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SOAH DOCKET NO. 471-25-02531
DOCKET NO. 57115

JOINT APPLICATION OF THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SOUTH TEXAS ELECTRIC COOPERATIVE, INC. (STEC) TO AMEND THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED HOWARD ROAD-TO-SAN MIGUEL 345-KV TRANSMISSION LINE IN BEXAR AND ATASCOSA COUNTIES	**§**	**BEFORE THE** **STATE OFFICE OF** **ADMINISTRATIVE HEARINGS**

INITIAL POST-HEARING BRIEF OF RIPS RANCH LLC

Table of Contents

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OF RIPS RANCH LLC

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES ("ALJs"):

Rips Ranch LLC timely files its Initial Post-Hearing Brief in this proceeding and would respectfully show as follows:

II. INTRODUCTION AND SUMMARY

The routes of primary interest in intervenor testimony are Routes N-AB, N, M, and to a lesser degree, Route U Alt 2. Although nominally within the scope of the Applicants' "Routes of Interest" exhibit, and while unopposed by certain intervenors, no party currently advocates for selection of either Route U or Route Y—or any other route outside the Routes of Interest—because of their specific and grievous impacts upon landowners within the Study Area.[1] At bottom, the unambiguous data[2] supports selection of **Route N-AB as the best alternative** under the factors set forth in TEX.

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[1] Importantly, all intervenor and Staff testimony was filed before the data pertaining to Route N-AB was made available in Applicants' rebuttal. As such, all intervenor and Staff testimony must be read to infer support for Route N-AB where the data is favorable. This brief examines that data.

In addition, Rips Ranch is adversely affected by any Route U or other eastern corridor alternative, including Route U Alt 2, that has some version of Segment 62 as a component and opposes them. Although generally opposed to Route U derivatives, Rips Ranch supports the selection of Route U Alt 2 over the as-filed Route U for the reasons described herein.

[2] *See generally* CPS Energy and STEC Ex. 12.

UTIL. CODE ANN. § 37.056(c)(4) and provided in PUC SUBST. R. § 25.101(b)(3)(B). The record reflects that **Route N-AB** (consisting of Segments 3-6-15-21-30-34-39-40-41-45A-45B-52-54-55-58-59-65-68B-71-75-77-87-94-99-107-108-110), a modification of Route N determined in the context of discovery with changes made through discussions among and the cooperation of neighbors impacted by certain segments, is the route that best meets the Commission's criteria. Route N-AB meets community values, aesthetic and historical values, environmental integrity, and virtually every factor the ALJs and Commission are to consider better than other proposed alternatives, and substantially better than either as-filed Route U or as modified Route U Alt 2.

Route N-AB, which is similar to as-filed Route N, with modifications in its southern reaches, performs best under the relevant criteria:

- Route N-AB is shorter than the average of the dozens of alternatives.
- Route N-AB parallels almost 27 miles of existing transmission line and road and highway rights-of-way and apparent property lines—more two miles greater than the average route in the Application or adduced in testimony.
- Route N-AB affects a moderate number of habitable structures—more than 20 fewer habitable structures than the average in the Application and in testimony.
- Route N-AB is projected to cost more than $14 million dollars less than Route U and millions less than the average-cost route offered in the Application.
- Route N-AB has superior paralleling characteristics, with significant paralleling of existing transmission line rights-of-way, roadway rights-of-way, and apparent property lines—almost three miles more paralleling than the average route presented in the Application or in testimony.
- Route N-AB affects overall environmental integrity less than almost any route by crossing or paralleling fewer streams, by cutting through less upland woodland, and by affecting little bottomland forest.

By contrast, Route U and derivatives perform relatively poorly in terms of paralleling compatible rights-of-way, cutting through rangeland, woodlands, and other comparatively unfragmented land, and perform on par with other routes on the number of impacted habitable structures and impacts on areas of high ecological and cultural significance. And, each of the Route U derivatives cost materially more than either Route N-AB, Route N, or Route M. Finally, no intervenor or set of intervenors opposes Route N-AB. **The ALJs should recommend, and the Commission should approve,**

Route N-AB, or alternatively, Route N, Route M, or Route U Alt 2.

III. JURISDICTION AND DEADLINE FOR DECISION

Rips Ranch does not address this issue.

IV. PRELIMINARY ORDER ISSUES

A. Application and Route Adequacy

1. Is the applicants' application to amend their CCNs adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation?

Although the Application was based upon a narrow, north-to-south Study Area, which held the potential to cause inadequate diversity of routes, Rips Ranch does not brief this issue at this time.

B. Notice

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

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

Rips Ranch does not brief these issues at this time.

C. Public Input

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

Rips Ranch does not brief this issue at this time.

D. Need

5. Taking into account the factors set out in the Public Utility Regulatory Act (PURA)1 § 37.056(c), are the proposed transmission facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a)? [*Several subparts omitted.*]

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

7. Are the proposed transmission facilities the better option to meet the need addressed by this application when compared to using distribution facilities, distributed generation (if the applicants

are bundled utilities), energy efficiency, or a combination of these solutions? [*Several subparts omitted.*]

Rips Ranch does not brief these issues at this time.

E. Route

8. Weighing the Factors in PURA § 37.056(c) and PUC Subst. R. § 25.101(b)(3)(B), which proposed transmission-line route is the best alternative?

Rips Ranch has contended through the development of the record that, to the extent possible, the proposed transmission line should be built on a route that parallels existing, compatible corridors and avoids the bisection of land within the Study Area, including the property Rips Ranch holds. As set out in the Environmental Assessment,[3] and as is established in the remainder of the record, the routes vary in their paralleling characteristics; however, Route N-AB and similarly-derived routes best conform to the criteria the ALJs and the Commision must evaluate in approving a route for the transmission line proposed in the Application.

Route N-AB best serves all of the Commission's criteria, and this brief will focus on the merits of that route.

1. Statutory criteria.

Title II of the Texas Utilities Code, the Public Utility Regulatory Act ("PURA"), provides that the Commission is to consider specific factors in evaluating whether to grant an amendment to a certificate of convenience and necessity for a transmission line.[4] These factors include community values, recreational and park areas, historical and aesthetic values, environmental integrity, among others, and the Commission's exercise is one of balancing sometimes competing factors. In implementing PURA § 37.056(c), the Commission established regulatory criteria, requiring consideration of the PURA criteria, engineering constraints, and costs in "rout[ing the line] to the extent possible to moderate the impact on the affected community and landowners unless grid

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3 CPS Energy and STEC Ex. 1, Joint Application, Att. 1,

4 PURA § 37.056(c)(4) (hereinafter, "PURA §").

reliability and security dictate otherwise."[5] The Commission's rules further provide that consideration must be given to:

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

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

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

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

Virtually every standard upon which the Commission must ultimately decide the routing of a transmission line under PURA § 37.056(c)(4) and PUC SUBST. R. § 25.101(c)(3)(B) gauges the impact of each alternative route upon the people and communities affected by the lines, both near and far. This is true whether the issue is the relative cost of proposed routes, with ratepayers paying the cost of any new transmission deployment; proposed routes' impact upon park and recreational areas, where enjoyment of dedicated lands or facilities can be reduced from a degraded environment; proposed lines' impacts upon aesthetic values, where the appreciation of an area can be adversely impacted by a new or expanded line of structures; or impacts upon environmental integrity, where on a longer time frame the conditions could be adversely affected by the loss of outdoor spaces, endangered species or other wildlife habitat, or damaged water resources.

Nothing in either PURA or the Commission's rules, however, ascribes primacy to any factor. As the court held in *Dunn v. Public Utility Commission of Texas*, "The plain language of [PUC SUBST. R. § 25.101(b)(3)] grants the PUC the authority to consider and weigh a variety of factors—engineering constraints, costs, grid reliability and security, along with the criteria in PURA section 37.056. . . . No one factor is dispositive."[6] Both the ALJs and the Commission must, therefore, balance the attributes of each potential route under the relevant standards. Although many characteristics of

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5 *See* PUC SUBST. R. § 25.101(b)(3)(B).

6 246 S.W.3d 788, 795 (Tex. App.—Austin 2008, no pet.).

the routes proposed in either the Application or described in discovery responses are similar, including length, cost, and habitable structures impacted by proposed lines, the environmental impacts of the routes are highly differentiated—as are their degrees of acceptance in the community. At bottom, certain routes—particularly Route N-AB adduced in discovery of the Applicants and in rebuttal testimony—are easily distinguished from others under environmental, community values, and prudent avoidance criteria.

The following figure, derived from the Applicants' Table 4-1, as amended in rebuttal,[7] combined with cost estimates, shows the meaningfully differential criteria:

Evaluation Criteria		Route M	Route N	Route U	Route UALT2	Route Y	Route N-AB
C	ESTIMATED COST	$276,258,000	$274,601,000	$293,356,000	$295,722,000	$289,833,000	$280,181,000
Land Use							
1	Length of alternative route	46.99	47.47	49.15	49.35	48.87	50.12
2	Number of habitable structures[1] within 500 feet of ROW centerline	77	78	51	50	41	74
4	Length of ROW parallel and adjacent to existing transmission line ROW	9.19	9.19	10.21	10.21	7.14	9.19
5	Length of ROW parallel and adjacent to other existing ROW (roadways)	1.58	1.58	2.67	2.67	2.73	2.51
6	Length of ROW parallel and adjacent to apparent property lines[2] (or other	15.81	14.64	14.85	15.60	12.09	15.18
7	Sum of evaluation criteria 3, 4, 5, and 6	26.59	25.41	27.74	28.49	21.96	26.88
Aesthetics							
29	Estimated length of ROW within foreground visual zone[5] of US and state highways	2.36	2.36	8.79	8.30	11.75	2.36
30	Estimated length of ROW within foreground visual zone[5] of FM/RM roads	5.71	5.71	4.11	4.11	4.63	5.36
31	Estimated length of ROW within foreground visual zone[5][7] of parks/recreational areas[8]	2.21	2.21	3.85	3.85	2.98	2.21

Figure 1, Table of Estimated Costs and Selected Table 4-1 Criteria for Competitive Routes (derived of CPS Energy and STEC Exhibit 12).

7 CPS Energy and STEC Ex. 12.

The statistics underlying Figure 1 and the rationale expressed in the testimony of various witnesses fundamentally support Route N-AB over the alternatives. Specifically, the rationale of virtually every witness supports Route N-AB or similar routes.[8] For the reasons set out herein, Rips Ranch avers that Route N-AB is the best overall choice and should be selected.

a. Community Values; PURA § 37.056(c)(4)(A)

Across the spectrum of intervenors are landowners, homeowners, and business owners who live or work within the Study Area. Some are owners of farms or large ranches, others of small homes, still others of larger commercial operations—all of which are affected by links that are parts of various routes. Personal interests are not equivalent to "community values"; instead, community values are shared; nevertheless, under a proper balancing of the relevant factors, including the community values supports selection of Route N-AB, or alternatively, Route N or Route M, under PURA § 37.056(c)(4)(A), "community values." Specifically, community support for Route N-AB or similar routes is broad.[9]

While democracy plays no direct role in routing consideration under PURA or the Commission's rules, nevertheless intervenors' expressions of support for or opposition of routes is indicative of the community values of engaged landowners. Importantly on the community values factor, Route N-AB, Route N, and Route M (or similar routes) garner support from virtually every party to this docket that has voiced a position.[10]

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[8] Commission Staff recommends Route M in its Direct Testimony of John Poole, P.E. *See* PUC Staff Ex. 1 18:11-22. Importantly, Staff did not evaluate Route N-AB because the data was not yet available at the time its testimony was filed, but the rationale expressed in Staff's testimony supports Route N-AB, as well as Routes N and M.

[9] *See, e.g.*, Steinle Group Ex. 1, Andrus Dir.; Texeira Ex. 1, Texeira Dir. 3:14-20, 3:21-15:19; Rips Ranch Ex. 1, Hammer Dir.; Rips Ranch Ex. 2, Hammer Cross-rebuttal 8:16-9:2. **Again, the statistics characterizing Route N-AB were not available to the parties until the Applicants filed their rebuttal testimony; however, the discussions in intervenor direct and cross-rebuttal and Staff direct indirectly, but substantially, support selection of Route N-AB.**

[10] The rationale each intervenor witness—and Staff—has expressed in support of one or the other of the available routes supports selection of Route N-AB. *See, e.g.,* Rips Ranch Ex. 1, Hammer Dir. at 8:1-9:8, 10:15-11:14; Frank Allen Ranch Ex. 3, Andrews Dir. 7:4-11, 17:1-18:2 (Route N favorable cost attributes; better than Route U); Rips Ranch Ex. 2, Hammer Cross-rebuttal 7:1-8:15; PUC Staff Ex. 1, Poole Dir. 28:3-19, 29:13-30:3, 37:2-38:2 (costs)

b. Recreational and Park Areas; PURA § 37.056(c)(4)(B)

Neither the Applicants nor any of the parties devote significant testimony in describing, much less comparing, the recreational and park areas affected by the alternative routes set out in the Application, and the evidence suggests that there is little difference among the routes on the specific criteria related to this requirement; however, the nature of the community strongly suggests that the ALJs and the Commission should select a route that parallels a significant length of compatible corridors and avoids bisecting the farms and ranches of interested landowners.

The statistics in the CPS Energy and STEC Ex. 1, Att. 1, Environmental Assessment, Table 4-1 and CPS Energy and STEC Ex. 12 shows that none of the routes materially impacts parks and recreational areas. Route N-AB, Route N, and Route M (or similar routes) are, therefore, the most qualified choices for selection.

c. Aesthetic and Historical Values; PURA § 37.056(c)(4)(C)

The record reflects that virtually every landowner expresses an appreciation for the aesthetic value of his or her farm or ranch land. Objectively, however, the more-direct corridor in the central portions of the Study Area, including the areas impacted by Route N-AB, Route N, and Route M, and related routes minimize the aesthetic or visual impacts upon the land where reasonably possible. Accordingly, the Commission should select Route N-AB, Route N, and Route M for aesthetic reasons, because a generally greater length of these routes parallel existing, disturbed corridors—including existing transmission lines and roads—than do the western or eastern routes.

d. Environmental Integrity; PURA § 37.056(c)(4)(D)

Virtually every party has sung the praises of its land, including in some instances, its efforts at conservation. While most parties are similarly situated with respect to the desire to protect their local environmental conditions, the ALJs and the Commission should be concerned with the various alternative routes' impacts on environmental integrity, particularly impacts caused by bisection of land. Specifically, Rips Ranch provided a record of the impact that routes including Segment 62—even Segment 62 as

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(recommending Route M, a central corridor route, with characteristics very similar to Routes N-AB and N).

modified—would have on its land in the vicinity of the Atascosa River and its tributaries.[11] The environmental factors support Route N-AB, Route N, and Route M (or similar routes).

In the end, the record supports the proposition that the proposed transmission line would more materially and negatively affect the environmental integrity of the western and eastern portions of the Study Area than the central areas where Route N-AB, Route N, and Route M, and related routes are located.

e. Probable improvement of service or lowering of costs to consumers; PURA § 37.056(c)(4)(E)

Rips Ranch does not address this issue.

2. Commission Rule Criteria

a. Engineering Constraints; 16 TAC § 25.101(b)(3)(B)

The Applicants have not identified material engineering constraints to the construction of any of the proposed alternative routes. However, in light of what must be, at a minimum, uncertainties in costs of routes that cross farm or ranch land, a route that maximizes paralleling existing, compatible corridors should be selected.

b. Costs; 16 TAC § 25.101(b)(3)(B)

As with virtually all relevant statistics, the cost characteristics of Route N-AB (at $280 million), Route N (at $275 million), and Route M (at $276 million), are favorable relative to other proposed routes.[12] The average estimated costs of routes presented in the Amended Application is almost $286 million.[13] As such, the cost of each of these route alternatives is at the low end of the set offered in the Application and via proposals made in discovery. The costs of Route N-AB, Route N, and Route M and derivatives are well within the mainstream of the routes proposed in the Application, falling well below average in cost.

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[11] *See* Rips Ranch Ex. 1, Hammer Dir. at 8:1-9:8, 10:15-11:14. While, as Mr. Hammer testified, a route using a modified Segment 62 would mitigate some of the harm to Rips Ranch, even the modified Segment 62 bisects it.

[12] *See* Frank Allen Ranch Ex. 3, Andrews Dir. 7:4-11 (Route N favorable cost attributes; better than Route U); Rips Ranch Ex. 2, Hammer Cross-rebuttal 7:1-8:15.

[13] CPS Energy and STEC Exhibit 12.

Under the balancing analysis the ALJs and the Commission are required to undertake under PURA and the Commission's rules,[14] Route N-AB, Route N, and Route M (or similar routes), must be considered superior, particularly after consideration of costs.

c. Moderation of impact on the affected community and landowners; 16 TAC § 25.101(b)(3)(B)

Importantly, all Route U derivatives—including Route U Alt 2 using a modified Segment 62—bisect Rips Ranch.[15] No other intervenor is similarly affected by a Route U alternative or other eastern corridor route.

By contrast, Route N-AB stands out. Resulting from discussions among neighboring intervenors to minimize the adverse impact of the route upon landowners, discovery, and Applicants' rebuttal testimony, Route N-AB is the product of problem-solving. Route N-AB not only does not bisect Rips Ranch, it does not bisect the land of any other intervenor.

While these individualized impacts are important considerations, perhaps the most important consideration is that not only does Route N-AB not bisect any intervenor, but Route N-AB also performs very well under the criteria the Commission must balance. Because it is virtually the only Route of Interest that includes efforts to moderate the impact of the line on certain members of the affected community, and because it performs on balance better overall on the factors the ALJs and the Commission must consider, Route N-AB should be recommended.

d. Paralleling Existing Corridors; 16 TAC § 25.101(b)(3)(B)(i)-(iii)

As is apparent in CPS Energy and STEC Ex. 12, Route N-AB, Route N, and Route M (or similar routes) are generally favorable in length of route, costs, and relative numbers of habitable structures in comparison to all routes offered in the Application and via responses to discovery requests.[16] These routes excel in cost, but also in their

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[14] *See Dunn*, 246 S.W.3d at 795.

[15] Rips Ranch Ex. 1, Hammer Dir. 7:5-8:18, 9:1-10:19; Rips Ranch Ex. 2, Hammer Cross-rebuttal 5:11-6:18. To the extent that any Route U derivative is given favorable consideration (they should not), the ALJs should recommend Route U Alt.2.

[16] *See, e.g.*, Figure 1, above.

paralleling of compatible corridors—roads and transmission line rights-of-way and apparent property lines. Specifically:

- Route N-AB parallels almost 27 miles of compatible corridors of its 50 mile length.
- Route N parallels more than 25 miles of compatible corridors of its 47.5 mile length.[17]
- Route M parallels more than 26.5 miles of compatible corridors of its 47 mile length.

By minimizing the impacts on farmers and ranchers, these routes are superior, in part because of their paralleling characteristics. Simply, routing parallel to existing compatible corridors lessens the impact on the environment and landowners because additional harm is avoided. Route N-AB, Route N, and Route M (or similar routes) are clearly superior to other routes in paralleling compatible corridors.

e. Prudent Avoidance; 16 TAC § 25.101(b)(3)(B)(iv)

As the Commission's definition provides, "prudent avoidance" is "[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."[18] As a policy matter, it is important to recognize that routing to avoid habitable structures is always at tension with existing human development. Where there are roads, which may be compatible, existing right-of-way to be paralleled, there will also be houses and businesses—particularly where the roads are Texas county and farm-to-market roads, where construction is designed to pass as many homes as possible and to cut ranches and farms as little as possible in order to minimize the destruction of farm or ranch land. Accordingly, following Commission rules and using or paralleling existing rights-of-way presents the prospect of passing near habitable structures.

"Pruden[ce]" does not mean "avoidance of all habitable structures at all costs." Instead, the Commission's policy permits the routing of lines to avoid human interaction through "reasonable investments of money and effort."[19] That is, more expensive and

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17 *E.g.*, Frank Allen Ranch Ex. 3, Andrews Dir. 17:1-18:2 (Route N favorable on paralleling, habitable structures).

18 P.U.C. SUBST. R. § 25.101(a)(6).

19 PUC SUBST. R. § 25.101(a)(6).

more difficult routes may be employed if doing so will reduce unreasonable exposure to electromagnetic fields. And, it is almost always possible to prepare alternative routes that avoid almost all habitable structures.

As is discussed above, Route N-AB, Route N,[20] and Route M (or similar routes), are proximate to existing roadways or an existing transmission line, as well as apparent property lines, for significant portions of their lengths. At bottom, most routes in issue affect comparatively few habitable structures, even at the highest levels reflected in the Application. While some routes offer fewer habitable structures than others, Route N-AB, Route N, and Route M (or similar routes) pass comparatively fewer structures at a reasonable cost; they are, therefore, indisputably better on prudent avoidance than competing routes.

PURA and the Commission's rules require that the Commission also balance other factors, including community values, the presence of recreational and park areas, historical and aesthetic values, environmental integrity, costs, reliability, utilization or paralleling of existing compatible rights-of-way, paralleling property lines or other cultural or natural features, as well as the policy of prudent avoidance.[21] No factor is given priority over the others, but each is employed within the structure of the process set up in PUC SUBST. R. § 25.101. Here, Route N-AB best meets the balance, with Route N and Route M also being appropriate choices.

3. Additional routing concerns.

Rips Ranch does not brief this issue at this time.

4. Best Route (Issue No. 8).

As set forth above, the record reflects that Route N-AB is the best route taking into consideration all relevant criteria; however, Route N and Route M have similar characteristics and are meritorious under the PURA and the Commission's Rules.

Route N-AB, which is similar to as-filed Route N, with modifications, performs best under the relevant criteria:

- Route N-AB is shorter than the average of the dozens of alternatives.

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[20] *See, e.g.*, Frank Allen Ranch Ex. 3, Andrews Dir. 17:1-18 (Route N favorable).

[21] PURA § 37.065(c)(4); P.U.C. SUBST. R. § 25.101(b)(3)(B).

- Route N-AB parallels almost 27 miles of existing transmission line and road and highway rights-of-way and apparent property lines—more two miles greater than the average route in the Application and in testimony.
- Route N-AB affects a moderate number of habitable structures—more than 20 fewer habitable structures than the average in the Application and in testimony.
- Route N-AB is projected to cost more than $14 million dollars less than Route U and millions less than the average-cost route offered in the Application.
- Route N-AB has superior paralleling characteristics, with significant paralleling of existing transmission line rights-of-way, roadway rights-of-way, and apparent property lines—almost three miles more paralleling than the average route presented in the Application or in testimony.
- Route N-AB affects overall environmental integrity less than almost any route by crossing or paralleling fewer streams, by cutting through less upland woodland, and by affecting little bottomland forest.

* * *

At bottom, the record reflects that **Route N-AB is the best route taking into consideration all relevant criteria**; however, **Route N and Route M have similar characteristics and are meritorious under the PURA and the Commission's Rules**. Alternatively, if the ALJs feel it necessary to recommend a Route U derivative, they should recommend Route U Alt 2.

F. Landowner preferences, contributions, and accommodations

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

Proposed Route N-AB conforms to the preferences of affected landownwers to the greatest degree feasible in the Study Area.[22]

10. If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues:

[22] *See supra*.

a. **Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?**

b. **Have the accommodations to landowners diminished the electric efficiency of the line or reliability?**

No affected landowners have proposed monetary contributions to offset the additional cost of any proposed route. However, because the cost of Route N-AB is materially below the average cost of the Applicants' filed routes, this cost differential is immaterial.

The Applicants have not disclosed any diminished electrical efficiency of the proposed reconfiguration.

G. Cost to consumers

11. Are the proposed transmission facilities necessary to meet state or federal reliability standards?

Rips Ranch does not brief this issue at this time.

12. What is the estimated cost of the proposed transmission facilities to consumers?

Rips Ranch does not brief this issue at this time.

13. What is the estimated congestion cost savings for consumers that may result from the proposed transmission facilities considering both current and future expected congestion levels and the ability of the proposed transmission facilities to reduce those congestion levels?

Rips Ranch does not brief this issue at this time.

H. Best management practices

14. Are the best management practices for construction and operating transmission facilities that are standard in the Commission's electric CCN orders adequate? If not, what additional practices should be required for the proposed transmission facilities?

Rips Ranch does not brief this issue at this time.

15. For each additional practice proposed, please address the following:

a. **What is the additional cost to design, construct, and operate the proposed transmission facilities, including the cost to consumers?**

b. **What benefit, if any, will the proposed practice provide?**

c. **What effect, if any, will the proposed practice have on the reliability of the transmission system?**

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

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

Rips Ranch does not brief these issues at this time.

I. TEXAS PARKS AND WILDLIFE DEPARTMENT RECOMMENDATIONS *(Preliminary Order Issue No. 16)*

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

The Texas Parks & Wildlife Department ("TPWD") recommendation was not admitted as evidence in the record of this docket. Rips Ranch does not brief this issue at this time.

J. Permits

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

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

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

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

anticipated timeline to construct the proposed transmission facilities?

Rips Ranch does not brief these issues at this time.

K. Coastal Management Program

18. Is any part of the proposed transmission facilities located within the coastal management program boundary as defined in 31 TAC § 27.1(a)? If so, please address the following issues: a. Do the facilities comply with the goals and applicable policies of the Coastal Management Program in accordance with 16 TAC § 25.102(a)? b. Will the facilities have any direct and significant effects on any of the applicable coastal natural resource areas specified in 3 1 TAC § 26.3(b)?

The Study Area is not located within the Coastal Management Program boundary. Rips Ranch does not, therefore, brief this issue at this time.

L. Limitation of authority

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

Rips Ranch does not brief this issue at this time.

M. Other issues

20. What portions of the proposed transmission facilities will AEP Texas and Electric Transmission Texas respectively build, own, or operate? For each dividing point at which ownership of the transmission line changes, please identify both the structure that will serve as the dividing point and the entity that will own the structure.

Rips Ranch does not brief this issue at this time.

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

Rips Ranch does not brief this issue at this time.

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

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

Rips Ranch does not brief this issue at this time.

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

Rips Ranch does not brief this issue at this time.

V. CONCLUSION

The ALJs and the Commission should note that **Routes N-AB**, N, and M, and related derivatives, which utilize segments in the central portions of the Study Area, are straighter, significantly shorter, materially less costly than routes in the western portions of the Study Area or eastern portions of the Study Area, including routes that include Segment 62; moreover, opposition to these routes is minimal to non-existent, particularly with respect to Route N-AB. **The ALJs should, therefore, recommend adoption of Route N-AB.**

If the ALJs consider routes including some version of Segment 62, including Route U, to be favorable, they should order modifications to the Segment that straighten it, reduce its number of turning structures, reduce its impact upon the previously unacknowledged habitable structure on Rips Ranch, and reduce Segment 62's overall impact on Rips Ranch, such as Segment 62-MOD2, resulting in Route U Alt 2. The ALJs and the Commission should avoid routes using Segment 62 and derivatives because of the damage such routes do to Rips Ranch and an unidentified habitable structure, Rips Ranch's ranch foreman's home, and to the Atascosa River, its nearby tributaries, and the wooded areas through which they flow.

The weight of the evidence in the record of this case supports the selection of Route N-AB, or alternatively, Route N or Route M. These are not just the conclusions of the Rips Ranch or its witness. Instead, based upon the entirety of the record, no party demonstrated that any other route alternatives were better choices than Route N-AB, Route N, or Route M.

For all of the reasons proven in the record and set forth in this brief, Rips Ranch LLC respectfully requests that the ALJs recommend and the Commission select Route N-AB.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document is being filed and served on this, the 20th day of December, 2024, in the Public Utility Commission of Texas's Interchange System in accordance with the orders of the presiding officer, SOAH Order No. 2.

/s/ David F. Brown
David F. Brown