midland counties, Texas using Route 10.
2. Oncor must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the electric transmission facilities approved by this Order.
3. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line and coordinate with pipeline owners in modeling

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<sup>2</sup> Tex. Gov't Code Ch. 2001.

- and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
4. Oncor must comply with all applicable local, state, and federal laws, regulations, and permits.
  5. Oncor must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
  6. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and the United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
  7. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.
  8. Before beginning construction, Oncor must undertake reasonable measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required by applicable law or permit.
  9. Oncor must take reasonable measures to minimize the potential impact to migratory birds and threatened or endangered species due to the presence of the transmission facilities.
  10. Oncor 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.
  11. Oncor must take precautions to avoid disturbing occupied nests and to minimize the burden

- of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
12. Oncor must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture Regulations.
  13. Oncor must take reasonable measures to 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 facilities.
  14. Oncor must take reasonable measures to re-vegetate using native species and to consider landowner preferences and wildlife needs in doing so.
  15. To the maximum extent practical, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
  16. Oncor must implement reasonable erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and the implementation special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.
  17. Oncor must take reasonable measures to return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, Oncor is not required to restore the original contours and grades where a different contour or grade is necessary to ensure the stability of the transmission facilities or the safe construction, operation, and maintenance of any transmission facilities.
  18. If possible, and subject to the other provisions of this Order, Oncor must prudently implement appropriate final design for the transmission line so as to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. Oncor is not authorized to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the

- Federal Aviation Administration's recommendations or requirements, then Oncor must file an application to amend its CCN as necessary.
19. Oncor must cooperate with directly affected landowners to implement minor deviations from the approved route to minimize the disruptive effect of the transmission facilities. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission facilities in accordance with 16 TAC § 22.52(a)(3) and landowners that have agreed to the minor deviation.
  20. The Commission does not permit Oncor to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending its CCN.
  21. Oncor must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when all charges have been identified.
  22. The Commission limits the authority granted by this Order to a period of seven years from the date this Order is signed, unless the transmission facilities are commercially energized before that time.
  23. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.