



Filing Receipt

Filing Date - 2024-12-20 01:52:31 PM

Control Number - 57115

Item Number - 249

**SOAH DOCKET NO. 473-25-02531
PUC 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 CERTIFICATES 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 FRANK ALLEN RANCH, LLC AND
THE TERRI LYNN LUENSMANN SPOUSAL GST TRUST**

Patrick L. Reznik
State Bar No. 16806780
Carly Barton
State Bar No. 24086063
BRAUN & GRESHAM, PLLC
P.O. Box 1148 (Mailing)
Dripping Springs, Texas 78620
14101 Hwy. 290 W., Bldg. 1300 (Physical)
Austin, Texas 78737
Tel.: (512) 894-5426
Fax: (512) 894-3405

**ATTORNEYS FOR FRANK ALLEN RANCH, LLC
TERRI LYNN LUENSMANN SPOUSAL GST TRUST**

December 20, 2024

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

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 CERTIFICATES 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
--	--	---

**POST-HEARING INITIAL BRIEF OF FRANK ALLEN RANCH, LLC AND
THE TERRI LYNN LUENSMANN SPOUSAL GST TRUST**

COMES NOW, Frank Allen Ranch, LLC and the Terri Lynn Luensmann Spousal GST Trust (“Frank Allen Ranch & Luensmann Trust”) and files their Post-Hearing Initial Brief (the “Post-Hearing Initial Brief”) to the Joint Application of CPS Energy and STEC (“Joint Applicants”) to amend their Certificates of Convenience and Necessity (“CNN”) (“the Joint Application”). Frank Allen Ranch and Luensmann Trust pray that the Administrative Law Judges (“ALJs”) issue a Proposal for Decision (“PFD”) recommending the Public Utility Commission of Texas (“Commission”) approve the Joint Application along Route N-AB.

I. INTRODUCTION

In its Joint Application filed on October 4, 2024, CPS Energy & STEC identified Route U as the route that best address the requirements of PURA and PUC Substantive Rules. PUC Staff selected Route M as the best-meets route.¹ Though the proceedings, Parties have identified the

¹ PUC Staff Ex.1, 18:8-9.

Routes N, N-AB, U-Alt-2² as other routes that appropriately weigh the routing criteria. Of these Routes, Route N-AB carefully balances the requirements of PURA and PUC Substantive Rules, while also moderating the impact to landowners participating in this proceeding.

II. ROUTING ANALYSIS

Under PURA § 37.056(c), in granting a certificate of convenience and necessity, the Commission shall consider “community values, recreational and park areas, historical and aesthetic values, [and] environmental integrity.” In addition to considering these factors, the Commission includes engineering constraints, costs, paralleling, routing the line to moderate the impact on the affected community and landowners, and prudent avoidance in its routing analysis.³ When considering these routing factors, and weighing Joint Applicants evidence, the clear “best-meets” routes are Routes N-AB, N, M, and U.

Cost and Length.

Routes N-AB, N, M, and U represent some of the shortest and least expensive routes in the study area. Route N is only \$251.333 million and 47.47 miles, making it the cheapest route.⁴ Route M is \$252.430 million and 46.99 miles.⁵ Route N-AB is \$257.578 and 50.12 miles.⁶ Route U is \$270.184 and 49.15 miles, and the most expensive of these focus routes.⁷ Route B is the Applications’ longest route is 56.67 miles and the most expensive route costs \$361.087 million.⁸

² See generally Frank Allen Ranch Exhibit #2; CPS Energy STEC Ex. 6, 14:5-11; Rips Ranch Exhibit #2, 8:30-9:2.

³ 16 TAC § 25.101(b)(3)(B).

⁴ CPS Energy-STEC Ex. 12.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

Paralleling.

All of these focus routes benefit from paralleling existing transmission line right-of-way, along with existing roadways and apparent property lines. Routes N-AB, N, M, and U percentage paralleling 54%, 54%, 57%, and 56%, respectively.⁹ These are on the higher end for the joint application, with Route L having the highest percentage paralleling at 57.53%, and the lowest percentage paralleling of right-of-way being Route AD at 37%.¹⁰

Habitable Structures and Prudent Avoidance.

Under 16 TAC §25.101, the Commission must adhere to the policy of prudent avoidance, “[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.” Routes N-AB, N and M have 74, 78, and 77 habitable structures within 300 feet of the centerline.¹¹ Route U has 51 habitable structures.¹² The route with the lowest amount of habitable structures is 40 and the highest is 179.¹³

But the prudent avoidance analysis does not stop at the number of habitable structures. The policy of prudent avoidance has a cost analysis as well and when applied to the focus routes, it is clear they all comply with the policy and PUC Staff agrees.¹⁴ However, one of the routes performs slightly worse than the others. Route N has 28 more habitable structures than Route U, but costs \$518.775 million more.¹⁵ This would mean paying \$670,000 per habitable structure avoided.¹⁶

⁹ CPS Energy – STEC Ex. 12.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ PUC Staff Ex. 1, 45:7-13.

¹⁵ CPS Energy – STEC Ex. 12.

¹⁶ *Id.*; Frank Allen Ranch Ex. 2, 17:10-15.

This does not represent a reasonable investment of money and effort. For this reason, Route N-AB, N, and M perform better under the prudent avoidance standard than Route U.

Moderation of Impact on the Affected Community and Landowners.

Under 16 TAC §25.101(b)(3)(B), when routing a new transmission line, the Commission must consider moderating the impact of the line on the affected community and landowners. While the focus routes generally take this into account, one route accommodates *all* of the landowners participating in this proceeding, Route N-AB.¹⁷ First, Route N-AB avoids Rip Ranch and the modification it seeks on Segment 62, which is included in Route U.¹⁸ Next, the Teixeira Intervenors, expressed they are not opposed to a route that includes Segment 41, and explicitly do not oppose Route N-AB, even though it crosses their land.¹⁹ The Steinle Group intervenor retracted their opposition to Segments 77 and 87, which are included in Route N-AB, as they were more concerned with the impact of Segment 83.²⁰ Additionally, the Luensmann Trust also does not oppose the use of Segment 87.²¹ Furthermore, Route N-AB avoids the bisect of Wayne Schuchart's contiguous tracts.²² All the other focus routes have some sort of opposition to them.

Of these focus routes, Route N-AB is the Best-Meets Route.

For the reasons outlined above, these focus routes represent the best meets routes, but only one can be chosen. Route N-AB is that route. Route N-AB is 4th lowest cost of all the 36 routes, only impacts 74 habitable structures, and has a higher percentage paralleling for the Application.²³ Most

¹⁷ See generally, CPS Energy – STEC Ex. 14.

¹⁸ *Id.*; Rips Ranch Ex. 2, 8:30-9:2.

¹⁹ Teixeira Ex. 1, 12:1-7; Teixeira Ex. #2, 2:27-3:2.

²⁰ See generally Steinle Group Exhibit #2.

²¹ Luensmann Ex.1 12:8-13.

²² Southwest Landowners Ex. 2, 1:26-2:6.

²³ CPS Energy – STEC Ex. 12.

importantly, Route N-AB moderates the impact to landowners as it either does not impact intervening landowners or does so in a preferable manner.

III. CONCLUSION

For these reasons, Frank Allen Ranch & Luensmann Trust respectfully request that the ALJ's approve Joint Applicants' Application and issue a PFD recommending Route N-AB, or alternatively Route N, Route M, or Route U as the route(s) that best meet(s) the overall community values and PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B).

Respectfully Submitted,

BRAUN & GRESHAM, PLLC

P.O. Box 1148 (Mailing)
Dripping Springs, Texas 78620
14101 Hwy. 290 W., Bldg. 1300 (Physical)
Austin, Texas 78737
512-894-5426 (telephone)
512-894-3405 (fax)

/s/Carly Barton

Carly Barton

State Bar No. 24086063

cbarton@braungresham.com

Patrick L. Reznik

State Bar No. 16806780

preznik@braungresham.com

**ATTORNEYS FOR FRANK ALLEN
RANCH, LLC AND TERRI LYNN
LUENSMANN SPOUSAL GST TRUST**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing document will be served on all parties of record on December 20, 2024, in accordance with PUC Procedural Rule 22.74 and Orders issued in Docket No. 57115

/s/Carly Barton

Carly Barton