



Control Number: 57263



Item Number: 51

# OPEN MEETING COVER SHEET COMMISSIONER MEMORANDUM

**MEETING DATE:** May 15, 2025

**DATE DELIVERED:** May 14, 2025

**AGENDA ITEM NO.:** 20

**CAPTION:** Docket No. 57263; SOAH Docket No. 473-25-11564 – Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Hartring – Upland 138-kV Transmission Line in Reagan and Upton Counties

**DESCRIPTION:** Chairman Thomas Gleeson Memorandum

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# *Public Utility Commission of Texas*

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## **Commissioner Memorandum**

**TO:** Commissioner Kathleen Jackson  
Commissioner Courtney K. Hjaltman

**FROM:** Chairman Thomas Gleeson *TG with permission DP*

**DATE:** May 14, 2025

**RE:** May 15, 2025 Open Meeting – Item No. 20  
Docket No. 57263; SOAH Docket No. 473-25-11564 – *Application of Oncor Electric Delivery Company LLC to Amend Its Certificate of Convenience and Necessity for the Hartring – Upland 138-kV Transmission Line in Reagan and Upton Counties*

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Before the Commission is a proposal for decision (PFD) that would approve Oncor's application for certification of proposed transmission facilities, including a double-circuit 138-kV transmission line and related station work. For the reasons discussed below, I would adopt the PFD with the revisions identified in this memorandum.

The parties filed a unanimous partial agreement addressing undisputed issues. A proposal for decision filed on April 2, 2025 addresses the Commission's preliminary order issue number 5.c. concerning need and whether the recommendation of the Electric Reliability Council of Texas, Inc. (ERCOT) regarding the proposed transmission facilities should be required for approval. The proposal for decision recommends that, under 16 TAC § 25.101(b)(3)(A)(ii)(II), in evaluating reliability for a proposed transmission line, the Commission may give great weight to both the ERCOT recommendation and the utility's Regional Planning Group (RPG) submittal or to either of those documents individually, notwithstanding the presence or absence of the other. The proposal for decision also recommends that the Commission may determine that Oncor demonstrated need for the proposed transmission facilities even without ERCOT's recommendation, which was not available at the time. Finally, based on the evidentiary record, the proposal for decision recommends that Oncor demonstrated need for the proposed transmission facilities and recommends approval of the facilities along the proposed route.

Because I agree with the PFD's analysis of the Commission rule, I would adopt the PFD's recommendations. The Commission must consider need when granting a CCN under Public Utility Regulatory Act (PURA) § 37.056(c) and (c-1) and the Commission rule. However, need is undisputed here. Because the Commission has allowance to give great weight to both or either of the two types of evidence identified by the Commission rule, I recommend that the Commission determine that Oncor demonstrated need in this case based on the RPG submittal alone.

If the Commission adopts the proposal for decision, I also recommend the following changes.

Four new findings of fact should be added under a new subheading to address the effect of the presence of the proposed transmission facilities on pipelines, for completeness.

**d. Pipelines**

FOF. A high density of oil and gas pipelines that converge near two regional plants near Upland substation was a prominent routing constraint for the proposed transmission facilities

FOF. The proposed route parallels existing pipeline right-of-way for 24,905 feet.

FOF. The proposed route crosses natural gas pipelines 25 times, crude oil pipelines 5 times, and liquid pipelines 7 times

FOF. It has not been determined that the presence of transmission facilities along the proposed route will adversely affect any metallic pipelines that transport hydrocarbons.

Proposed conclusion of law 17 should be modified for consistency with previous Commission orders.

17. The proposed route complies with PURA § 37.056(c)(4) and 16 TAC § 25.101, ~~including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.~~

Three proposed conclusions of law after proposed conclusion of law 17 should be renumbered for accuracy.

1816. Per 16 TAC § 25.101(b)(3)(A)(ii)(II), the Commission must give great weight to both or either of the types of evidence identified in subsections (a) and (b) for the purpose of determining the need for a reliability project (i.e., ERCOT's recommendation of the proposed transmission line and the regional planning group submittal). *Horseshoe Bay Resort, Ltd. v. CRVI CDP Portfolio, LLC*, 415 S.W.3d 370, 377 (Tex. App.—Eastland 2013, no pet.) (“The literal sense of ‘and/or’ is ‘both or either.’”); *In re United Scaffolding, Inc.*, 377 S.W.3d 685, 689 (Tex. 2012); *Green v. Lajitas Capital Partners, LLC*, No. 08-22-00175-CV, 2023 WL 3153644, at \*9 (Tex. App.—El Paso Apr. 28, 2023, no pet.) (mem. op.).

1917. The Commission may determine Oncor has demonstrated need for the proposed transmission line and approve the application even though Oncor presented only the regional planning group submittal, and ERCOT has not yet made a recommendation regarding the proposed transmission line, in accordance with 16 TAC § 25.101(b)(3)(A)(ii)(II)(a) (b).

2018. Oncor demonstrated the transmission facilities using the proposed route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).

A new conclusion of law should be added for completeness.

COL. Under PURA § 37.057, the Commission must approve or deny the application not later than the 180th day after the date the application was filed.

A new ordering paragraph should be added for completeness and consistency with previous Commission orders.

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

Ordering paragraph 19 should be modified for accuracy and consistency with previous Commission orders.

19. Oncor must cooperate with directly affected landowners to implement minor deviations from the approved route to minimize the impact of the transmission facilities. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission facilities in accordance with 16 TAC § 22.52(a)(3) and ~~landowners that~~ have agreed to the minor deviation.

A new ordering paragraph should be added after ordering paragraph 22 for completeness and consistency with previous Commission orders, because the parties filed a partial agreement.

OP. Entry of this Order does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the agreement and must not be regarded as precedential as to the appropriateness of any principle or methodology underlying the agreement.

I look forward to discussing this matter with you at the open meeting.