



Control Number: 57828



Item Number: 80

**PUC DOCKET NO. 57828  
SOAH DOCKET NO. 473-25-15236**

<b>APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE DRILL HOLE SWITCH-TO-EL CAPITAN SWITCH 345-KV TRANSMISSION LINE IN CULBERSON COUNTY</b>	<b>§ § § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**ORDER**

This Order addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) number 30043. Specifically, Oncor seeks the amendment for a new double-circuit 345-kilovolt (kV) transmission line to be built between new 345-kV switchyards and Oncor's existing Drill Hole switch and planned El Capitan switch in Culberson County. The transmission facilities include Oncor's construction of new 345-kV switchyards at each endpoint as well as the work needed to connect the new switchyards to Oncor's existing facilities, including a 138-kV double-circuit tie line for the Drill Hole switchyards. The proposed transmission facilities are part of the Permian Basin reliability plan and include two components of common local upgrade L5 (upgrade ID L5A and upgrade ID L5D).

The Commission adopts the proposal for decision, including findings of fact and conclusions of law, for the reasons discussed in this Order. The Commission amends Oncor's CCN number 30043 to include the construction, ownership, and operation of the Drill Hole switch-to-El Capitan switch 345-kV transmission line and facilities in Culberson County using route 35 (comprising of links E11-E12-G1-G2-H3-K2-M- N21-N22-Z).

The Commission makes the following modifications to the proposal for decision. The Commission deletes conclusion of law 7 because the conclusion of law is not necessary to support this Order. Finally, the Commission makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, readability, and conformity with the Commission's order-writing format.

### **I. Findings of Fact**

The Commission adopts the following findings of fact.

#### **Applicant**

1. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.
2. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas, Inc. (ERCOT) region.
3. Oncor is required under CCN number 30043 to provide service to the public and retail electric utility service within its certificated service area.

#### **Application**

4. On March 20, 2025, Oncor filed an application with the Commission to amend its CCN for a new double-circuit 345-kV transmission line to be built on steel lattice tower structures between new 345-kV switchyards at Oncor's existing Drill Hole switch and planned El Capitan switch in Culberson County.
5. Oncor hired Halff Associates, Inc. to prepare an environmental assessment and alternative route analysis (routing analysis) for the proposed transmission line, which was included as part of the application.
6. On April 17, 2025, Commission Staff recommended that the application be found sufficient.
7. The application was deemed sufficient 35 days after its filing date, on April 24, 2025, in accordance with Order No. 1 filed by the State Office of Administrative Hearings (SOAH) administrative law judge (ALJ) on March 24, 2025.

#### **Description of Proposed Transmission Facilities**

8. Oncor proposes to construct, own, and operate a new, double-circuit 345-kV transmission line on steel lattice towers between new 345-kV switchyards at Oncor's existing Drill Hole and planned El Capitan stations. These transmission facilities include Oncor's construction of the new 345-kV switchyards at each endpoint as well as the work needed to connect the

new switchyards to Oncor's existing facilities, including a 138-kV double-circuit tie line for the Drill Hole switchyards.

9. Oncor's Drill Hole switch is located west of United States Highway 285 near the Culberson and Reeves county line.
10. Oncor's El Capitan switch will be located 0.75 miles from Oncor's existing Culberson switch and approximately 18 miles southwest of the new 345-kV Drill Hole switchyard in Culberson County. The El Capitan switch will include a 138-kV switchyard before construction of the transmission facilities in this proceeding.
11. Except where alternative structures or a different right-of-way width is required due to design, construction, or terrain-related constraints, the proposed 345-kV transmission line will be constructed on double-circuit, 345-kV self-supporting lattice steel towers, generally within a 160-foot right-of-way and the double-circuit 138 kV Drill Hole tie line will be constructed on two-pole structures generally within a 230-foot right-of-way.
12. The typical structure for the 345-kV transmission line will be between 90 and 140 feet in height, although the actual height may vary depending on terrain and other engineering constraints. The typical structure for the 138-kV Drill Hole tie line will be between 80 and 110 feet, subject to terrain and other engineering constraints.

**Description of the Proposed Routes**

13. Oncor's application included 12 alternative routes for the Commission's consideration, each of which meets the certification requirements of PURA,<sup>1</sup> and the Commission's substantive rules found at sections 25.1 to 25.508 of title 16 of the Texas Administrative Code (TAC).
14. All filed routes are viable and constructible.
15. The route approved in this Order is route 35, which is 22.59 miles in length and comprises route links E11-E12-G1-G2-H3-K2-M- N21-N22-Z.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.017.

**Schedule**

16. Oncor estimates it will complete engineering and design in June 2026.
17. Oncor estimates it will complete right-of-way and land acquisition in September 2026.
18. Oncor estimates it will complete material and equipment procurement in December 2026.
19. Oncor estimates it will complete construction and energize the facilities by December 2027.

**Public Input**

20. On November 4, 2024, Halff mailed consultation letters to various public officials and agencies informing them of the proposed transmission facilities and giving them an opportunity to provide information about the proposed transmission facilities and general transmission facilities area. In response, Halff received information from various public officials and agencies.
21. To develop information on community values for the transmission facilities, Oncor held a public meeting in the Town of Pecos City, Texas on January 14, 2025.
22. Before the public meeting, Oncor mailed 131 individual written notices of the public participation meeting to all owners of property located within 520 feet of the centerlines of the preliminary route links. The notice included the public meeting details, a map of the study area depicting the preliminary routes, and additional information about the proposed transmission facilities.
23. Oncor sent written notice of the public meeting to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse.
24. Oncor published notice of the public meeting on January 2, 2025, in the *Van Horn Advocate*, a newspaper with general circulation in Culberson County, announcing the location, time, and purpose of the meeting.
25. At the public meeting, Oncor provided attendees with a questionnaire with space for participants to include any general comments, remarks, or concerns regarding the proposed transmission facilities.

26. Six individuals signed in as attendees at the public meeting, and Oncor received four completed questionnaires during that public participation meeting. One attendee provided additional feedback to Oncor after the public meeting.

**Notice of the Application**

27. On March 20, 2025, Oncor sent written notice of the filing of the application by first-class United States mail to directly affected landowners.
28. On March 20, 2025, Oncor sent written notice of the filing of the application by United States Postal Service priority mail to county officials of Culberson County.
29. On March 20, 2025, Oncor sent written notice of the filing of the application by overnight mail delivery to the Office of Public Utility Counsel (OPUC).
30. On March 20, 2025, Oncor sent written notice of the filing of the application by overnight mail delivery and by email to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse.
31. On March 20, 2025, Oncor sent written courtesy notice of the filing of the application by first-class United States mail to certain pipeline associations and pipeline owners and operators.
32. On March 20, 2025, Oncor mailed a copy of the application and routing analysis by overnight mail delivery to the Texas Parks and Wildlife Department.
33. There are no neighboring utilities providing the same utility service within five miles of the proposed facilities; therefore, Oncor did not send written notice of the application to any such utilities.
34. There are no municipalities within five miles of the proposed facilities; therefore, Oncor did not mail written notice of the filing of the application to any such municipalities.
35. On March 27, 2025, Oncor published notice of the application in the *Van Horn Advocate*, a newspaper having general circulation in Culberson County.

36. On April 8, 2025, Oncor filed the affidavit of Miguel Alvarado, Regulatory Manager at Oncor, attesting to the provision of notice on March 20, 2025, and the publication of newspaper notice on March 27, 2025, as described in this Order.
37. On April 21, 2025, Oncor sent supplemental mailed notice to Culberson County, the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse, OPUC, the Texas Parks and Wildlife Department, and directly affected landowners. This supplemental notice included, among other information, a table listing all alternative filed routes and link compositions.
38. On April 24, 2025, Oncor re-published newspaper notice in the *Van Horn Advocate*, a newspaper having general circulation in Culberson County. This notice included, among other information, a table listing all alternative filed routes and link compositions.
39. On April 29, 2025, Oncor filed its notice and request for approval regarding Oncor's first supplemental affidavit attesting to the provision of notice, which includes the affidavit of Mr. Alvarado, attesting to the provision of the supplemental notice and re-publication of newspaper notice described in this Order.
40. On May 8, 2025, Commission Staff recommended that Oncor's notice be found sufficient.
41. On May 28, 2025, Oncor filed its notice and request for approval regarding Oncor's second supplemental affidavit attesting to the provision of notice.
42. In SOAH Order No. 6 filed on May 30, 2025, the SOAH ALJ found Oncor's notice sufficient.

**Referral to SOAH for Hearing**

43. On March 21, 2025, the Commission referred this docket to SOAH and filed a preliminary order that, among other things, established a decision deadline and specified issues to be addressed in this proceeding.
44. In SOAH Order No. 1 filed on March 24, 2025, the SOAH ALJ scheduled a prehearing conference via videoconference for April 4, 2025.
45. On April 3, 2025, Oncor filed an Agreed Motion to Cancel the Prehearing Conference and Agreed Proposed Procedural Schedule.

46. In SOAH Order No. 2 filed on April 9, 2025, the SOAH ALJ canceled the prehearing conference and adopted the agreed procedural schedule.

47. On May 29, 2025, the SOAH ALJ convened the hearing on the merits.

**Intervenors**

48. On March 27, 2025, Wise Asset No. 8, Ltd. (Wise Asset) filed a motion to intervene in this proceeding.

49. On March 28, 2025, Covington Lands LP filed a motion to intervene in this proceeding.

50. In SOAH Order No. 2 filed on April 9, 2025, the SOAH ALJ granted the motions to intervene of Wise Asset and Covington.

51. On April 18, 2025, J&S Hacienda Esperanza LTD (J&S) filed a motion to intervene in this proceeding.

52. On April 24, 2025, Delaware Basin Midstream, LLC filed a motion to intervene in this proceeding.

53. In SOAH Order No. 3 filed on May 1, 2025, the SOAH ALJ granted the motions to intervene of J&S and Delaware Basin Midstream.

54. On May 19, 2025, Coterra Energy, Inc. and Cimarex Energy Co. (together, Coterra) filed a motion to intervene in this proceeding.

55. In SOAH Order No. 4 filed on May 20, 2025, the SOAH ALJ granted the motion to intervene of Coterra.

56. Wise Asset, Covington, J&S, Delaware Basin Midstream, and Coterra are the only intervenors in this proceeding.

**Testimony and Statements of Position**

57. On March 20, 2025, Oncor filed the direct testimonies of its witnesses Shiloh Fraijo, P.E., Jared Gurley, P.E., Russell J. Marusak, and Amy Zapletal.

58. On April 25, 2025, J&S filed a statement of position.

59. On May 1, 2025, Delaware Basin Midstream filed the direct testimony of its witness Jared Pannell.



60. On May 12, 2025, Commission Staff filed the direct testimony of its witness John Poole, P.E.
61. On May 20, 2025, Wise Asset filed a statement of position.
62. On May 21, 2025, Delaware Basin Midstream filed an errata to the direct testimony of its witness Mr. Pannell.
63. On May 21, 2025, Covington filed the direct testimonies of its witnesses, Jason E. Buntz and Mark Woodside.
64. On May 23, 2025, Oncor filed the rebuttal testimonies of its witnesses Mr. Fraijo and Mr. Marusak.
65. On May 23, 2025, Coterra filed the direct testimony of its witness Michael Holiday.

**Route Adequacy**

66. Oncor's application includes 12 routes for the Commission's consideration.
67. No party filed testimony or a position statement challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation. No party raised a route adequacy challenge.
68. The application provides an adequate number of sufficiently delineated routes to conduct a proper evaluation.

**Hearing on the Merits**

69. The hearing on the merits convened on May 29, 2025, via videoconference and concluded the same day.
70. The following parties made appearances and participated in the hearing on the merits: Oncor, Commission Staff, Covington, Delaware Basin Midstream, and Coterra.
71. All parties waived cross-examination of witnesses at the hearing on the merits.
72. In SOAH Order No. 6 filed May 30, 2025, the SOAH ALJ set a briefing schedule. The record closed on June 13, 2025 with the filing of reply briefs.

**Adequacy of Existing Service and Need for Additional Service**

73. The proposed transmission facilities are needed to address reliability issues driven by rapid load growth in the Permian Basin region of west Texas and will improve power import capability into the Permian Basin area.
74. The proposed transmission facilities are part of the improvements identified in ERCOT's Permian Basin reliability plan study report and subsequent addendum (together, Permian Basin reliability study) filed in Project No. 55718 and approved by the Commission in two separate orders on October 7, 2024, and April 24, 2025.<sup>2</sup>
75. The proposed transmission facilities include two components of common local upgrade L5 of the Permian Basin reliability study. Specifically, the upgrade components addressed by the proposed transmission facilities are identified as upgrade ID L5A and upgrade ID L5D in ERCOT's report identifying transmission service providers responsible for implementing the Permian Basin reliability plan (ERCOT report identifying TSPs), filed on October 18, 2024, in Project No. 57152.
76. In developing the Permian Basin reliability study, ERCOT's regional planning group engaged with stakeholders, including Oncor, and conducted substantial review and assessment of potential transmission upgrades to address the rapid load growth and improve import capability into the Permian Basin.
77. Based on the regional planning group assessment, ERCOT performed reliability assessments based on North American Electric Reliability Corporation (NERC) reliability standard TPL-001-5.1, ERCOT protocols, and ERCOT planning criteria. ERCOT's steady-state reliability assessment observed thermal overloads and voltage instability without the transmission upgrades identified in the Permian Basin reliability study, including the proposed transmission facilities.
78. Oncor demonstrated a reasonable need for the proposed transmission facilities.
79. No party challenged the need for the proposed transmission facilities.

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<sup>2</sup> *Reliability Plan for the Permian Basin Under PURA § 39.167*, Project No. 55718, Second Order Approving the Reliability Plan for the Permian Basin Region (Apr. 24, 2025).

**Proposed Transmission Facilities Alternatives**

80. Because the proposed transmission facilities fulfill the need for certain upgrades identified under local project L5 within the Permian Basin reliability study, Oncor did not evaluate alternatives to the proposed transmission facilities.
81. Distribution alternatives to the proposed transmission facilities would not resolve the identified reliability issues on the transmission system.
82. Upgrading voltage or bundling conductors on existing facilities and adding transformers are not viable alternatives to the proposed transmission facilities.

**Effect of Amending the CCN on Other Utilities Serving the Proximate Area, Probable Improvement of Service, and Lowering of Cost**

83. The proposed transmission facilities will not directly connect to any other electric utility.
84. No other electric utility is involved with the construction of the proposed transmission facilities.
85. The proposed transmission facilities do not use existing facilities owned by any other electric utility.
86. It is unlikely that the construction of the proposed transmission facilities will adversely affect service by other utilities in the area.
87. Construction of the proposed transmission facilities will enhance the reliability of the transmission system and facilitate robust wholesale competition.

**Routing**

88. The Halff project team included professionals with expertise in different environmental and land-use disciplines who were involved in data acquisition, routing analysis, and environmental assessment of the transmission facilities.
89. To identify preliminary routing links for the proposed transmission facilities, Halff delineated a study area, sought public official and agency input, gathered data regarding the study area, and performed constraints mapping.
90. Of the 12 routes filed with Oncor's application, Oncor identified route 36 as the route that best addresses PURA and the Commission's substantive rules.

91. Commission Staff recommended route 36 as the route that best addresses PURA and the Commission's substantive rules.
92. Covington proposed an amendment to link N1 used by route 36, resulting in a modified route 36M, using link N1M.
93. Oncor maintains that all 12 routes filed with its application, as well as route 36M, are constructible and satisfy PURA and the Commission's substantive rules.
94. Route 35 is composed of route links E11-E12-G1-G2-H3-K2-M-N21-N22-Z.
95. Route 35 is 22.59 miles in length.
96. Route 35 presents an appropriate balance of the Commission's routing factors.

**Estimated Costs**

97. The estimated cost of the station facilities and associated station work included in these proposed transmission facilities, using route 35, is \$110,493,000.
98. The estimated cost of the 345-kV transmission line, using route 35, is \$105,569,000.
99. The total estimated cost for the proposed transmission facilities, using route 35, is \$216,062,000.
100. The total estimated cost for the proposed transmission facilities is reasonable.
101. The proposed transmission facilities will be financed through a combination of debt and equity.

**Prudent Avoidance**

102. Commission rules define prudent avoidance under 16 TAC § 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."
103. Route 35 has no known habitable structures located within 500 feet of its centerline.
104. Route 35 complies with the Commission's policy of prudent avoidance.

**Engineering Constraints.**

105. Oncor evaluated engineering and construction constraints when developing route 35.

106. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along route 35.

**Community Values**

107. Information regarding community values was received from local, state, and federal agencies and incorporated into the routing analysis and the transmission line's route selection.
108. Oncor held a public participation meeting, which resulted in the submission of completed questionnaires or other correspondence indicating primary concerns relating to community values.
109. Following the public participation meeting and associated correspondence, Halff made preliminary route link modifications in consideration of community feedback, where feasible.
110. A summary of the comments from federal, state, and local officials is provided in the routing analysis, including comments from the Federal Aviation Administration, the Railroad Commission of Texas, the Texas Archeological Research Laboratory, the Texas General Land Office, the Texas Historical Commission, the Texas Parks and Wildlife Department, and the United States Department of Defense.
111. Oncor assessed preliminary route links and possible modifications after evaluating community feedback.
112. The study area is rural and undeveloped, used primarily for oil and gas production.
113. The El Capitan switch will be located on Covington's property.
114. Route 35 is the best overall route choice to minimize impact to community values in the study area.
115. Route 35 adequately addresses the expressed community values.

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

116. Oncor evaluated the use and paralleling of existing compatible corridors, including apparent property boundaries, when developing its alternative routes.

- 117. Route 35 parallels existing electric transmission lines for 6,125 feet, helping reduce the impact of the new transmission line.
- 118. Route 35 parallels apparent property boundaries for approximately 35,720 feet, or 29.8% of its length.
- 119. Route 35 parallels existing compatible rights-of-way for 41,844 feet, or 35% of its length.
- 120. Route 35 uses or parallels existing compatible corridors to a reasonable extent.

**Other Comparisons of Land Uses and Land Types**

**a. Radio Towers and Other Electronic Installations**

- 121. There are no known AM radio transmitters located within 10,000 feet of the centerline of route 35.
- 122. There are two known FM radio towers, microwave towers, or other electronic installations located within 2,000 feet of the centerline of route 35.
- 123. It is unlikely that the presence of transmission facilities along route 35 will adversely affect any communication operations in the proximity of the route.

**b. Airstrips and Airports**

- 124. There are no airports registered with the Federal Aviation Administration with a runway longer than 3,200 feet located within 20,000 feet of the centerline of route 35.
- 125. There are no airports registered with the Federal Aviation Administration with a runway less than or equal to 3,200 feet in length located within 10,000 feet of the centerline of route 35.
- 126. There are no private airstrips located within 10,000 feet of the centerline of route 35.
- 127. There are no heliports located within 5,000 feet of the centerline of route 35.
- 128. It is unlikely that the presence of transmission facilities along route 35 will adversely affect any airports, airstrips, or heliports.

**c. Irrigation Systems**

- 129. Route 35 does not cross land irrigated by known mobile irrigation systems.

130. It is unlikely that the presence of transmission facilities along route 35 will adversely affect any agricultural lands with known mobile irrigation systems.

**d. Pipelines**

131. Route 35 parallels oil or gas pipelines for approximately 1,983 feet.
132. It is unlikely that the presence of transmission facilities along route 35 will adversely affect pipelines.

**Recreational and Park Areas**

133. Route 35 does not cross parks or recreational areas.
134. No parks or recreational areas are located within 1,000 feet of the centerline of route 35.
135. It is unlikely that the presence of transmission facilities along route 35 will adversely affect the use and enjoyment of any park or recreational area.

**Historical and Archaeological Areas**

136. Route 35 does not cross any recorded cultural resource sites.
137. There are three recorded cultural resource sites located within 1,000 feet of the centerline of route 35.
138. Route 35 crosses areas of high archaeological or historical site potential for 23,703 feet.
139. It is unlikely that the presence of transmission facilities along route 35 will adversely affect historical or archaeological resources.

**Aesthetic Values**

140. Route 35 is not located within the foreground visual zone of any public parks or recreational areas.
141. Route 35 is located within the foreground visual zone of United States or state highways for 11,307 feet.
142. It is unlikely that the presence of transmission facilities along route 35 will significantly or adversely affect the aesthetic quality of the landscape.

**Environmental Integrity**

143. The environmental assessment and routing analysis analyzed the possible impacts of the transmission facilities on numerous environmental factors.
144. Current county listings for federally- and state-listed threatened and endangered species were obtained from the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department. United States Fish and Wildlife Service-designated critical habitat locations were included in the review.
145. Construction and operation of the transmission facilities are not anticipated to have a significant effect on the physiographic or geologic features or mineral resources of the area.
146. Construction and operation of the transmission facilities are unlikely to have a significant impact on the surface water resources of the area.
147. Construction and operation of the transmission facilities are not expected to adversely affect groundwater resources of the area.
148. In light of avoidance measures to be used, construction and operation of the proposed transmission facilities are not anticipated to have significant impacts to the area's aquatic resources.
149. There are two federally- or state-listed threatened plant species with potential to occur in the study area.
150. There are no federally- or state-listed endangered plant species with potential to occur in the study area.
151. There are two federally- or state-listed endangered fish and wildlife species with potential to occur in the study area: the southwestern willow flycatcher and the Texas hornshell.
152. There are eight federally- or state-listed threatened fish and wildlife species with potential to occur in the study area: the American peregrine falcon, the piping plover, the rufa red knot, the yellow-billed cuckoo, the headwater catfish, the Pecos pupfish, the monarch butterfly, and the Texas horned lizard.



153. No federally determined critical habitat has been designated in the study area for any endangered or threatened species.
154. After approval of the proposed transmission facilities, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- or 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 approved route, Oncor may further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance and- mitigation strategies.
155. Oncor can construct the transmission facilities in an ecologically sensitive manner along route 35.
156. Oncor 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.
157. It is appropriate for Oncor to follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA, 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for Oncor to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
158. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate right-of-way clearance for the proposed transmission line.
159. It is appropriate for Oncor to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.

160. It is appropriate for Oncor to avoid, to the maximum extent practical, causing adverse environmental impacts to sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
161. It is appropriate for Oncor to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowner agrees otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
162. It is appropriate for Oncor to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way must comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
163. It is appropriate for Oncor to use best management practices to minimize the potential burden on migratory birds and threatened or endangered species.
164. It is unlikely that the presence of transmission facilities along route 35 will adversely affect the environmental integrity of the surrounding landscape.

**Texas Parks and Wildlife Department's Comments and Recommendations**

165. On November 4, 2024, Halff provided the Texas Parks and Wildlife Department information regarding the preliminary study area for the proposed transmission facilities and requested information concerning environmental and land use constraints and other issues of interest to the agency.
166. The Texas Parks and Wildlife Department was provided a complete copy of the application for the proposed transmission facilities, including the routing analysis developed by Halff.
167. The Texas Parks and Wildlife Department provided a letter with recommendations regarding the proposed transmission facilities in response to Halff's initial solicitation of input for use in the routing analysis.

168. The Texas Parks and Wildlife Department has not filed any comments in this docket.
169. The Commission does not address the Texas Parks and Wildlife Department's recommendations for which there is not record evidence to provide sufficient justification, adequate rationale, or an analysis of any benefits or costs associated with the recommendation.
170. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond appropriately.
171. Oncor will use avoidance or mitigation procedures, as appropriate, to comply with laws protecting federally listed species.
172. Oncor will re-vegetate rights-of-way as necessary and according to Oncor's vegetation management practices, the stormwater pollution prevention plan developed for construction of the proposed transmission facilities, if any, and in many instances, landowner preferences or requests.
173. Oncor's standard vegetation removal, construction, and maintenance practices adequately address concerns, if any, of the Texas Parks and Wildlife Department.
174. Oncor will use appropriate avian protection procedures.
175. Oncor will comply with all environmental laws and regulations, including those governing threatened and endangered species.
176. Oncor will comply with all applicable regulatory requirements in constructing the proposed transmission facilities, including any applicable requirements under Section 404 of the Clean Water Act.
177. Oncor will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if threatened or endangered species' habitats are identified during field surveys.
178. If construction impacts federally-listed species or their habitat or impacts waters under the authority of the United States Army Corps of Engineers or the Texas Commission on

Environmental Quality, Oncor will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and Texas Commission on Environmental Quality, as appropriate, to obtain permitting and perform any required mitigation.

179. The standard mitigation requirements included in the proposed ordering paragraphs, coupled with Oncor's standard practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line.

**Permits**

180. Before beginning construction of the transmission facilities approved in this proceeding, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
181. Before beginning construction of the transmission facilities approved in this proceeding, it is appropriate for Oncor to conduct a field assessment of the entire length of the transmission line to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitat impacted as a result of the transmission line. As a result of this assessment, Oncor will identify any additional permits that are necessary, will consult any required agencies, will obtain all necessary permits or clearances from federal, state, or local authorities, and will comply with the relevant permit conditions during construction and operation of the transmission line.
182. After designing and engineering the alignments, structure locations, and structure heights, Oncor will make a final determination of the need for Federal Aviation Administration notification based on the final structure locations and designs. If necessary, Oncor will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate Federal Aviation Administration requirements.

**Coastal Management Program**

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

184. Construction of the proposed transmission facilities along route 35 will not have any effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 27.1.

**Limitation of Authority**

185. It is reasonable and appropriate for the construction authority granted in this proceeding not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
186. Seven years is a reasonable and appropriate limit to construct the transmission facilities approved in this proceeding.

**II. Conclusions of Law**

The Commission adopts the following conclusions of law.

1. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
2. SOAH exercised authority over this proceeding in accordance with PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
3. Oncor is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).
4. Oncor must obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using the transmission facilities under PURA § 37.053.
5. Drill Hole switch is an existing electric utility facility under PURA § 37.056(e).
6. Culberson switch is an existing electric utility facility under PURA § 37.056(e).
7. DELETED.
8. The application is sufficient under 16 TAC § 22.75(d).
9. The application complies with the requirements of 16 TAC § 25.101.

10. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
11. Oncor held a public meeting and provided proper notice of that public meeting in compliance with 16 TAC § 22.52(a)(4).
12. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act<sup>3</sup> and the Commission's rules.
13. Route 35 complies with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
14. The Texas Coastal Management Program does not apply to any of the transmission facilities approved in this proceeding, and the requirements of 16 TAC § 25.102 do not apply to this application.
15. The transmission facilities using route 35 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).

### **III. Ordering Paragraphs**

In accordance with these 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 Oncor's CCN number 30043 to include the construction, ownership, and operation of the Drill Hole switch-to-El Capitan switch 345-kV transmission line and facilities in Culberson County using route 35 (segments E11, E12, G1, G2, H3, K2, M, N21, N22, Z).
3. Oncor must consult with pipeline owners or operators in the vicinity of the proposed route regarding the pipeline owners' or operators' assessment of the need to install measures to

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<sup>3</sup> Tex. Gov't Code §§ 2001.001–.903.

mitigate the effects of alternating-current interference on existing metallic pipelines that are paralleled by the electric transmission facilities approved by this Order.

4. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line and coordinate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
5. Oncor must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor fails to obtain any such permit, license, plan, or permission, it must notify the Commission immediately.
6. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and the United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
7. If Oncor encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor must report the discovery to, and act as directed by, the Texas Historical Commission.
8. Before beginning construction, Oncor must undertake reasonable measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required by applicable law or permit.
9. Oncor must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species due to the presence of the transmission facilities.
10. Oncor must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee,

Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA, 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.

11. Oncor must take precautions to avoid disturbing occupied nests and to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
12. Oncor must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
13. Oncor must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission facilities.
14. Oncor must re-vegetate using native species and to consider landowner preferences and wildlife needs in doing so.
15. To the maximum extent practical, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
16. Oncor must implement reasonable erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and the implementation of special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.
17. Oncor 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, Oncor is not required to restore the original contours and grades where a different contour



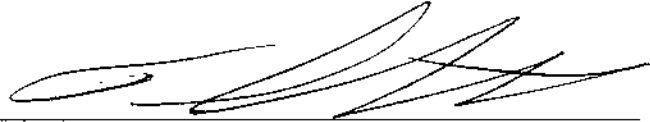
or grade is necessary to ensure the stability of the transmission facilities or the safe construction, operation, and maintenance of any transmission facilities.

18. If possible, and subject to the other provisions of this Order, Oncor must prudently implement appropriate final design for the transmission line so as to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. Oncor is not authorized to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then Oncor must file an application to amend its CCN, as necessary.
19. Oncor must cooperate with directly affected landowners to implement minor deviations from the approved route to minimize the disruptive effect of the transmission line approved by this Order. 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 have agreed to the minor deviation.
20. Oncor is not authorized to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending its CCN.
21. Oncor must follow all applicable requirements under 16 TAC § 25.98 for the transmission facilities approved by this Order.
22. Oncor must include the transmission facilities approved by this Order on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when all charges have been identified.
23. The authority granted by this Order is limited to a period of seven years from the date this Order is signed unless the transmission facilities are commercially energized before that time.

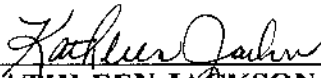
24. All other motions and any other requests for general or specific relief that have not been expressly granted in this Order are denied.

Signed at Austin, Texas the 2<sup>nd</sup> day of October 2025.

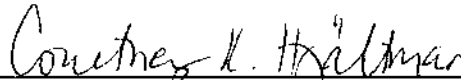
**PUBLIC UTILITY COMMISSION OF TEXAS**



**THOMAS J. GLEESON, CHAIRMAN**



**KATHLEEN JACKSON, COMMISSIONER**



**COURTNEY K. HJALTMAN, COMMISSIONER**