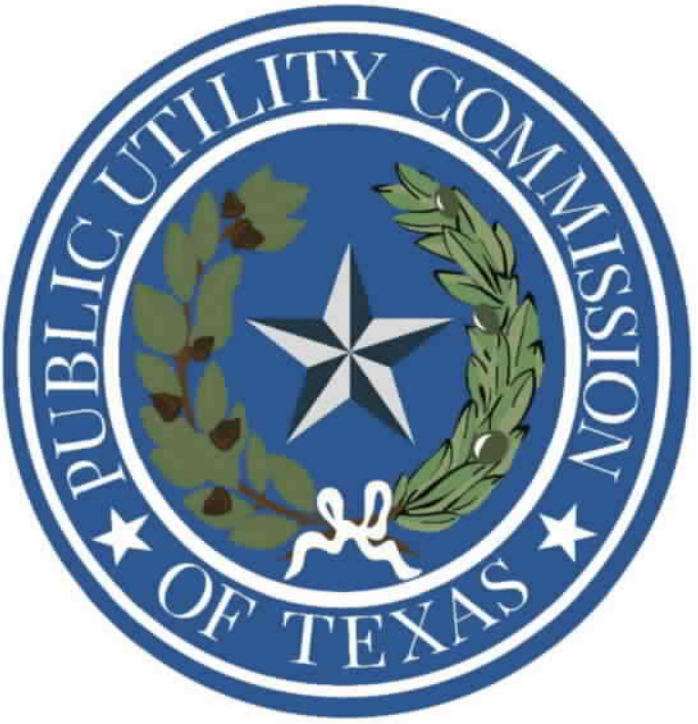

Filing Receipt

Filing Date - 2025-03-05 01:55:03 PM

Control Number - 57115

Item Number - 267

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

March 5, 2025stat

Shelah Cisneros, Commission Counsel **VIA EFILE TEXAS**

RE: 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

Dear Parties:

Please find attached a Proposal for Decision (PFD) in this case. By copy of this letter, the parties to this proceeding are being served with the PFD.

The Commission will place this case on an open meeting agenda for the Commissioners' consideration. The Commission will notify the Administrative Law Judges and the parties of the open meeting date, as well as the deadlines for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

Enclosure

CC: Service List

SOAH Docket No. 473-25-02531
PUC Docket No. 57115

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

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

Table of Contents

Table of Acronyms and Abbreviations iii
I. Procedural History 3
II. Applicable Law 5
III. Uncontested Matters 7
IV. Routing Criteria (Issue No. 8) 8
A. Community Values and Public Input 9
B. Prudent Avoidance 10
C. Historical, Cultural, and Aesthetic Values 11

D. Environmental Integrity 15
E. Recreational and Park Areas 16
F. Engineering Constraints 17
G. Cost 18
H. Length of Route and Use of Existing Corridors 18
V. Other Issues 19
A. Alternate Routes with Less Negative Effect on Landowners (Issue No. 9); Landowner Preferences and Contributions (Issue No. 10) 19
B. Texas Parks & Wildlife Department Recommendation (Issue No. 16) 22
VI. Analysis and Recommendation 23
VII. Findings of Fact 25
VIII. Conclusions of Law 43
IX. Proposed Ordering Paragraphs 45

TABLE OF ACRONYMS AND ABBREVIATIONS

TERM	DEFINITION
ALJs	Administrative Law Judges
Applicants	The City of San Antonio, acting by and through the City Public Service Board, and South Texas Electric Cooperative, Inc.
Application	Joint Application to amend Certificates of Convenience and Necessity for the City of San Antonio, acting by and through the City Public Service Board, and South Texas Electric Cooperative, Inc., numbers 30031 and 30146, respectively, to operate a new 345-kV transmission line and associated facilities in Bexar and Atascosa Counties, Texas
CCN	Certificate of Convenience and Necessity
City	City of San Antonio
Coble Road Group	Patrick Scott, Rachel Scott, Doris A. Kosub, Kay Kosub Theeck, and David L. Domsch
Commission or PUC	Public Utility Commission of Texas
CPS Energy	City Public Service Board
EA	Environmental Assessment
ERCOT	Electric Reliability Council of Texas
Ex.	Exhibit
FAA	Federal Aviation Administration
focus routes	Proposed Routes M, N, N-AB, U, and Y
FOF	Finding of Fact
FM	Farm-to-Market
FM/RM	Farm-to-Market or Ranch-to-Market
Interchange	The Commission's database of filings, found at https://interchange.puc.texas.gov/; The Control Number for this case is 57115
kV	Kilovolt
Mitchell Family Alliance	5M Cattle Co., Ltd., Bret Dale Mitchell, Bret D. Mitchell GST Trust, Jacqueline Mitchell, Billy T. Mitchell Family Trust, Billy T. Mitchell Non-Exempt Marital Trust, Julie Gail Mitchell Marble, Julie Gail Mitchell Marble GST

	Trust, Janet Corn Ivy, Janet Ivy Corn GST Trust, and Venetia Mitchell
MW	Megawatt
MW Coalition	Andrew T. Moody, Joe M. Moody, Jr., Joe M. Moody, III, Leah Good, Robert Hoffman, Hoffman Growers, LLC, James Russell Wilson, Tyler Nicholson, Megan Nicholson (aka Megan Seaton), CCS Ranch Properties, LLC, and JTR Farms, LLC
NERC	North American Electric Reliability Corporation
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
Perry Feeders Intervenors	Charles J. Ertel, Linda Ertel, Charlene Staha, and Perry Feeders, Inc.
PFD	Proposal for Decision
POWER	POWER Engineers, Inc.
Project	Proposed 345-kV transmission line and associated facilities connecting the Howard Road station in Bexar County, Texas and the San Miguel station in Atascosa County, Texas
PURA	Public Utility Regulatory Act
ROW	Right-of-way
SOAH	State Office of Administrative Hearings
Southwest Landowners	Pat and Suzanne Schuchart, Running V Land LP, Wayne Schuchart, Atascosa Land & Cattle, Ltd., Jeffrey and Melodie Beyer, 4000 FM140W LLC, Bill Kaiser, Jr., and Kari Kaiser Vickers
Staff	Staff of the Commission
STEC	South Texas Electric Cooperative, Inc.
Steinle Group	Jane Steinle Andrus, James R. Andrus, Glenn N. Steinle, Jr., and Donald William Steinle
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
USFWS	United States Fish and Wildlife Service

SOAH Docket No. 473-25-02531
PUC Docket No. 57115

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

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

PROPOSAL FOR DECISION

The City of San Antonio (City), acting by and through the City Public Service Board (CPS Energy), and South Texas Electric Cooperative, Inc. (STEC) (together, Applicants) filed with the Public Utility Commission of Texas (Commission) a Joint Application (Application) to amend their Certificate of Convenience and Necessity (CCN) numbers 30031 and 30146, respectively, to build, own, and operate a new 345-kilovolt (kV) transmission line and associated facilities in Bexar and

Atascosa Counties, Texas (the Project).[1] The Project would connect the Howard Road station owned by CPS Energy in Bexar County, Texas to the existing San Miguel station owned by STEC in Atascosa County,[2] addressing overloads projected for transmission into the City in 2027.[3] Proposed alternative routes cross the cities of Jourdanton and Pleasanton.

Applicants presented 34 alternative routes, comprised of 109 route segments in varying combinations, with route length ranging from approximately 45 to 59 miles and costs ranging from approximately $275 million to $391 million. During the proceeding, two additional alternative routes were configured—one from the original route segments, and the other using an additional, agreed-upon, modified route segment.

Though all potential routes were considered, the Proposal for Decision (PFD) focuses on five routes of interest that were identified as performing well on many of the statutory and regulatory factors and are supported by the parties: Routes M, N, N-AB, U, and Y[4] (hereafter referred to as "focus routes"). Applicants identified Route U as the route best meeting the Commission's criteria, and Commission staff

---

[1] Applicants seek to use double-circuit steel monopole structures with heights ranging from 120 to 170 feet, double-strung. The Project proposes 1272 thousand circular mils (kcmil) aluminum conductor, steel-supported trapezoidal (ACSS/TW), Pheasant, with two conductors per phase and one static wire per circuit. App. Ex. 1 (Application) at 5-9, 52.

[2] App. Ex. 1 (Application) at 9.

[3] App. Ex. 1 (Application) at 13.

[4] Route Y is included in the focus routes even though no party advocated for that route. Rather, it was recommended by the Texas Parks & Wildlife Department (TPWD) pursuant to its authority under Texas Parks and Wildlife Code § 12.011(b)(2)(3). Interchange Item No. 206 (TPWD's Dec. 2, 2024 letter).

(Staff) identified Route M, although both Applicants and Staff state that any of the focus routes are viable and satisfy Commission criteria. All intervenors either support or do not oppose Route N-AB. No party opposes Route N-AB.

The Administrative Law Judges (ALJs) recommend approval of Route N-AB as the route that best meets the applicable routing criteria.

I. PROCEDURAL HISTORY

Applicants filed their Application on October 4, 2024, and the Commission subsequently issued an Order of Referral and Preliminary Order that referred the proceeding to the State Office of Administrative Hearings (SOAH), confirmed the Commission's April 2, 2025 decision deadline, and set forth the issues that must be addressed in this proceeding.[5]

Seventy motions to intervene were filed. Over 50 parties were granted intervenor status and had their testimony admitted at the hearing held on December 9, 2024.[6]

---

[5] Order of Referral and Preliminary Order (Oct. 7, 2024) (Preliminary Order).

[6] Additional parties were granted status as intervenors and filed statements of position or testimony, but did not appear at the hearing to offer evidence. Those parties are: Glenda and Robert Gossett, Abram Camero (on behalf of First Memorial Park Cemetery), Brazos Electric Power Cooperative, Charles Toudouze, John and Kelly Springer, Mark and Janice Jones, Andrew Barlow, and the Wittler Intervenors (comprised of Michael Wittler, David Wittler, Joan White, Mary Wittler, and Anne Woods, Trustee for Wood Family Trust of Atascosa County). None of these intervenors oppose Route N-AB. For parties who filed testimony, but did not appear to offer the testimony into evidence, the ALJs consider the testimony as statements of position.

Additional parties were granted intervention status, but did not file statements of position or direct testimony, and so were stricken as intervenors. *See* SOAH Order No. 4 (Dec. 5, 2024).

One party, Melissa Broussard, was granted intervenor status, but did not file a statement of position or direct testimony, and was not previously stricken as an intervenor, but is hereby stricken at this time.

On December 9, 2024, SOAH ALJs Holly Vandrovec and Amy Wright convened the hearing on the merits via Zoom. The following parties appeared: Applicants; Staff; and the following intervenors (grouped pursuant to their joint briefing filed):

- Frank Allen Ranch LLC and Terri Lynn Luensmann Spousal GST Trust (Luensmann Trust);
- MW Coalition (consisting of Andrew T. Moody, Joe M. Moody, Jr., Joe M. Moody, III, Leah Good, Robert Hoffman, Hoffman Growers, LLC, James Russell Wilson, Tyler Nicholson, Megan Nicholson (aka Megan Seaton), CCS Ranch Properties, LLC, and JTR Farms, LLC);
- Mitchell Family Alliance (consisting of 5M Cattle Co., Ltd., Bret Dale Mitchell, Bret D. Mitchell GST Trust, Jacqueline Mitchell, Billy T. Mitchell Family Trust, Billy T. Mitchell Non-Exempt Marital Trust, Julie Gail Mitchell Marble, Julie Gail Mitchell Marble GST Trust, Janet Corn Ivy, Janet Ivy Corn GST Trust, and Venetia Mitchell);
- The Farmacy LLC;
- Perry Feeders Intervenors (consisting of Charles J. Ertel, Linda Ertel, Charlene Staha, and Perry Feeders, Inc.);
- Steinle Group (consisting of Jane Steinle Andrus, James R. Andrus, Glenn N. Steinle, Jr., and Donald William Steinle);
- Rips Ranch LLC;
- Clay Teixeira and Teixeira Holdings LLC;
- Coble Road Group (consisting of Patrick Scott, Rachel Scott, Doris A. Kosub, Kay Kosub Theeck, and David L. Domsch);
- Southwest Landowners (consisting of Pat and Suzanne Schuchart, Running V Land LP, Wayne Schuchart, Atascosa Land & Cattle, Ltd., Jeffrey and Melodie Beyer, 4000 FM140W LLC, Bill Kaiser, Jr., and Kari Kaiser Vickers);
- JJJBAK, Ltd. and Dos Mavericks, LLC; and

- Capitol Aggregates, Inc.[7]

Parties filed post-hearing initial briefs on December 20, 2024, and the record closed on January 6, 2025, with the filing of reply briefs.

II. APPLICABLE LAW

The Commission may take one of three actions after considering a CCN application for new transmission facilities: grant the certificate as requested, grant the certificate for a portion of the facilities, or refuse to grant the certificate.[8]

To be approved, the proposed transmission facilities must be necessary for the service, accommodation, convenience, or safety of the public.[9] Additionally, when reviewing a CCN application, the Commission must consider the following statutory and regulatory factors:[10]

1. the adequacy of existing service;
2. the need for additional service;
3. the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and
4. other factors, such as
    a. community values;
    b. recreational and park areas;

---

[7] Tr. at 23-35.

[8] Public Utility Regulatory Act (PURA) § 37.056(b). PURA is found at Texas Utilities Code §§ 11.001-66.016.

[9] PURA § 37.056(a); *see also* 16 Tex. Admin. Code § 25.101(b).

[10] The various factors are listed in PURA § 37.056(c) and 16 Tex. Admin. Code § 25.101(b)(3)(B).

c. historical and aesthetic values;

d. environmental integrity;

e. the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted;

f. engineering constraints;

g. costs;

h. to the extent reasonable, whether the impact of the line on the affected community and landowners can be moderated;

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

j. whether the routes parallel property lines or other natural or cultural features; and

k. Whether the routes conform with the policy of prudent avoidance.[11]

Some of the factors are inherently in conflict, and neither PURA nor Commission rules specify the relative weight to be given to each factor. For example, the factors favor the paralleling of roads and maintaining environmental integrity, which could lead to the conclusion that transmission lines should be placed along roadways and avoid bisecting undeveloped land. However, the factors also favor moderating the impact to the community and consideration of community values (which often includes maximizing the distance from the proposed line to residences). Consideration of these factors could lead to the conclusion that the line should be placed as far from residences as possible. The Commission and the ALJs have the difficult task of considering the totality of all factors, even if individual factors, when

[11] "Prudent avoidance" means "[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort." 16 Tex. Admin. Code § 25.101(a)(6).

considered in isolation, could lead to opposite outcomes. The Texas Third Court of Appeals recognized this challenge in *Texland* when it held:

> None of the statutory factors is intended to be absolute in the sense that any one shall prevail in all possible circumstances. In making these sometimes-delicate accommodations, the agency is required to exercise its "expertise" to further the *overall* public interest.[12]

III. UNCONTESTED MATTERS

Many of the issues referred and underlying facts in this proceeding were not contested and are therefore addressed exclusively in the Findings of Fact and Conclusions of Law below. Uncontested matters include: jurisdiction is proper; notice of the hearing was proper; the Application was adequate and contained an adequate number of reasonably differentiated alternative routes;[13] Applicants provided sufficient notice of the Application and the public meetings;[14] the Project is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a) when taking into consideration the factors set out in PURA § 37.056(c);[15] the Project is the better option to meet the identified need when compared to using distribution facilities;[16] the Project is necessary to meet state and federal reliability standards;[17] estimated costs of the Project and

---

[12] *Pub. Util. Comm'n of Tex. v. Texland Elec. Co.*, 701 S.W.2d 261, 267 (Tex. App.—Austin 1985, writ ref'd n.r.e.).

[13] Preliminary Order Issue No. 1.

[14] Preliminary Order Issue Nos. 2-3.

[15] Preliminary Order Issue Nos. 5-6.

[16] Preliminary Order Issue No. 7.

[17] Preliminary Order Issue No. 11.

congestion cost savings;[18] the Commission's standard best management practices for construction and operation of the Project are adequate;[19] various permits will be required for construction and operation of the Project;[20] no part of the Project is located within the coastal management program boundaries;[21] the seven-year limit on authority for construction of the Project is appropriate;[22] no generator will be precluded or limited in the generation or delivery of power due to this Project;[23] and there was no agreement among the parties that relied on modifications to the segments noticed in the Application.[24]

IV. ROUTING CRITERIA (ISSUE NO. 8)

Given that most referred issues are undisputed, the ALJs focus on analyzing the data collected and provided by Applicants to determine the route that best meets the statutory and regulatory criteria as well as the input provided by the intervenors and the community. All 36 proposed routes were analyzed as to 46 factors that relate to land use, aesthetics, ecology, and cultural resources.[25] After considering all

[18] Preliminary Order Issue Nos. 12-13.

[19] Preliminary Order Issue Nos. 14-15.

[20] Preliminary Order Issue No. 17.

[21] Preliminary Order Issue No. 18.

[22] Preliminary Order Issue No. 19.

[23] Preliminary Order Issue No. 20.

[24] Preliminary Order Issue No. 21.

[25] App. Ex. 12 (Combined Route Data).

36 routes, the ALJs narrow the discussion in this PFD to the five focus routes noted above.

A. COMMUNITY VALUES AND PUBLIC INPUT

PURA § 37.056(c)(4)(A) requires consideration of impacts of proposed transmission facilities on community values. While "community values" is not defined in statute or rule, the Commission has defined that term as "a shared appreciation of an area or other mutual resource by a national, regional, or local community."[26] The Commission has described adverse effects upon community values as "those aspects of a proposed project that would significantly alter the use, enjoyment, or intrinsic value attached to an important area or resource by a community."[27]

Applicants held two public meetings to solicit input from landowners, residents, public officials, and other interested parties on the Project.[28] Applicants sent 2,700 notices of the meetings to owners of property within 500 feet of each of the preliminary alternative route segment centerlines,[29] as well as to elected officials and other interested parties. Applicants also published notice of the meetings in local newspapers. A total of 192 people signed in at the meetings. Questionnaires were

---

[26] *Joint Application of Electric Transmission Texas, LLC and Sharyland Utilities to Amend Their Certificates of Convenience and Necessity for the North Edinburg to Loma Alta Double-Circuit 345-kV Transmission Line in Hidalgo and Cameron Counties, Texas*, Docket No. 41606, Order at 8-9, Finding of Fact (FOF) No. 51 (Apr. 11, 2014).

[27] *Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a 138-kV Transmission Line in Denton County*, Docket No. 44060, Order at FOF No. 29 (June 13, 2016).

[28] Public meetings were held pursuant to 16 Texas Administrative Code § 22.52(a)(4).

[29] App. Ex. 2 (Otto Dir.) at 8-10 (detailing the process for identifying noticed landowners).

distributed, and 116 responses were returned during or after the meetings. Applicants also received public comments in the form of letters, emails, and phone calls.[30] The questionnaires asked respondents to identify and rank concerns.

Community values expressed through public input overlap with other statutory and regulatory criteria that the Commission separately requires for analyzing routing determinations. Questionnaire respondents listed impact to residences as the most important factor in selecting the route for the proposed transmission line in 43% of the questionnaires returned from public meetings, mirroring the Commission's policy of prudent avoidance, which is addressed in the following section. Other concerns identified by respondents include impact to trees and other vegetation (7%), a component of Environmental Integrity/Ecology, discussed below; visibility of structures (6%), a component of Aesthetics, discussed below; and paralleling the existing roadways/highways (6%), which is itself a specific component of statutory analysis. General comments from the public further included concerns about historical sites, which is addressed as a component of Cultural Resources. Finally, respondents raised concerns about health impacts from the transmission line, flooding, and impacts on property values and future development.

B. PRUDENT AVOIDANCE

The Commission's rules define prudent avoidance as "[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable

[30] App. Ex. 2 (Otto Dir.) at 15-18.

investments of money and effort."[31] Staff states that limiting such exposure can be accomplished by choosing a route with fewer habitable structures within close proximity.[32] The proximity of habitable structures to the proposed routes is listed below:[33]

Evaluation Criteria	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Number of habitable structures within 500 feet of ROW centerline	77	78	74	51	41	41 – 179

All of the five focus routes are in the lower half of the proposed routes on this measure, with the variation shown in the table above, and also notably much closer to the lower end of the range in terms of absolute numbers (*i.e.,* all focus routes are much closer to 41 than they are to 179). Route N-AB, favored by intervenors, is in the middle of the five focus routes, with 74 habitable structures within 500 feet of the ROW centerline, marginally outperforming Routes M and N. Both Routes U and Y avoid more habitable structures, at 51 and 41, respectively.

C. HISTORICAL, CULTURAL, AND AESTHETIC VALUES

Applicants addressed the proposed routes' impact on cultural resources for the different proposed routes, as summarized below:[34]

---

[31] 16 Tex. Admin. Code § 25.101(a)(6).

[32] Staff Initial Brief at 16; Staff Ex. 1 (Poole Dir.) at 43.

[33] App. Ex. 12 (Combined Route Data).

[34] *Id.* Lenths are presented in miles.

Cultural Resource Criteria	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Number of cemeteries within 1,000 feet of the ROW centerline	4	4	5	3	4	0 – 7
Number of recorded cultural resources sites crossed by ROW	0	1	2	1	2	0 – 5
Number of additional recorded cultural resources sites within 1,000 feet of ROW centerline	7	7	9	9	9	7 – 16
Number of resources determined eligible for or NRHP properties crossed by ROW	1	1	1	1	1	0 – 3
Number of additional resources determined eligible for or NRHP properties within 1,000 feet of ROW centerline	1	1	1	1	1	1 – 3
Length of ROW across areas of high archeological site potential	31.37	30.65	31.86	30.67	30.28	29.42 – 40.58

All five focus routes are in the mid-range on number of cemeteries within 1,000 feet of the ROW centerline. Twenty-four of 36 proposed routes had three, four, or five cemeteries within 1,000 feet of the ROW centerline. Seven proposed routes had fewer than three, and five proposed routes had more than five. Route N-AB is within the mid-range on this criterion, with five cemeteries within 1,000 feet of its ROW centerline.

All five focus routes are in the lower- or mid-range among all proposed routes on the number of recorded cultural resources sites crossed by ROW of the 36 routes. Only three routes crossed no recorded cultural resources sites; most (24 of 36) crossed either one or two recorded cultural resources sites; nine crossed more than

two (*i.e.,* 3, 4, or 5) recorded cultural resources sites. Route N-AB was in the mid-range group, crossing 2 recorded cultural resources sites.

All five focus routes perform well with respect to interference with additional recorded cultural resources—they are at the low end of the range on this criterion. Two of the focus routes, Routes M and N, are close to the least additional cultural resources sites at seven. Three focus routes, Routes N-AB, U, and Y, are together with a group of 13 other proposed routes in having nine additional recorded cultural resources sites within 1,000 feet of ROW centerline. Only four proposed routes were within 1,000 feet of less than nine (*i.e.,* either seven or eight) additional cultural resources sites. Sixteen proposed routes were within 1,000 feet of 10 or more additional cultural resources sites.

Almost all proposed routes (33 of 36) have ROWs that cross either zero or one resource determined eligible for or listed on the National Register of Historic Places (NRHP). All focus routes, including Route N-AB, are among the 22 proposed routes that have ROW crossing one resource determined eligible for or included on the NRHP; 11 routes had no eligible or NRHP-listed properties crossed by ROW, and three routes' ROW crossed more than one eligible or NRHP-listed property.

Almost all of the proposed routes (28 of 36) had one additional resource determined eligible for or included on the NRHP within 1,000 feet of ROW centerline. Eight routes had more than one. All focus routes, including Route N-AB, are among the highest performing routes on this criterion.

All focus routes were in the highest-performing routes with regard to the length of ROW crossing areas of high archeological site potential. Only 10 proposed routes performed better than Route N-AB on this criterion. At 31.86 miles of ROW across areas of high archeological site potential, Route N-AB is very near the bottom of the range of 29.42 – 40.58, as are the other four focus routes.

With respect to aesthetic values, the Applicants presented the following:[35]

Aesthetic Criteria	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Estimated length of ROW within foreground visual zone of U.S. and state highways	2.36	2.36	2.36	8.79	11.75	2.36 – 14.84
Estimated length of ROW within foreground visual zone of FM/RM roads	5.71	5.71	5.36	4.11	4.63	3.81 – 10.75
Estimated length of ROW within foreground visual zone of parks/recreational areas	2.21	2.21	2.21	3.85	2.98	0.39 – 4.89

Along with five other proposed routes including Routes M and N, Route N-AB has the least possible estimated length of ROW within sight of U.S. and state highways. All other proposed routes have more estimated length of ROW within foreground visual zone of U.S. and state highways than Route N-AB.

All of the focus routes are in the top-performing half of the proposed routes on the length of ROW within the foreground visual zone of FM/RM roads.

[35] App. Ex. 12 (Combined Route Data).

Route N-AB performs better than 19 of the 36 proposed routes in limiting the ROW within the visual zone of FM/RM roads.

Routes M, N, and N-AB perform in the top half of proposed routes regarding ROW within the foreground visual zones of parks/recreational areas with a length of 2.21 miles.

D. ENVIRONMENTAL INTEGRITY

Overall, the focus routes perform well on environmental integrity criteria, with each route performing exceptionally well in particular areas. Route Y, which is favored by TPWD, shows the highest performance of the focus routes on environmental measures. Ecological data is presented below and then summarized relative to all proposed routes.

Ecological Criteria[36]	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Length of ROW across upland woodlands/brushlands	18.10	20.00	20.54	19.64	18.51	17.23 – 22.84
Length of ROW across bottomland/riparian woodlands	3.64	3.60	3.75	4.81	2.93	2.90 – 6.45
Length of ROW across NWI mapped wetlands	0	0	0	0	0	0 – 0.02
Length of ROW across known critical habitat of federally-listed, threatened, or endangered species	0	0	0	0	0	0
Length of ROW across open water (lakes, ponds)	0.13	0.12	0.08	0.01	0.02	0.00 – 0.20
Number of stream and river crossings	58	57	64	57	51	47 – 74

[36] App. Ex. 12 (Combined Route Data). The lengths are presented in miles.

Length of ROW parallel (within 100 feet) to streams or rivers	1.10	1.39	1.70	1.22	0.91	0.91 – 2.8
Length of ROW across Edwards Aquifer Contributing Zone	0	0	0	0	0	0 – 0
Length of ROW across FEMA mapped 100-year floodplains	7.37	7.48	7.89	7.20	4.68	4.0 – 9.94

All of the focus routes tied for first in the performance rankings for all of the proposed routes on three environmental criteria: none cross National Wetlands Inventory (NWI) mapped wetlands; none cross known critical habitat of federally-listed, threatened, or endangered species; and none cross the Edwards Aquifer Contributing Zone.

Of the remaining environmental criteria:

- Routes M, Y, and U performed well, within the top half of the 36 proposed routes, with the least ROW crossing upland woodlands/brushlands.
- All focus routes except U (*i.e.*, Routes M, N, N-AB, and Y) perform exceptionally well, in the top third of all proposed routes, showing the least ROW crossing bottomland/riparian woodlands.
- Routes U and Y performed very well, *i.e.*, in the top quarter of all proposed routes, showing less ROW crossing open water such as lakes or ponds. Route N-AB is at the middle of the proposed routes on this measure.
- All focus routes except N-AB (*i.e.,* Routes M, N, U, and Y) cross less than 60 streams or rivers, which is the mid-point of the range of all proposed routes on this criterion. Route N-AB exceeded the mid-point, at 64, but was closer to the mid-point than to the high end of the range.
- All focus routes except N-AB perform in the top half of all proposed routes with respect to the amount of ROW running near and parallel to streams or rivers. While Route N-AB does not rank as well as the other focus routes, the length of ROW that does run near and parallel to streams or rivers, 1.7 miles, is closer to the lower end of the range (0.91 miles) than to the higher end (2.8 miles).

E. RECREATIONAL AND PARK AREAS

Because the focus routes converge for significant portions of their length, their impact on parks and recreational areas does not vary much. All five focus routes have ROW that crosses 0.64 miles of parks/recreational areas, which is at the high end for all of the proposed routes, although 17 additional proposed routes have the same length of ROW crossing parks/recreational areas as the focus routes. Route Y has no additional parks/recreational areas within 1,000 feet of its ROW centerline; Routes M, N, and U are within the middle group of proposed routes with one additional park/recreational area within 1,000 feet of ROW centerline; and Route N-AB is within the highest group among the proposed routes on this measure. The data is summarized below:[37]

Parks and Recreational Criteria	Proposed Alternate Route					Range for All Proposed Routes
	M	N	N-AB	U	Y	
Length of ROW across parks/recreational areas (miles)	0.64	0.64	0.64	0.64	0.64	0 – 0.64
Number of additional parks/recreational areas within 1,000 feet of ROW centerline	1	1	3	1	0	0 – 3

F. ENGINEERING CONSTRAINTS

No evidence was provided of any significant engineering constraints relative to any of the routes under consideration. Applicants' witnesses testified that the

[37] App. Ex. 12 (Combined Route Data).

Project will meet or exceed industry standards for construction and operation of transmission facilities.[38]

G. COST

Total estimated costs for the Project range from $274,601,000 to $390,539,000. Estimated substation costs, which are consistent no matter what route is chosen, total $8,480,000.[39] The transmission line cost estimates are summarized below.[40]

Evaluation Criteria	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Transmission Line Cost Estimate (millions) (overall ranking out of 36)	$252,430 (3)	$251,333 (1)	$257,578 (4)	$270,184 (14)	$266,548 (11)	$251,333 – $361,087

Routes M, N, and N-AB rank within the top 5 least costly of all 36 routes, while Routes Y and U rank 11th and 14th, respectively.

[38] App. Ex. 5 (Lyssy Dir.) at 8; App. Ex. 7 (Fholer Dir.) at 9.

[39] App. Ex. 1 (Application) at Attachment 2.

[40] App. Ex. 12 (Combined Route Data). The ALJs note that adding the cost of the substations to the transmission line costs reflected in Applicants' Exhibit 12 does not produce the totals listed in Attachment 2 of the Application; however, the ALJs understand the figures in Exhibit 12 to be the best "apples to apples" comparison of costs among the various routing options. No party disputed the cost estimates listed in Exhibit 12.

H. LENGTH OF ROUTE AND USE OF EXISTING CORRIDORS

Shorter routes with high levels of parallelling are generally favored because they result in using existing ROW rather than cutting through open land. Additionally, shorter routes tend to be less expensive. As shown in the table below, the focus routes are among the shorter routes and have very high percentages of paralleling of existing corridors, such as transmission line ROW, roadway ROW, and property lines. Route length and paralleling are summarized below:[41]

Evaluation Criteria	Proposed Alternate Route					Range for All 36 Routes
	M	N	N-AB	U	Y	
Length of alternative route	46.99	47.47	50.12	49.15	48.87	45.32 – 58.92
Length of ROW using existing transmission line ROW	0	0	0	0	0	0
Length of ROW parallel and adjacent to existing transmission line ROW	9.19	9.19	9.19	10.21	7.14	0.11 – 11.23
Length of ROW parallel and adjacent to existing ROW (roadways)	1.58	1.58	2.51	2.67	2.73	0.60 – 12.21
Length of ROW parallel and adjacent to property lines	15.81	14.64	15.18	14.85	12.09	10.22 – 19.34
Length of ROW parallel and adjacent to existing transmission line ROW, roadways, or property lines	26.59	25.41	26.88	27.74	21.96	17.8 – 31.39
Percentage of ROW parallel and adjacent to existing transmission line ROW, roadways, or property lines	57%	54%	54%	56%	45%	37% - 58%

[41] App. Ex. 12 (Combined Route Data). Lengths are shown in miles.

V. OTHER ISSUES

A. ALTERNATE ROUTES WITH LESS NEGATIVE EFFECT ON LANDOWNERS (ISSUE NO. 9); LANDOWNER PREFERENCES AND CONTRIBUTIONS (ISSUE NO. 10)

Generally, the landowner intervenors argued for routes and segments that would avoid running through their land altogether, minimize disruption to operations on the property, or follow the boundaries of the property. These include the following:

- Rips Ranch argued for a modified Segment 62, which would still cross the ranch, but would avoid bisecting it, avoid the foreman's home located on the ranch, and contain fewer turning structures.[42] This modified Segment 62 is included in Route Y.
- Perry Feeders Intervenors argued for avoiding Segment 57, which is near multiple residences and pivot irrigation systems and bisects the property. Route Y includes Segment 57.[43]
- Southwest Landowners argued for avoidance of Segment 74, which bisects group member Wayne Schuchart's property (Routes M and N are among the routes containing Segment 74).[44] The group also argued for avoidance of Segments 67, 89, 95, 96, 104, 105, and 109, which impact other group members' properties, but which are not included in any focus route.[45]
- Coble Road Group argued for avoiding Segment 50, which is not contained in any focus route.[46]

---

[42] Rips Ranch Ex. 1 (Hammer Dir.) at 11.

[43] Perry Feeders Intervenors Ex. 1 (Ertel Dir.).

[44] Southwest Landowners Ex. 2 (Schuchart Dir.) at 1-2.

[45] Southwest Landowners Initial Brief at 5.

[46] Coble Road Group Initial Brief at 3.

- Capitol Aggregates argued for avoiding Segment 38, not contained in any focus route, due to its proximity to the company's mining activities and production plant. Specifically, Segment 38 would be located near the Poteet No. 2 plant, the company's only sand-producing facility. Segment 38 would inhibit surface production of reserves from the property that include frac sand that supports the oil and gas industry.[47]
- JJJBAK and Dos Mavericks argued for avoiding Segments 50 and 51, not contained in any focus route, due to the segments crossing land planned for development into residential housing.[48]
- Teixeira argued for avoiding Segments 44, 47, and 50, none of which are contained in any focus route, due to their proximity to pivot irrigation systems and a habitable structure.[49] Notably, Teixeira does not oppose routes containing only Segment 41, which crosses Teixeira's property and is contained in every focus route.[50]
- The Farmacy argued for avoiding Segment 46, not contained in any focus route, because it bisects its property, which includes a wildlife sanctuary.[51]
- The Mitchell Family Alliance argued for avoiding Segments 4, 5, 9, 10, 14, and 19, none of which are contained in any focus route, because the segments impact properties and habitable structures located on Mitchell Family Alliance properties. Notably, the alliance does not oppose Segment 3, which crosses alliance property and is included in every focus route.[52]
- The Steinle Group argued for avoiding Segment 83, not contained in any focus route, because it bisects property and is in proximity to a habitable structure.[53] Notably, the Steinle Group withdrew its opposition to

---

[47] Capital Aggregates Ex. 1 (Gerbes Dir.).

[48] JJJBAK/Dos Mavericks Ex. 1 (Bakke Dir.).

[49] Teixeira Ex. 1 (Teixeira Dir.) at 12.

[50] Teixeira Initial Brief at 1.

[51] Farmacy Ex. 1 (Meyer Dir.) at 5.

[52] Mitchell Family Alliance Ex. 1 (Marble Dir.) at 28.

[53] Steinle Group Ex. 1 (Andrus Dir.) at 4-5.

Segments 77 and 87, which run along the group's property boundary and are contained in focus Routes U and N-AB.[54]

- The Luensmann Trust and Frank Allen Ranch argued for avoiding Segments 70, 76, and 78, not contained in any focus route. Segment 78 is in close proximity to a water well and a pipeline easement, crosses a private airstrip, and could cross a large pond on the trust property.[55] The trust is unopposed to Segment 87, which runs along the western boundary of the property and is included in Route U.[56] Frank Allen Ranch has invested in considerable wildlife habitat rehabilitation on the property and Segments 70, 76, and 78 would endanger the wildlife management efforts to date, which have resulted in numerous bird species utilizing the property.[57]
- MW Coalition argues against the use of Segments 38, 48, and 49, not contained in any focus route. The coalition members' properties are generally wildlife habitats, hunting/agricultural ranches, and existing and future homesteads.[58]

No landowner offered any contribution to support their preferences other than a re-routing across their property as described above for Rips Ranch.

---

[54] Steinle Group Ex. 2 (Amended Andrus Dir.).

[55] Luensmann Trust Ex. 1 (Luensmann Dir.) at 7-10.

[56] *Id.* at 12.

[57] Frank Allen Ranch Ex. 1 (Foley Dir.) at 7, 8, 11, Exh. C (Winter Bird Survey Report).

[58] MW Coalition Ex. 1 (Moody Dir.) (describing homes and offices located on the property), Ex. 2 (Ross Dir.) (describing seasonal agribusiness and monarch butterfly migration route on the property), Ex. 3 (Wilson Dir.) (describing a home on the property as well as ranching, hay operations, and dove hunting), Ex. 4 (Salinas Dir.) (describing game ranch development), Ex. 5 (Hoffman Dir.) (describing significant nursery operations, including greenhouses, a tree farm, above and belowground water lines, water wells, and irrigation tanks), Ex. 6 (Nicholson Dir.) (describing a future homesite which Segment 48 would pass directly through).

B. TEXAS PARKS & WILDLIFE DEPARTMENT RECOMMENDATION (ISSUE NO. 16)

TPWD filed two letters regarding the Project and ultimately recommended Route Y as having the least potential to impact fish and wildlife resources, but offered no record evidence or analysis to justify its recommendation.[59] Route Y tracks geographically with other focus routes on its northern and southern segments, but trends further to the east at several junctures mid-way between the Howard Road and San Miguel stations. TPWD primarily based its recommendation of Route Y on its performance on three environmental criteria.[60] Route Y, however, is less desirable on other criteria, such as aesthetics, and costs $9 million to $14 million more than other focus routes M, N, and N-AB.

A modification to a segment utilized by Route Y is recommended if the Commission chooses this option. As initially developed, Segment 62 in Route Y diagonally bisects a 1,096-acre ranch property owned by Intervenor Rips Ranch, LLC. This intervenor proposed a modification to Segment 62 to parallel its eastern boundary, avoiding a habitable structure on the property and diminishing negative impact to this ranch land. The proposed modification to Segment 62 affects only Rips Ranch, LLC, which provided testimony supporting the reduction in negative

[59] TPWD is authorized to provide its recommendation and informational comments on the Project under Texas Parks and Wildlife Code § 12.011(b)(2)-(3). *See* App. Ex. 1 (Application) at 287-300 (TPWD's January 25, 2024 letter); Interchange Item No. 206 (TPWD's December 2, 2024 letter).

[60] Interchange Item No. 206 (TPWD's December 2, 2024 letter).

impact by making the modification.[61] The ALJs recommend that Segment 62 be modified as requested, if the Commission approves Route Y.

VI. ANALYSIS AND RECOMMENDATION

Although each of the 36 routes identified during this process have advantages and disadvantages when looking at individual criterion, after reviewing the totality of the statutory and regulatory routing criteria, the ALJs recommend Route N-AB, which is unopposed by all parties, and which has the following advantages:

- Route N-AB is the fourth least costly route out of 36;
- Route N-AB parallels ROW for 54% of its length, coming in sixth overall and only 4 percentage points behind the leading routes (paralleling was also a community value expressed at the public meetings);
- Route N-AB ranks in the top third when considering the number of habitable structures affected, a community value expressed during public meetings;
- Route N-AB ranks on the lower end of nearly all cultural resources criteria; and
- Route N-AB is tied for the least amount of ROW within the foreground visual zone of U.S. and state highways (visibility being another community value expressed at the public meetings).

While other routes are advantageous in certain criteria, they fall short in others. For example:

- Route R is the shortest route at 45.32 miles in length; however, it impacts a greater number of habitable structures and has less of a percentage of its length that parallels compatible ROW than Route N-AB;

[61] Rips Ranch Ex. 1 (Hammer Dir.) at 8-11.

- While Route L has a slightly higher percentage of paralleling at 58%, it impacts a greater number of habitable structures and is nearly $10 million more expensive than Route N-AB;
- Route U affects fewer habitable structures at 51 and parallels ROW for 2% greater of its length than Route N-AB, but it is approximately $13 million more costly;
- Route Y impacts the fewest number of habitable structures at 41, but parallels ROW for nearly 10% less of its length and costs nearly $10 million more to construct; and
- While Routes M and N are slightly less costly than Route N-AB, they affect several more habitable structures.

On balance, no route outperforms all others when examining each criterion, but Route N-AB performs well on a number of measures and, as indicated by the positions of the intervenors who participated in this case as well as those who filed statements of position, it is supported by the community. Therefore, the ALJs recommend Route N-AB as the route that best meets the statutory and regulatory criteria.

VII. FINDINGS OF FACT

Applicants

1. The City of San Antonio, acting by and through the City Public Service Board (CPS Energy) is a municipally owned utility providing electric service under certificate of convenience and necessity (CCN) number 30031.

2. CPS Energy provides transmission and distribution electric service in the Electric Reliability Council of Texas (ERCOT) region.

3. South Texas Electric Cooperative, Inc. (STEC) is a Texas non-profit corporation registered with the Texas Secretary of States under file number 8314701.

4. STEC provides transmission service within the ERCOT region as an electric cooperative organized under chapter 161 of the Texas Utilities Code.

5. STEC is a member-owned electric cooperative providing service under CCN number 30146.

6. CPS Energy will own the northern half of the transmission line connecting to its Howard Road station, and STEC will own the southern half of the transmission line connecting to its San Miguel station. As agreed upon by CPS Energy and STEC, the ownership division point on the line will be located at the structure closest to the middle of the approved route, which will be a dead-end structure owned and maintained by CPS Energy.

Application

7. On October 4, 2024, CPS Energy and STEC (Applicants) filed with the Public Utility Commission of Texas (Commission) a Joint Application (Application) to amend their CCNs for authority to build and operate a new double-circuit 345-kilovolt (kV) transmission line and associated facilities in Bexar and Atascosa Counties, Texas, connecting CPS Energy's Howard Road station to STEC's San Miguel station (the Project).

8. Applicants retained POWER Engineers, Inc. (POWER) to prepare an environmental assessment and route analysis for the proposed transmission line, which was included as part of the Application.

9. No party challenged the sufficiency of the Application.

10. On November 1, 2024, staff for the Commission (Staff) recommended that the Application be found sufficient.

11. In State Office of Administrative Hearings (SOAH) Order No. 3, issued on November 7, 2024, the SOAH administrative law judges (ALJs) found the Application sufficient.

Description of the Proposed Transmission Line

12. Applicants will each hold a 50% ownership interest in the proposed transmission line connecting CPS Energy's Howard Road station to STEC's San Miguel station.

13. CPS Energy will construct, own, operate, and maintain all the transmission facilities on the northern half of the line.

14. STEC will construct, own, operate, and maintain all the transmission facilities on the southern half of the proposed line.

15. The Application proposed 34 alternative routes, and two additional alternative routes were developed after the Application was filed, for a total of 36 alternative routes.

16. The transmission line will be approximately 45 to 59 miles in length, depending on the route selected.

17. Applicants identified Route U as the route that best addresses the applicable routing criteria of the Public Utility Regulatory Act[62] (PURA) and the Commission's rules.

18. The proposed transmission facilities will use steel monopole structures.

19. The heights of the typical structures range from approximately 120 to 170 feet.

20. The proposed transmission facilities will be located within right-of-way that is typically 150 feet wide. However, different right-of-way width or alternate structures may be required for design, construction, and terrain-related engineering constraints.

21. The proposed transmission line will use 1272 ACSS/TW with 2-OPGW "Pheasant" conductor with two conductors per phase and will be rated for operation at 3,838 amperes, yielding a nominal 2,293 megavolt-ampere capacity.

---

[62] Tex. Util. Code §§ 11.001-66.016.

22. Applicants estimate that they will (1) finalize engineering and design by May 2026, (2) acquire rights-of-way and land by July 2026, (3) procure materials and equipment by December 2026, and (4) complete construction and energize the Project by June 2027.

Public Input

23. Applicants held two public meetings. The first meeting was held on April 2, 2024, from 6:00 p.m. to 8:00 p.m. at Southside High School in San Antonio, Texas. The second meeting was held on April 4, 2024, from 6:00 p.m. to 8:00 p.m. at Pleasanton High School in Pleasanton, Texas.

24. Applicants mailed approximately 2,700 individual written notices of the public meetings to all owners of property within 500 feet of the centerline of the preliminary alternative route segments for the Project and to elected officials and other interested parties. The notice included a map of the study area depicting the preliminary route segments.

25. Applicants notified the Military Aviation and Installation Assurance Siting Clearinghouse (formerly the Department of Defense Siting Clearinghouse) of the public meetings by mail and email on March 19, 2024.

26. Applicants published notice of the public meetings in the *San Antonio Express News* and *La Prensa Texas* on March 24 and 31, 2024, and in the *Pleasanton Express* on March 27 and April 3, 2024.

27. A total of 192 people signed in at the public meetings.

28. Applicants received feedback from the attendees of the public meetings in the form of 99 questionnaire responses submitted either at or following the public meetings.

29. The principal concern expressed in the respondents' returned questionnaires was impacts to residences; however, other concerns included impacts to trees and other vegetation; visibility of the structures; paralleling existing roadways and highways; historical sites; health issues; floodplains; flooding and erosion; property crossings; wildlife and agriculture; water wells; water features; future development; and property values.

30. After the public meetings, Applicants and POWER modified seven preliminary alternative route segments and deleted four others.

Notice of Application

31. On October 4, 2024, Applicants sent written notice of the Application as follows:

    a. By first-class mail to:

        i. Directly affected landowners as identified in county tax rolls;

        ii. Bexar and Atascosa County officials;

        iii. Authorities for the municipalities within five miles of the proposed transmission line: the City of San Antonio, the City of Jourdanton, the City of Poteet, the City of Christine, the City of Sandy Oaks, the City of Somerset, the City of Von Ormay, the City of Charlotte, and the City of Pleasanton;

        iv. The neighboring utilities within five miles of the proposed transmission line: American Electric Power Texas, Inc., Brazos Electric Power Cooperative, Inc., Electric Transmission Texas, Karnes Electric Cooperative, Inc., and Medina Electric Cooperative, Inc;

        v. The Military Aviation and Installation Assurance Siting Clearinghouse (formerly the Department of Defense Siting Clearinghouse); and

    b. By hand-delivery to:

        i. The Texas Parks and Wildlife Department (TPWD); and

        ii. The Office of Public Utility Counsel.

32. On October 9, 2024, Applicants published notice of the Application in the *Pleasanton Express*, a newspaper of general circulation in Atascosa County. On October 10, 2024, Applicants published notice of the Application in the *San Antonio Express News*, a newspaper of general circulation in Bexar County.

33. On October 22, 2024, Applicants filed the affidavit of Daniel Otto, manager of Substation and Transmission Regulatory Support for CPS Energy, attesting to the provision of notice of the Application in accordance with PURA and Commission rules.

34. On October 22, 2024, Applicants filed publisher's affidavits attesting that publication notice was provided in the *Pleasanton Express* and the *San Antonio Express News* as described above and in accordance with PURA and Commission rules.

35. On November 1, 2024, Commission Staff recommended that Applicants' notice of the Application be found sufficient.

36. No party challenged the sufficiency of Applicants' notice or provision of such notice.

37. In SOAH Order No. 3, issued on November 7, 2024, the SOAH ALJs found that Applicants' notice of the Application was sufficient.

Route Adequacy

38. The Application presented 34 geographically diverse alternative routes, and two additional alternative routes were developed after the Application was filed.

39. No party challenged route adequacy.

40. The Application provided an adequate number of reasonably differentiated and geographically diverse routes to allow the Commission to conduct a proper evaluation.

Procedural History

41. On October 7, 2024, the Commission referred this docket to SOAH and issued a preliminary order identifying specific issues to be addressed and not to be addressed in the proceeding and establishing a deadline of April 2, 2025, for the Commission to render a decision.

42. On October 18, 2024, the SOAH ALJs convened a prehearing conference.

43. In SOAH Order No. 2, issued on October 25, 2024, the SOAH ALJs adopted a procedural schedule and set the hearing on the merits for December 9 to 11, 2024.

44. The hearing on the merits convened by videoconference on December 9, 2024, and concluded that same day.

45. The following intervenors participated in the hearing and had evidence admitted:

- Frank Allen Ranch LLC and Terri Lynn Luensmann Spousal GST Trust;
- MW Coalition (consisting of Andrew T. Moody, Joe M. Moody, Jr., Joe M. Moody, III, Leah Good, Robert Hoffman, Hoffman Growers, LLC, James Russell Wilson, Tyler Nicholson, Megan Nicholson (aka Megan Seaton), CCS Ranch Properties, LLC, and JTR Farms, LLC);
- Mitchell Family Alliance (consisting of 5M Cattle Co., Ltd., Bret Dale Mitchell, Bret D. Mitchell GST Trust, Jacqueline Mitchell, Billy T. Mitchell Family Trust, Billy T. Mitchell Non-Exempt Marital Trust, Julie Gail Mitchell Marble, Julie Gail Mitchell Marble GST Trust, Janet Corn Ivy, Janet Ivy Corn GST Trust, and Venetia Mitchell);
- The Farmacy LLC;
- Perry Feeders Intervenors (consisting of Charles J. Ertel, Linda Ertel, Charlene Staha, and Perry Feeders, Inc.);
- Steinle Group (consisting of Jane Steinle Andrus, James R. Andrus, Glenn N. Steinle, Jr., and Donald William Steinle);
- Rips Ranch LLC;
- Clay Teixeira and Teixeira Holdings LLC;
- Coble Road Group (consisting of Patrick Scott, Rachel Scott, Doris A. Kosub, Kay Kosub Theeck, and David L. Domsch);
- Southwest Landowners (consisting of Pat and Suzanne Schuchart, Running V Land LP, Wayne Schuchart, Atascosa Land & Cattle, Ltd., Jeffrey and Melodie Beyer, 4000 FM140W LLC, Bill Kaiser, Jr., and Kari Kaiser Vickers);
- JJJBAK, Ltd. and Dos Mavericks, LLC; and

- Capitol Aggregates, Inc.

46. The record closed on January 6, 2025, upon receipt of the parties' reply briefs and proposed findings of fact and conclusions of law.

Adequacy of Existing Service and Need for Additional Service

47. The Project is one of a suite of projects that constitute the San Antonio South Reliability Project.

48. The San Antonio South Reliability Project was submitted by CPS Energy to ERCOT's Regional Planning Group to address thermal overloads south of San Antonio because of new generation south and east of the city, new 345-kV transmission lines going to the Lower Rio Grande Valley, and generation retirements in the area.

49. ERCOT conducted an independent review of the Project and selected it from among the alternative projects presented as the preferred solution to address the identified violations of North American Electric Reliability Corporation (NERC) and ERCOT planning criteria.

50. ERCOT's independent evaluation concluded that without the Project, multiple violations of NERC and ERCOT criteria will occur under various planning contingencies.

51. ERCOT's Board of Directors endorsed the Project and designated it as critical to the reliability of the ERCOT transmission system under 16 Texas Administrative Code § 25.101(b)(3)(D).

52. The Project is necessary for the service, accommodation, convenience, and safety of the public.

53. The Project is needed to address critical reliability concerns.

54. ERCOT fully evaluated five other system-improvement projects to address the identified violations of NERC and ERCOT planning criteria and endorsed the Project as one of a suite of projects that constitute the San Antonio South Reliability Project, because it improves long-term load serving capability, performance in the summer peak operations, and operational flexibility;

provides an additional transfer path from southern Texas into the San Antonio area; and is significantly less expensive than other projects that were considered and performed well from a reliability standpoint.

55. Distribution alternatives were not identified because the distribution system is not capable of addressing the thermal overloads that the Project was designed to address.

56. Distributed generation is not capable of meeting NERC and ERCOT planning standards and would not address the thermal and voltage violations that the Project was designed to address.

57. The Project is the best option to meet the identified need when compared to other alternatives.

58. No party challenged the need for the Project.

Effect of Granting the Application on Applicants and Other Utilities and Probable Improvement of Service or Lowering of Cost

59. Applicants are the only electric utilities involved in the construction of the Project, which will not be directly connected to any other electric utility or use facilities owned by any other utility.

60. Construction of the Project along any proposed alternative route will not adversely affect service by other utilities in the area.

61. Construction of the Project will enhance the reliability of the transmission system.

62. The Project will not adversely affect service by other utilities in the area.

63. The Project will improve the long-term load serving capability in the area, improve performance during summer peak operations, and improve operational flexibility.

64. The Project will ensure that the interconnected transmission system has sufficient transmission capacity to provide service to both existing and new customers.

65. It is likely that the Project will facilitate robust wholesale competition as generation is both retired and added in the region, and without the Project, it is likely that the transmission of electricity in south Texas will come at significantly increased costs.

Routing of the Transmission Facilities

66. The POWER project team was involved in data acquisition, routing analysis, and an environmental assessment of the transmission facilities.

67. To identify preliminary alternative route segments for the transmission facilities, POWER delineated a study area, sought public official and agency input, gathered data regarding the study area, and performed constraints mapping.

68. Applicants identified Route U as the route that best addresses the routing criteria established in PURA and the Commission's rules, but are unopposed to any alternative route.

69. Commission Staff identified Route M as the route that best addresses the routing criteria established in PURA and the Commission's rules, but is unopposed to Route N-AB.

70. All intervenors and parties who filed statements of position in this matter either support or do not oppose Route N-AB.

71. Route N-AB is comprised 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.

72. Route N-AB is approximately 50.12 miles in length.

73. Route N-AB presents an appropriate balance of routing factors, and there were no negative attributes that could not be addressed with mitigation and the application of best-practice engineering design and construction methods.

Estimated Costs

74. The estimated costs of the 36 alternative routes range from $251,333,000 (Route N) to $361,087,000 (Route B), exclusive of station costs.

75. The estimated cost for Route N-AB is $257,578,000, exclusive of station costs.

76. The estimated costs for the modifications to CPS Energy's Howard Road station are $3,480,000, and the estimated costs for the modifications to STEC's San Miguel station are $5,000,000.

77. The cost of Route N-AB is reasonable considering the range of the cost estimates for the proposed transmission facilities' proposed routes.

78. CPS Energy and STEC will each finance their respective portions of the proposed transmission line and associated facilities with debt.

Prudent Avoidance

79. All of the alternative routes conform to the Commission's policy of prudent avoidance in that they reflect reasonable investments of money and effort to limit exposure to electric and magnetic fields.

80. The number of habitable structures within 500 feet of the centerline of the 36 alternative routes ranges from 41 (Routes X and Y) to 179 (Route AF).

81. Route N-AB has 74 habitable structures within 500 feet of its centerline.

82. The construction of transmission facilities along Route N-AB complies with the Commission's policy of prudent avoidance.

Engineering Constraints

83. There are no significant engineering constraints along any of the alternative routes that cannot be adequately addressed by using design and construction practices and techniques usual and customary in the electric utility industry.

84. All alternative routes are viable, feasible, and reasonable from an engineering perspective.

85. No engineering constraints that would prevent the construction of transmission facilities were identified along Route N-AB.

Community Values

86. Information regarding community values was received from the April 2 and April 4, 2024 public meetings and from local, state, and federal agencies and incorporated in the environmental assessment and selection of the alternative routes included in the Application.

87. The community expressed concerns regarding: impacts to residences; impacts to trees and other vegetation; visibility of the structures; and paralleling existing roadway and highways; and concerns for: historical sites; health issues; floodplains, flooding and erosion; property crossings; trees and other vegetation, wildlife, and agriculture; water wells; water features; future development; and property values.

88. Route N-AB adequately addresses the expressed community values.

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

89. The Project's 36 alternative routes' use or paralleling of existing compatible rights-of-way and apparent property boundaries ranges from 37% (Route AD) to 58% (Routes L and U ALT 2) of the length of the route.

90. Route N-AB uses or parallels existing compatible corridors and apparent property boundaries for approximately 54% of its length.

91. Route N-AB uses or parallels existing compatible right-of-way or apparent property boundaries to a reasonable extent.

Other Comparisons of Land Uses and Land Types

(a) Radio Towers and Other Electronic Installations

92. One commercial AM radio transmitter was identified within 10,000 feet of Route N-AB's centerline.

93. Four FM radio transmitters, microwave towers, or other electronic communications towers were identified within 2,000 feet of Route N-AB's centerline.

94. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect any communication operations in the proximity of the route.

(b) Airstrips and Airports

95. There is one Federal Aviation Administration (FAA) registered public or military airport with a runway longer than 3,200 feet within 20,000 feet of Route N-AB's centerline.

96. There are no FAA registered public or military airports with runways shorter than 3,200 feet within 10,000 feet of Route N-AB's centerline.

97. There are two private airstrips within 10,000 feet of Route N-AB's centerline.

98. There is one private heliport within 5,000 feet of Route N-AB's centerline.

99. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect any airports, airstrips, or heliports.

(c) Irrigation Systems

100. Route N-AB crosses 0.63 miles of agricultural lands with known mobile irrigation systems.

101. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect any agricultural land with known mobile irrigations systems.

(d) Pipelines

102. Route N-AB crosses metallic pipelines transmitting hydrocarbons ten times and does not parallel such pipelines.

103. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect any crossed or paralleled metallic pipelines that transport hydrocarbons.

Recreational and Park Areas

104. Route N-AB crosses park or recreational areas owned by governmental bodies, organized groups, clubs, or churches for a total of 0.64 miles.

105. There are three parks or recreational areas owned by governmental bodies, organized groups, clubs, or churches within 1,000 feet of Route N-AB's centerline.

106. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect the use and enjoyment of any park or recreational area.

Historical and Archeological Areas

107. Route N-AB crosses one recorded archeological site.

108. There is one additional recorded archeological site within 1,000 feet of Route N-AB's centerline.

109. Route N-AB crosses through areas of high archeological site potential for a total of 31.86 miles.

110. It is unlikely that the presence of the transmission facilities along Route N-AB will adversely affect historical or archeological resources.

Aesthetic Values

111. An estimated 2.36 miles of Route N-AB's right-of-way is within the foreground visual zone of United States or state highways, representing the lowest length among the alternative routes.

112. An estimated 2.21 miles of Route N-AB's right-of-way is within the foreground visual zone of park or recreational areas.

113. It is unlikely that the transmission facilities along Route N-AB will adversely impact the aesthetic quality of the surrounding landscape.

Environmental Integrity

114. The environmental assessment analyzed the possible effects of the proposed transmission line on numerous environmental factors, including endangered and threatened species.

115. Construction and operation of the proposed transmission line is expected to have negligible effects on physiographic features, geologic features, and natural resources of the study area.

116. Construction and operation of the proposed transmission line is not expected to have significant adverse impacts on surface water, groundwater, floodplains, nor wetlands within the study area.

117. Route N-AB crosses upland woodland or brushland area for approximately 20.54 miles.

118. Route N-AB does not cross the critical habitat of any federally listed endangered or threatened species.

119. 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 animal species are observed during a field survey of the Commission-approved route, Applicants may further coordinate with TPWD and United States Fish and Wildlife Service (USFWS) to determine avoidance and/or mitigation strategies.

120. Applicants can construct the proposed transmission line in an ecologically sensitive manner on Route N-AB.

121. Applicants 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.

122. It is appropriate for Applicants 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 USFWS, April 2005. It is appropriate for Applicants 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.

123. It is appropriate for Applicants to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.

124. It is appropriate for Applicants to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.

125. It is appropriate for Applicants to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by TPWD and USFWS.

126. It is appropriate for Applicants 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 Applicants to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.

127. It is appropriate for Applicants to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within right-of-way. The use of chemical herbicides to control vegetation within right-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with the Texas Department of Agriculture regulations.

128. It is appropriate for Applicants to use best management practices to minimize the potential burdens on migratory birds and threatened or endangered species.

129. It is unlikely that the presence of transmission facilities along Route N-AB will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department

130. TPWD's Wildlife Habitat Assessment Program provided information and recommendations regarding the Project to POWER on January 25, 2024.

131. TPWD was provided a complete copy of the Application, which includes the environmental assessment, for the proposed transmission line.

132. On December 2, 2024, TPWD filed a comment letter making various comments and recommendations regarding the Project, but it did not become a party to this proceeding.

133. TPWD's comment 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.

134. POWER relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by TPWD, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.

135. Before beginning construction, it is appropriate for Applicants to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond appropriately.

136. Applicants will re-vegetate right-of-way as necessary and according to Applicants' respective vegetation management practices, the storm water pollution prevention plan developed for construction of the transmission line, and in many instances, landowner preferences or requests.

137. Applicants' respective standard vegetation removal, construction, and maintenance practices adequately mitigate concerns expressed by TPWD.

138. Applicants will use appropriate avian protection procedures.

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

140. Applicants will comply with all applicable regulatory requirements in constructing the proposed transmission line, including any applicable requirements under section 404 of the Clean Water Act.

141. Applicants will cooperate with USFWS and TPWD if threatened or endangered species' habitats are identified during field surveys.

142. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality (TCEQ), Applicants will cooperate with USFWS, the United States Army Corps of Engineers, and TCEQ, as appropriate, to coordinate permitting and perform any required mitigation.

143. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with Applicants' respective current practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address TPWD's comments and recommendations.

144. The recommendations and comments made by TPWD do not necessitate any modifications to the proposed transmission facilities.

Permits

145. Before beginning construction of the Project, it is appropriate for Applicants to obtain any necessary permits or clearances from federal, state, or local authorities.

146. Before beginning construction of the Project, it is appropriate for Applicants to conduct a field assessment of Route N-AB to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission facilities. As a result of these assessments, Applicants will identify all necessary permits from Bexar County, Atascosa County, and federal and state agencies. Applicants

will comply with the relevant permit conditions during construction and operation of the transmission line.

147. After designing and engineering the alignments, structure locations, and structure heights, Applicants will determine the need to notify the FAA based on the final structure locations and designs. If necessary, Applicants will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the FAA.

Coastal Management Program

148. No part of the proposed transmission line is located within the Coastal Management Program boundary as defined in 31 Texas Administrative Code § 27.1.

Limitation on Authority

149. It is reasonable and appropriate for the construction authority granted by this CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.

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

Other Issues

151. There is no expectation that any generator will be precluded or limited from generating or delivering power during the construction process.

152. The parties have not reached a complete or partial agreement on a route that relies on modifications to the route segments as noticed in the Application.

VIII. CONCLUSIONS OF LAW

1. CPS Energy is a municipally owned utility as defined in PURA § 11.003(11) and 16 Texas Administrative Code § 25.5(71), as well a transmission service provider as defined in 16 Texas Administrative Code § 25.5(141), and a distribution service provider as defined in 16 Texas Administrative Code § 25.5(33).

2. STEC is an electric cooperative as defined in PURA § 11.003(9) and an electric utility for purposes of this Application as defined in PURA § 37.001(2), as well a transmission service provider as defined in 16 Texas Administrative Code § 25.5(141).

3. The Commission has jurisdiction over this matter under PURA §§ 37.051, 37.053, 37.054, and 37.056.

4. SOAH has jurisdiction over the proceeding under PURA § 14.053 and Texas Government Code §§ 2001.058, 2003.021, and 2003.049.

5. CPS Energy is required to obtain the Commission's approval to construct the proposed transmission facilities located outside the municipal boundaries of the City of San Antonio and to provide service to the public using those facilities under PURA § 37.051(g).

6. STEC is required to obtain the Commission's approval to construct the proposed transmission facilities and to provide service to the public using those facilities under PURA § 37.051(a).

7. The Application is sufficient under 16 Texas Administrative Code § 22.75(d).

8. The Application complies with the requirements of 16 Texas Administrative Code § 25.101.

9. CPS Energy and STEC provided notice of the Application in accordance with PURA § 37.054 and 16 Texas Administrative Code § 22.52(a).

10. Additional notice of the approved route is not required under 16 Texas Administrative Code § 22.52(a)(2) because the approved route consists entirely of properly noticed segments contained in the Application.

11. CPS Energy and STEC held two public meetings and provided notice of those public meetings in compliance with 16 Texas Administrative Code § 22.52(a)(4).

12. The hearing on the merits was set and notice of the hearing was provided in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.

13. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,[63] and Commission rules.

14. The transmission facilities using Route N-AB are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a) and 16 Texas Administrative Code § 25.101.

15. Route N-AB complies with PURA § 37.056(c)(4) and 16 Texas Administrative Code § 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.

16. Commission rules define prudent avoidance in 16 Texas Administrative Code § 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."

17. The Texas Coastal Management Program does not apply to any of the proposed transmission facilities approved by this CCN order, and the requirements under 16 Texas Administrative Code § 25.102 do not apply to this Application.

IX. PROPOSED ORDERING PARAGRAPHS

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

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order.

2. The Commission amends CPS Energy's CCN No. 30031 and STEC's CCN No. 30146 to include the construction and operation of the transmission line along Route N-AB, which comprises the following 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.

[63] Tex. Gov't Code §§ 2001.001-.903.

The new transmission line will connect CPS Energy's Howard Road station to STEC's San Miguel station.

3. Applicants 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 AC interference on existing metallic pipelines paralleled by the electric transmission line approved by this Order.

4. Applicants must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of AC interference affecting metallic pipelines being paralleled.

5. Applicants must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the Project approved by this Order, and if Applicants fail to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.

6. Applicants must identify any additional permits that are necessary, consult any required agencies (such as the U.S. Army Corps of Engineers and USFWS), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission line and associated facilities approved by this Order.

7. Before commencing construction, Applicants must obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by TCEQ. In addition, because more than five acres will be disturbed during construction of the transmission line and associated facilities, Applicants must, before commencing construction, prepare the necessary stormwater-pollution-prevention plan, submit a notice of intent to the TCEQ, and comply with all other applicable requirements of the general permit.

8. If Applicants encounter any archeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource. Applicants must report the discovery to, and take action as directed by, the Texas Historical Commission.

9. Before beginning construction, Applicants must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.

10. Applicants must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species that is presented by the route approved by this Order.

11. Applicants must follow the procedures to protect raptors and migratory birds as outlined in the publications: *Reducing Avian Collisions with Power Lines: 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 the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and USFWS April 2005.

12. Applicants must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction of the transmission line on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

13. Applicants must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the ROWs. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.

14. Applicants must minimize the amount of flora and fauna disturbed during construction of the transmission line and associated facilities, except to the extent necessary to establish appropriate ROW clearance for the transmission line. In addition, Applicants must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, Applicants must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the TPWD and the USFWS.

15. Applicants must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the ROWs before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. Also, Applicants must 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, the Commission does not require Applicants to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the transmission line's structures or the safe operation and maintenance of the line.

16. Applicants must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission facilities approved by this Order. Any minor deviations from the approved route must only directly affect the landowners who were sent notice of the transmission line in accordance with 16 Texas Administrative Code § 22.52(a)(3) and have agreed to the minor deviation.

17. The Commission does not permit Applicants to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.

18. If possible, and subject to the other provisions of this Order, Applicants must prudently implement appropriate final design for this transmission line so as to avoid being subject to the FAA's notification requirements. If required by federal law, Applicants must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Applicants to deviate materially from this Order to meet the FAA's recommendations or requirements. If a material change would be necessary to comply with the FAA's recommendations or requirements, then Applicants must file an application to amend their CCNs as necessary.

19. Applicants must include the transmission line and associated facilities approved by this Order on their monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 Texas Administrative Code § 25.83(b). In addition, Applicants must provide final construction costs, with any necessary

explanation for cost variance, after the completion of construction when Applicants identify all costs.

20. The Commission limits the authority granted by this Order to a period of seven years from the date this Order is signed unless, before that time, the transmission line is commercially energized.

21. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.

Signed March 5, 2025.

Holly Vandrovec
Administrative Law Judge

Amy Wright
Administrative Law Judge