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Public Utility Commission of Texas

TO: Shelah Cisneros
Commission Counsel

All Parties of Record

FROM: Isaac Ta I. T.
Administrative Law Judge

RE: **Docket No. 56799**
SOAH Docket No. 473-24-22699 – *Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Reiter Switch-Tesoro 345-kV Transmission Line in Ector and Midland Counties*

DATE: October 21, 2024

Enclosed is the Proposed Order in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the Proposed Order.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date. The parties must file corrections or exceptions to the Proposed Order by November 4, 2024.

If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.

If there are no corrections or exceptions, no response is necessary.

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

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE REITER SWITCH-TESORO 345-KV TRANSMISSION LINE IN ECTOR AND MIDLAND COUNTIES	§ § § § § § §	**PUBLIC UTILITY COMMISSION OF TEXAS**

PROPOSED ORDER

This Order addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) number 30043 for the proposed Reiter switch-to-Tesoro switch 345-kilovolt (kV) transmission facilities in Ector and Midland counties. The parties to this docket filed an agreement resolving the issues between themselves. The Commission approves the proposed route and amends Oncor's CCN number 30043 to the extent provided in this Order.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.

2. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.

3. Oncor holds CCN number 30043 to provide service to the public.

Application

4. On July 25, 2024, Oncor filed an application to amend its CCN for the construction of transmission facilities in Ector and Midland counties consisting of a new double-circuit 345-kV transmission line between the existing Tesoro Switch and the new Reiter Switch to address reliability issues identified by ERCOT in the Permian Basin region of West Texas.

5. Oncor hired Halff Associates, Inc. to prepare an environmental assessment and alternative route analysis for the proposed transmission line, which was included as part of the application.

6. In State Office of Administrative Hearings (SOAH) Order No. 1 filed on July 29, 2024, the SOAH administrative law judge (ALJ) ordered that the application would be deemed sufficient by August 29, 2024, absent an order finding the application materially deficient.

7. The SOAH ALJ did not file an order finding the application materially deficient.

8. No party challenged the sufficiency of the application.

9. The application was deemed sufficient for further review on August 29, 2024.

Description of the Proposed Transmission Facilities

10. Oncor proposes to construct and operate a new double-circuit 345-kV transmission line to connect between Oncor's existing Tesoro switch and the proposed new Reiter switch.

11. In this Order, the term *transmission facilities* includes the proposed transmission line, the planned Reiter switch, and the modifications to the existing Tesoro switch.

12. The proposed new 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. The 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.

13. The existing Tesoro switch is located approximately 1.5 miles southeast of the intersection of Interstate Highway 20 and State Highway Loop 338 near Odessa, Texas.

14. The proposed transmission facilities will be located in Ector and Midland counties.

15. The applicants plan to construct the proposed transmission line on double-circuit lattice steel towers.

16. The proposed transmission line will be between 120 and 180 feet in height and located in a 160-foot right-of-way.

17. The route agreed to by the parties is route 10, which is 4.43 miles in length and consists of route links A-B4-D3-F4-H4-I4-I5-I6-J.

Schedule

18. 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

19. No public meeting was required or was held because fewer than 25 persons were entitled to receive direct mail notice of the proposed transmission facilities.

20. On April 5, 2024, Halff mailed consultation letters to various public officials and agencies informing them of the proposed transmission line and giving them an opportunity to provide information about the proposed transmission line and the general proposed transmission line area. In response, Halff received information from various public officials and agencies.

21. Before 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

22. On July 25, 2024, Oncor sent written notice of the application as follows:

    a. by first-class mail to directly affected landowners;

    b. by priority mail to county and municipal officials in Ector County, Midland County, the City of Odessa, and the City of Midland;

    c. by priority mail to the neighboring utilities providing the same utility service within five miles of the proposed facilities;

    d. by overnight mail delivery to the Office of Public Utility Counsel;

    e. by overnight mail delivery and email to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse; and

    f. by first-class mail to certain pipeline associations and pipeline owners and operators.

23. 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.

24. On August 14, 2024, Oncor filed the following:

    a. the affidavit of Christine Williams, regulatory manager at Oncor, attesting to the provision of notice as described above; and

    b. a publisher's affidavit attesting to the publication of 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.

Referral to SOAH for Hearing

25. On July 26, 2024, the Commission referred this docket to SOAH and filed a preliminary order that, among other things, established a decision deadline and specified issues to be addressed in this proceeding.

26. On September 23, 2024, the parties filed an agreement resolving the issues between themselves.

27. In SOAH Order No. 3 filed on September 24, 2024, the SOAH ALJ abated the procedural schedule, dismissed the case from SOAH's docket, and remanded it to the Commission.

Intervenors

28. In SOAH Order No. 2 filed on August 14, 2024, the SOAH ALJ granted the motions to intervene filed by Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore.

29. In Order No. 1 filed on October 21, 2024, the Commission ALJ admitted Matthew C. Bell's request to intervene.

Testimony

30. On July 25, 2024, Oncor filed the direct testimony of its witnesses: Jared Gurley, senior manager in Oncor's transmission planning group, Kaleb Roberts, senior engineer in Oncor's transmission engineering line design group, Jody Urbanovsky, project manager at Halff, and Amy L. Zapletal, project manager senior in Oncor's transmission engineering right-of-way group.

31. On August 26, 2024, Oxy USA WTP, LP and Kerr-McGee Oil & Gas Onshore filed the direct testimony of their witness Huy Le, power engineering manager at Occidental Energy Ventures, LLC.

32. On September 6, 2024, Commission Staff filed the direct testimony of its witness Caitlin Gaspar, project engineer in the Commission's infrastructure division.

Evidentiary Record

33. In SOAH Order No. 3 filed on September 24, 2024, the SOAH ALJ 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 Military Aviation and Installation Assurance 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 Commission Staff witness, Caitlin Gaspar, filed on September 6, 2024; and

i. the unanimous stipulation and settlement agreement and all exhibits thereto filed on September 23, 2024.

34. In Order No. 2 filed on October 21, 2024, the Commission ALJ admitted the following evidence into the record of this proceeding:

a. The native Excel version of table 5.2, as described in the environmental assessment and routing study filed with Oncor's application as attachment No. 1, filed as exhibit A to the second joint agreed motion to admit evidence on October 17, 2024;

b. The native Excel version of table 5.3, as described in the environmental assessment and routing study filed with Oncor's application as attachment No. 1, filed as exhibit B to the second joint agreed motion to admit evidence on October 17, 2024; and

c. An environmental and land use constraints map of the project that reflects the location of intervenor landowner properties, all routing segments presented in the application, and the lack of affected habitable structures, filed as exhibit C to the second joint agreed motion to admit evidence on October 17, 2024.

Route Adequacy

35. The application presented 21 geographically diverse routes. Each of the route links is included in at least one of the 21 filed routes.

36. 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.

37. The application provided an adequate number of sufficiently delineated routes to conduct a proper evaluation.

Adequacy of Existing Service and Need for Additional Service

38. The proposed transmission line 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 § 3.11.4.3.

39. Oncor filed a copy of ERCOT's approval of the West Texas 345-kV Infrastructure Rebuild Project with its application.

40. The proposed transmission line is needed to address reliability issues including thermal overloading in the proposed transmission line area and surrounding counties.

41. The proposed transmission line 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 proposed transmission line's need.

42. 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.

43. ERCOT's independent review of the West Texas 345-kV Infrastructure Rebuild Project revealed thermal overloads under NERC Category Pl, P2-1, P3, P6-2, and P7 contingency conditions.

44. ERCOT's independent review of the West Texas 345-kV Infrastructure Rebuild Project recommended the proposed transmission line, 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.

45. No party challenged the need for the proposed transmission line.

46. Oncor demonstrated a reasonable need for the transmission line.

47. Due to the existing system configuration and remote location of the surrounding transmission lines, alternatives to the proposed transmission line are limited.

48. 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.

49. ERCOT did not identify or examine any additional options in its independent review of the West Texas 345-kV Infrastructure Rebuild Project.

50. Distribution alternatives to the proposed transmission line would not resolve the identified reliability issues on the transmission system or address the large loads and generation seeking interconnection at transmission-level voltage.

51. 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.

52. There are no feasible alternatives to many of the transmission system improvements comprising the West Texas 345-kV Infrastructure Rebuild Project.

Effect of Amending the CCN on Other Utilities and Probable Improvement of Service or Lowering of Cost

53. The proposed transmission line will not directly connect to any other electric utility. No other electric utility is involved with the construction of the proposed transmission line. The proposed transmission line does not use existing facilities owned by any other electric utility.

54. It is unlikely that construction of the proposed transmission facilities will adversely affect service by other utilities in the area.

55. The transmission facilities approved by this Order are needed to expand and upgrade Oncor's transmission system to address reliability issues in West Texas.

56. The transmission facilities approved by this Order are not being proposed to, and are not expected to, result in a lowering of costs to consumers.

Estimated Costs

57. The estimated cost of the proposed transmission line ranges from $17,993,000 to $28,794,000, exclusive of station costs.

58. The estimated cost of route 10's transmission line facilities is $18,115,000.

59. The estimated cost for station work needed to construct the proposed transmission line is $5,425,000.

60. The total estimated cost for the proposed transmission facilities using route 10 is reasonable.

61. The proposed transmission facilities will be financed through a combination of debt and equity.

Prudent Avoidance

62. 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."

63. There are no habitable structures located within 500 feet of route 10's centerline.

64. Construction of transmission facilities along route 10 complies with the Commission's policy of prudent avoidance.

Community Values

65. 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.

66. Construction of transmission facilities along route 10 adequately addresses the expressed community values.

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

67. 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.

68. Route 10 parallels existing compatible rights-of-way and apparent property boundaries for approximately 35.4% of its length.

69. The application's 21 filed routes use existing Oncor right-of-way for between 6.4% and 12.2% of their lengths.

70. Route 10 utilizes existing Oncor right-of-way for 10.2% of its length.

71. Route 10 uses or parallels existing compatible corridors and apparent property boundaries to a reasonable extent.

Engineering Constraints

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

73. There are no 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 proposed transmission line.

Other Comparisons of Land Uses and Land Types

74. The study area traverses mostly rural, undeveloped land used primarily for oil and gas production or livestock grazing.

75. 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 Odessa in the far northwestern corner of the study area.

a. Radio Towers and Other Electronic Installations

76. There are no known AM radio transmitters located within 10,000 feet of the centerlines of any of the filed routes, including route 10.

77. There is one communication tower located within 2,000 feet of the centerline of the filed routes, including route 10.

78. There are no FM radio transmitters located within 2,000 feet of the centerlines of any of the filed routes, including route 10.

79. It is unlikely that the presence of transmission facilities along route 10 will adversely affect any communication facilities or operations in the study area.

b. Airstrips and Airports

80. There are no airports registered with the Federal Aviation Administration with a runway longer than 3,200 feet located within 20,000 feet of any proposed route, including route 10.

81. There are no airports registered with the Federal Aviation Administration with a runway shorter than or exactly 3,200 feet located within 10,000 feet of any proposed route, including route 10.

82. There are no private airstrips located within 10,000 feet of any proposed route, including route 10.

83. There are no private heliports located within 5,000 feet of any proposed route, including route 10.

84. It is unlikely that the presence of transmission facilities along route 10 will adversely affect any airports, airstrips, or heliports.

c. ***Irrigation Systems***

85. The filed routes do not cross land irrigated by known mobile irrigation systems, including route 10.

86. 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***

87. The filed routes do not parallel any existing pipelines but crosses pipelines 20 times.

88. It is unlikely that the presence of transmission facilities along route 10 will adversely affect any pipelines that transport hydrocarbons.

Recreational and Park Areas

89. There are no parks or recreational areas owned by a governmental body or an organized group, club, or church located within 1,000 feet of the filed routes, including route 10.

90. 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

91. There are no National Register of Historic Places-listed properties and no determined eligible sites crossed by or located within 1,000 feet of the centerline of the filed routes.

92. The length of land with high archaeological or historical site potential that is crossed by a proposed route ranges between 3,610 feet to 8,368 feet.

93. Route 10 crosses land with high archaeological or historical site potential for 5,193 feet.

94. No sites in the study area have been recorded in the National Register of Historic Places or designated as a State Antiquities Landmark.

95. It is unlikely that the presence of transmission facilities along route 10 will adversely affect historical or archaeological resources.

Aesthetic Values

96. None of the filed routes are located within the foreground visual zone of any park or recreational area, including route 10.

97. For the 21 filed routes, the length of right-of-way that is located within the foreground visual zone of any United States or State highway ranges from 5,281 feet to 16,558 feet.

98. Route 10 is located within the foreground visual zone of United States or state highways for 5,281 feet.

99. 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

100. The environmental assessment and routing analysis analyzed the possible impacts of the potential transmission line routes on numerous environmental factors.

101. Halff evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.

102. Halff evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation, fish, and wildlife), and land use within the study area.

103. 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. Habitat locations designated critical by the United States Fish and Wildlife Service were included in the review.

104. Construction and operation of the proposed transmission facilities will have no significant effect on the physiographic or geologic features and resources of the area.

105. Construction and operation of the proposed transmission facilities will have no significant impact on the surface water resources of the area.

106. Construction and operation of the proposed transmission facilities are not expected to have an adverse impact on the groundwater resources of the area.

107. Construction and operation of the proposed transmission facilities are not expected to have an adverse impact on the aquatic resources of the area.

108. There are no federally- or state-listed threatened or endangered plant species with potential to occur within the study area.

109. There is no designated critical habitat for any federally-listed threatened or endangered species within the study area.

110. There is one federally-listed candidate animal species with potential to occur in the study area.

111. There are no state-listed endangered animal species with potential to occur in the study area.

112. There are two state-listed threatened animal species with potential to occur in the study area.

113. It is unlikely that there will be any significant adverse consequences for populations of any federally-listed endangered or threatened species.

114. Oncor can construct the transmission facilities in an ecologically sensitive manner along route 10.

115. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the proposed transmission facilities.

116. 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.

117. It is appropriate for Oncor to avoid, to the maximum extent reasonably possible, causing 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.

118. 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.

119. 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.

120. It is appropriate for Oncor to protect raptors and migratory birds by following the procedures 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.

121. It is appropriate for Oncor to use best management practices to minimize the potential burden on migratory birds and threatened or endangered species.

122. 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

123. The Texas Parks and Wildlife Department was provided a complete copy of the application, including the environmental assessment, for the proposed transmission facilities.

124. 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 proposed transmission line.

125. On September 24, 2024, the Texas Parks and Wildlife Department filed a letter making various comments and recommendations on the proposed transmission facilities.

126. 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.

127. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a habitat for endangered or threatened species exists and to respond as required.

128. Oncor will comply with all environmental laws and regulations, including those governing threatened and endangered species.

129. Oncor will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.

130. If construction affects federally-listed species or their habitat or affects water under the authority of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality (TCEQ), Oncor will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and TCEQ, as appropriate, to coordinate permitting and perform any required mitigation.

131. Halff 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.

132. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if federally-listed threatened or endangered species' habitats are identified during field surveys.

133. 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.

134. 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.

135. This Order addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.

136. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the proposed transmission facilities.

Permits

137. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.

138. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.

139. Before beginning construction of the transmission facilities approved by this Order, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.

140. Before commencing construction of the transmission facilities approved by this Order, it is appropriate for Oncor to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the TCEQ. In addition, before commencing construction, it is appropriate for Oncor to (a) prepare a stormwater pollution prevention plan, if required, (b) submit a notice of intent to the TCEQ, if required, and (c) comply with all other applicable requirements of the general permit.

141. Before commencing 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' habitats disrupted by the transmission line. As a result of this assessment, Oncor will identify and obtain any additional permits that are necessary. Oncor will comply with the relevant permit conditions during construction and operation of the transmission line facilities along route 10.

142. 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

143. No part of the proposed transmission facilities are located within the Coastal Management Program as defined in 31 TAC § 27.1.

144. Construction of the proposed transmission facilities along route 10 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.

Limitation of Authority

145. 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.

146. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order to construct the transmission facilities.

Informal Disposition

147. More than 15 days have passed since the completion of notice provided in this docket.

148. All the parties to this proceeding support route 10.

149. No hearing is needed.

150. Commission Staff recommended approval of the application.

151. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. Oncor is a public utility as defined in PURA[1] § 11.004(1) and an electric utility as defined in PURA § 31.002(6).

2. Oncor must obtain the approval of the Commission to construct the proposed transmission facilities and to provide service to the public using the proposed transmission 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. SOAH exercised authority over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.

5. The application was deemed sufficient under 16 TAC § 22.75(d).

6. The application complies with the requirements of 16 TAC § 25.101.

7. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).

8. No public meeting on the application was required under 16 TAC § 22.52(a)(4).

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

9. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,[2] and Commission rules.

10. 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).

11. 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.

12. 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.

13. The requirements for informal disposition under 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 approves route 10 and amends Oncor's CCN number 30043 to the extent provided in this Order.

2. The Commission amends Oncor's CCN number 30043 to include the construction, ownership, and operation of a new double-circuit 345-kV transmission line along route 10 between the new Reiter switch and existing Tesoro switch in Ector and Midland counties.

3. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and coordinate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.

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[2] Tex. Gov't Code §§ 2001.001–.903.

4. Oncor must consult with pipeline owners or operators in the vicinity of route 10 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.

5. Oncor must comply with all applicable local, state, and federal laws, regulations, and permits.

6. 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.

7. 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.

8. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.

9. Before beginning construction, Oncor must undertake reasonable measures to identify whether a habitat for federally-listed endangered or threatened species exists and must respond as required by applicable law or permit.

10. Oncor must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by route 10.

11. 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.

12. Oncor must take reasonable measures 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.

13. 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.

14. Oncor must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission facilities. In addition, Oncor must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.

15. 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 of special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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 the _____ day of _____ 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

_____
THOMAS J. GLEESON, CHAIRMAN

_____
LORI COBOS, COMMISSIONER

_____
JIMMY GLOTFELTY, COMMISSIONER

_____
KATHLEEN JACKSON, COMMISSIONER

_____
COURTNEY K. HJALTMAN, COMMISSIONER

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