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PUC DOCKET NO. 58007
SOAH DOCKET NO. 473-25-19335

APPLICATION OF ONCOR ELECTRIC	§	PUBLIC UTILITY COMMISSION
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY FOR	§	
THE DRILL HOLE	§	
SWITCH-TO-RIVERTON SWITCH	§	
345-KV TRANSMISSION LINE IN	§	
CULBERSON, LOVING, AND REEVES	§	
COUNTIES	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Oncor Electric Delivery Company LLC to amend its certificate of convenience and necessity (CCN) number 30043 to construct, own, and operate the Drill Hole switch-to-Riverton switch 345-kilovolt (kV) transmission line in Culberson, Loving, and Reeves counties. The Commission approves route 15 and amends Oncor's CCN number 30043 to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes 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 (ERCOT) region.
3. Oncor holds CCN number 30043 to provide service to the public.

Application

4. On May 8, 2025, Oncor filed an application to amend its CCN number 30043 for the construction of a new double-circuit 345-kV transmission line between Oncor's existing Drill Hole switch and Oncor's existing Riverton switch in Culberson, Loving, and Reeves

counties. Oncor's application also proposes expansions to both the Drill Hole switch and the Riverton switch.

5. Oncor retained 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. In State Office of Administrative Hearings (SOAH) Order No. 3 filed on June 9, 2025, the SOAH administrative law judge (ALJ) found the application sufficient.

Intervenors

7. In SOAH Order No. 3 filed on June 9, 2025, the SOAH ALJ granted the motion to intervene of Delaware Basin Midstream, LLC.
8. In SOAH Order No. 4 filed on July 15, 2025, the SOAH ALJ granted the motions to intervene of Sullivan Partners, Ltd and Robert K. Whitt.

Referral to the SOAH for Hearing and Remand to the Commission

9. On May 14, 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.
10. In SOAH Order No. 2 filed on May 28, 2025, the SOAH ALJ adopted a procedural schedule and set a hearing on the merits for July 17 and 18, 2025.
11. At the hearing on the merits on July 17, 2025, the parties informed the SOAH ALJ that the case was no longer contested because all parties either supported or did not oppose route 15.
12. On July 28, 2025, Oncor filed a joint motion, on behalf of all of the parties, to dismiss the case from the SOAH docket and remand it to the Commission.
13. In SOAH Order No. 7 filed on July 28, 2025, the SOAH ALJ dismissed the case from the SOAH docket and remanded this matter to the Commission.

Hearing on the Merits

14. On the morning of July 17, 2025, the hearing on the merits convened via Zoom videoconference and concluded that day.

15. The following parties made appearances, either personally or through legal counsel, and participated in the hearing on the merits: Oncor, Commission Staff, Delaware Basin Midstream, Mr. Whitt, and Sullivan Partners.
16. All parties waived cross-examination of witnesses at the hearing on the merits.

Description of the Proposed Transmission Facilities

17. Oncor proposes to connect the planned 345-kV switchyard at Oncor's existing Drill Hole switch and the existing 345-kV switchyard at Oncor's Riverton switch.
18. Oncor's Drill Hole switch is located west of United States Highway 285 near the Culberson County and Reeves County line in Culberson County.
19. Oncor's existing Riverton switch is located adjacent to County Road 440, approximately two miles east of United States Highway 285 in Reeves County.
20. In this Notice of Approval, the term *transmission facilities* includes the proposed transmission line and the planned expansions of the Drill Hole and Riverton switches.
21. Oncor has not acquired any of the rights-of-way required for the proposed transmission line.
22. The transmission line will be constructed on double-circuit steel lattice towers, generally within a 160-foot right-of-way, except where alternate structures and or a different right-of-way width are required due to design, construction, and engineering-related constraints.
23. The typical structure height for the transmission line will be between 90 and 140 feet tall with an estimated maximum height of 180 feet.
24. Oncor plans to use 1,926.9-kilocircular-mil aluminum-conductor-steel-supported trapezoidal-shaped wire conductors, with two conductors per phase for each circuit, having a continuous summer static current rating of 5,138 amperes and a continuous summer static line capacity of 3,070 megavolt-amperes.

Description of the Proposed Routes

25. Oncor's application included 21 different routes for the Commission's consideration that met the certificate requirements of PURA¹ and the Commission's substantive rules.
26. All filed routes are viable and constructible.
27. Oncor identified route 19, which is 22.7 miles in length and consists of route links A-B11-B2-E1-E2-E3-G1-J1-L2-M1-Z, as the route that best addressed the applicable routing criteria of PURA and the Commission's rules.
28. On July 24, 2025, Commission Staff and Delaware Basin Midstream LLC filed notices of support for route 15.
29. On July 25, 2025, Mr. Whitt and Sullivan Partners filed notices of support for route 15.
30. On July 28, 2025, Oncor filed its notice of non-opposition to route 15.
31. Route 15 is 22.5 miles in length and consists of route links A-B11-B2-E1-E2-E3-H1-H2-H3-I2-L1-M1-Z.
32. The agreed route approved in this Notice of Approval is route 15.

Schedule

33. In the application, Oncor estimated that it would acquire all rights-of-way by December 2026, finalize engineering and design by January 2027, procure materials and equipment by January 2027, and complete construction and energize the transmission facilities by December 2027.

Public Input

34. On February 18, 2025 from 5:30 p.m. to 7:00 p.m., Oncor held a public participation meeting at the Reeves County Civic Center in Pecos, Texas.
35. Oncor mailed 322 individual written notices of the public participation meeting to all owners of property within 520 feet of the centerline of the preliminary route links for the transmission facilities. The notice included the public meeting details, a map of the study area depicting the preliminary routes, and additional information about the proposed transmission line.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

36. Oncor emailed notice of the public participation meeting to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse.
37. Notice of the public participation meeting was published on January 30, 2025, in *The Van Horn Advocate*, a newspaper of general circulation in Culberson County, and in the *Pecos Enterprise*, a newspaper of general circulation in Reeves and Loving counties.
38. No members of the public attended the public participation meeting.
39. No questionnaires or letters were received by Oncor or Halff at the public participation meeting or at a later date.
40. Following the public participation meeting, Oncor had direct contact with one pipeline representative and four landowners relating to the proposed transmission line.
41. After the public participation meeting, Halff made modifications to several of the preliminary route links after considering updated property data, guidance from Oncor, and additional field investigations.

Notice of the Application

42. On May 8, 2025, Oncor sent written notice of the application via the following methods:
 - a. by first-class mail to each landowner of record, based on a review of current county property tax rolls, who would be directly affected if the requested CCN amendment were granted;
 - b. by priority mail to the county governments in Reeves, Loving, and Culberson counties;
 - c. by first-class mail as a courtesy to certain pipeline associations, owners, and operators within the study area;
 - d. by overnight mail delivery to the Office of Public Utility Counsel (OPUC); and
 - e. by email and overnight delivery to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse.
43. There are no neighboring utilities providing the same utility service within five miles of the proposed facilities; therefore, Oncor did not provide written notice of the application to any such utilities.

44. There are no municipalities within five miles of the proposed facilities; therefore, Oncor did not provide written notice of the filing of the application to any such municipalities.
45. On May 8, 2025, Oncor sent a copy of the application and all attachments, including the routing analysis, to the Texas Parks and Wildlife Department by overnight mail delivery.
46. On May 15, 2025, Oncor published notice of the application in *The Van Horn Advocate*, a newspaper of general circulation in Culberson County, and the *Pecos Enterprise*, a newspaper of general circulation in Reeves and Loving counties.
47. On May 28, 2025, Oncor filed the affidavit of Jonathan Richards, regulatory project manager for Oncor, attesting that notice of the application was provided and published in accordance with PURA and the Commission's rules as described above.
48. In SOAH Order No. 3 filed on June 9, 2025, the SOAH ALJ found the notice of the application sufficient.
49. On July 11, 2025, Oncor filed the supplemental affidavit of Mr. Richards attesting that notice of the application was resent to certain landowners whose original notices were returned undelivered to Oncor.

Testimony

50. On May 9, 2025, Oncor filed the direct testimony of its witnesses: Jared Gurley, P.E., senior manager in Oncor's transmission planning group; Ankur Patel, P.E., senior engineer in Oncor's transmission engineering line design group; Russell J. Marusak, senior project manager at Halff; and Amy L. Zapletal, P.E., project manager senior in Oncor's transmission engineering right-of-way group.
51. On June 16, 2025, Delaware Basin Midstream and its affiliated companies filed the direct testimony of witness Jared Pannell, a staff corrosion engineer for Western Midstream Partners, LP, Delaware Basin Midstream's parent company.
52. On June 16, 2025, Mr. Whitt filed direct testimony on behalf of himself.
53. On June 16, 2025, Sullivan Partners filed the direct testimony of witness Sarah Terrell, general partner for Sullivan Partners.

54. On June 27, 2025, Commission Staff filed the direct testimony of witness John Poole, engineer in the Commission's infrastructure division.
55. On June 27, 2025, Delaware Basin Midstream filed errata to the direct testimony of Mr. Pannell.
56. On July 9, 2025, Oncor filed the rebuttal testimony of Ms. Zapletal and Mr. Patel.

Evidentiary Record

57. On July 17, 2025, at the hearing on the merits, the SOAH ALJ admitted the following evidence into the record of this proceeding:
 - a. Oncor's application to amend its CCN for the Drill Hole switch-to-Riverton switch 345-kV transmission line, including attachments, filed on May 8, 2025;
 - b. the direct testimonies and accompanying attachments of Oncor witnesses Mr. Gurley, Mr. Marusak, Mr. Patel, and Ms. Zapletal, filed on May 9, 2025;
 - c. Oncor's affidavit attesting to the provision of notice to municipalities, utilities, counties, Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse, OPUC, the Texas Parks and Wildlife Department, and landowners and newspaper notice filed on May 28, 2025;
 - d. the direct testimony of Mr. Pannell, with accompanying exhibit, on behalf of Delaware Basin Midstream, filed on June 16, 2025;
 - e. the direct testimony of Mr. Whitt, with accompanying exhibit, on behalf of himself, filed on June 16, 2025;
 - f. the direct testimony of Ms. Terrell on behalf of Sullivan Partners, Ltd, and any exhibits, filed on June 16, 2025;
 - g. the errata to the direct testimony of Mr. Pannell, with accompanying exhibit, on behalf of Delaware Basin Midstream, filed on June 27, 2025;
 - h. the direct testimony of Mr. Poole on behalf of Commission Staff, filed on June 27, 2025;
 - i. the rebuttal testimony of Mr. Patel, on behalf of Oncor, filed on July 9, 2025;

- j. the rebuttal testimony and accompanying exhibits of Ms. Zapletal, on behalf of Oncor, filed on July 9, 2025;
 - k. Oncor's notice regarding supplemental affidavit attesting to the provision of notice and request for approval, with accompanying affidavit filed on July 11, 2025; and
 - l. Oncor's intervenor map.
58. On August 26, 2025, the Commission ALJ admitted the following additional evidence into the record:
- a. Delaware Basin Mainstream's notice of support of route 15 filed on July 24, 2025;
 - b. Commission Staff's notice of support of route 15 filed on July 24, 2025;
 - c. Sullivan Partners' notice of support of route 15 filed on July 25, 2025;
 - d. Mr. Whitt's notice of support of route 15 filed on July 25, 2025; and
 - e. Oncor's notice of non-opposition to route 15 filed on July 28, 2025.

Route Adequacy

- 59. Oncor's application presented 21 geographically diverse alternative routes. Each of the 43 route links is utilized in at least one of the proposed alternative routes.
- 60. 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, and no party requested a hearing on route adequacy.
- 61. The application provided adequate and sufficiently delineated routes to conduct a proper evaluation.

Need for the Proposed Transmission Line

- 62. The proposed transmission line is needed to increase import capacity, provide additional load serving capability, increase operational flexibility, and resolve reliability violations driven by rapid load growth due to increased oil and gas activity and related economic expansion in the Delaware Basin.
- 63. The Delaware Basin is located in ERCOT's far west weather zone, which has recently experienced the fastest growth in peak electric demand of any area on the ERCOT system.

64. The proposed transmission line is the third of five stages of transmission upgrades identified by ERCOT in its 2019 Delaware Basin study.
65. In November 2024, ERCOT issued an independent review of the Delaware Basin stage 3 and 4 projects and confirmed the continuing need for the proposed transmission line. ERCOT's review confirmed that the Delaware Basin stage 3 and 4 projects resolve all reliability violations under various contingency conditions.
66. ERCOT's review also identified low-voltage violations and voltage instability without stage 3 and 4 of the Delaware Basin upgrades.
67. No party challenged the need for the proposed transmission line, and Commission Staff recommended approval.
68. Oncor demonstrated a reasonable need for the transmission line.

Alternatives to the Proposed Transmission Facilities

69. In its 2019 Delaware Basin study, ERCOT evaluated numerous alternative options to address load growth and reliability criteria violations in the Delaware Basin area.
70. ERCOT's evaluation of alternatives included extensive review and input from transmission service providers, steady state and reliability studies, power transfer analyses, congestion analyses, and comparisons of estimated costs.
71. The Delaware Basin upgrades, including the proposed transmission line, outperformed the other alternatives in ERCOT's reliability analysis, provided the greatest production cost savings, and was the lowest cost alternative.
72. Oncor did not consider additional alternatives for the stage 3 upgrade due to ERCOT's robust evaluation as part of the Delaware Basin study.
73. Distribution alternatives, voltage upgrades, conductor bundling, and additional transformers are not feasible alternatives because they would not address the need for a broader transmission buildout in the Delaware Basin.

Effect of Granting the CCN Amendment on Utilities Serving the Proximate Area, Probable Improvement of Service, and Lowering of Cost

74. The proposed transmission facilities will not directly connect to any other electric utility.

- 75. No other utility is involved in the construction of the proposed transmission facilities.
- 76. The proposed transmission facilities do not use existing facilities owned by any other electric utility.
- 77. Oncor will own the proposed transmission line.
- 78. Oncor owns the existing Drill Hole station and the existing Riverton switch.
- 79. It is unlikely that the construction of the transmission line along any proposed route will adversely affect service by other utilities in the area.

Routing of the Transmission Facilities

- 80. 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.
- 81. To identify preliminary route links for the transmission facilities, Halff delineated a study area, sought public official and agency input, gathered data regarding the study area, and performed constraints mapping.
- 82. Of the 21 routes filed with the application, Oncor identified route 19 as the route that best addresses PURA and the Commission's rules.
- 83. Commission Staff identified Route 15 as the route that best addresses PURA and the Commission's rules.
- 84. Intervenor Delaware Basin Midstream, Mr. Whitt, and Sullivan Partners support route 15.
- 85. Oncor does not oppose route 15.
- 86. Route 15 is composed of links A-B11-B2-E1-E2-E3-H1-H2-H3-I2-L1-M1-Z.
- 87. Route 15 is 22.5 miles in length.
- 88. Route 15 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

89. The estimated construction costs for the 21 filed alternative routes range from approximately \$87,998,000 to \$106,430,000, excluding station costs.
90. The estimated construction cost for route 15 is \$88,690,000, excluding station costs.
91. The estimated cost for the station work at Drill Hole station is \$4,207,000.
92. The estimated cost for the station work at Riverton switch is \$6,342,000.
93. The cost of route 15 is reasonable considering the range of the cost estimates for the proposed transmission facilities' proposed routes.
94. Oncor intends to finance the transmission facilities through a combination of debt and equity.

Prudent Avoidance

95. Prudent avoidance, as defined in 16 Texas Administrative Code (TAC) § 25.101(a)(6), is the "limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort."
96. Route 15 has zero habitable structures within 520 feet of its centerline.
97. The construction of the transmission facilities along route 15 complies with the Commission's policy of prudent avoidance.

Community Values

98. No members of the public attended the public participation meeting or filled out questionnaires regarding the public meeting.
99. After the February 2025 public meeting, Oncor and Halff had direct contact with landowners and a pipeline company. Oncor and Halff also received information from local, state, and federal agencies. This information was considered and factored into Halff's routing analysis and Oncor's eventual selection of the routes included in the application.
100. Route 15 adequately addresses the expressed community values.

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

- 101. Oncor evaluated the use and paralleling of existing compatible rights-of-way and apparent property boundaries when developing route 15.
- 102. Route 15 parallels existing compatible corridors for 45,500 feet.
- 103. Route 15 parallels existing transmission lines for 22,313 feet.
- 104. Route 15 does not parallel existing railroads, public roads or highways, or pipelines.
- 105. Route 15 parallels apparent property boundaries for 23,186 feet.
- 106. Pipelines were not considered existing corridors and were not calculated in the route length parallel to compatible rights-of-way.
- 107. Route 15 uses or parallels existing compatible rights-of-way to a reasonable extent.

Engineering Constraints

- 108. Oncor evaluated engineering and construction constraints when developing route 15.
- 109. Oncor did not identify any engineering constraints that would prevent the construction of transmission facilities along route 15.

Other Comparisons of Land Uses and Land Types

- 110. The study area largely consists of rural, undeveloped land used primarily for oil and gas production.
- 111. The study area is sparsely populated, with lodging facilities for oil and gas workers and multiple single-family residences identified immediately south of the Red Bluff Reservoir near County Road 447.
- 112. The transmission facilities proposed by Oncor in this proceeding can be safely and reliably constructed and operated without significant adverse effects on uses of property.

a. Radio Towers and Other Electronic Installations

- 113. No commercial AM radio transmitters were identified within 10,000 feet of route 15's centerline.
- 114. One FM radio transmitter, microwave tower, or other electronic installation was identified within 2,000 feet of route 15's centerline.

115. It is unlikely that the presence of transmission facilities along route 15 will adversely affect any communication operations in the proximity of the route.

b. Airstrips and Airports

116. There are no airports registered with the Federal Aviation Administration with at least one runway longer than 3,200 feet in length and within 20,000 feet of route 15's centerline.
117. There are no airports registered with the Federal Aviation Administration with a runway 3,200 feet or shorter in length and within 10,000 feet of route 15's centerline.
118. There are no private airstrips located within 10,000 feet of route 15's centerline.
119. There are no heliports within 5,000 feet of route 15's centerline.
120. It is unlikely that the presence of transmission facilities along route 15 will adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

121. Route 15 does not cross agricultural lands with known mobile irrigations systems.
122. It is unlikely that the presence of transmission facilities along route 15 will adversely affect any agricultural lands with known mobile irrigation systems.

d. Pipelines

123. There are numerous oil and natural gas facilities within the study area consisting of pipelines, well locations, electric lines, and other associated aboveground components.
124. No well locations will be crossed by any alternative route for the proposed project.
125. Where feasible, Oncor will attempt to cross existing pipelines and electric transmission lines at a right angle.
126. It is unlikely that the presence of the proposed transmission facilities along the proposed route will adversely affect any pipelines that transport hydrocarbons.

Recreational and Park Areas

127. Route 15 does not cross park or recreational areas.
128. No park or recreational areas are located within 1,000 feet of route 15's centerline.

129. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the use and enjoyment of any recreational or park areas.

Historical and Archaeological Areas

130. Route 15 does not cross any recorded cultural resource sites.
131. Route 15 crosses areas with a high potential for historical or archeological sites for 29,419 feet.
132. There are four recorded cultural resource sites located within 1,000 feet of the centerline of route 15.
133. It is unlikely that the presence of transmission facilities along route 15 will adversely affect archaeological or historical resources.

Aesthetic Values

134. An estimated 9,627 feet of route 15's right-of-way is within the foreground visual zone of United States or state highways.
135. No portion of route 15's right-of-way is within the foreground visual zone of park or recreational areas.
136. It is unlikely that the presence of transmission facilities along route 15 will adversely affect the aesthetic quality of the surrounding landscape.

Environmental Integrity

137. The environmental assessment analyzed the possible effects of the proposed transmission facilities on numerous environmental factors.
138. Oncor and Halff evaluated the effects of the proposed transmission facilities on the environment including endangered and threatened species.
139. Oncor and Halff evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation, fish, and wildlife), and land use within the study area.
140. Route 15 does not cross any upland woodlands or potential wetlands.
141. Route 15 crosses riparian areas for 19,815 feet.

142. There are five federally-listed threatened or endangered fish and wildlife species with potential to occur in the study area: the piping plover, rufa red knot, southwestern willow flycatcher, yellow-billed cuckoo, and Texas hornshell.
143. Two federally-listed threatened or endangered plant species have been found in the study area. However, route 15 does not cross the area where those plants were found.
144. Current county listings for federally- and state-listed threatened and endangered species were obtained from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department. Habitat locations designated critical by the United States Fish and Wildlife Service were included in the environmental assessment.
145. Oncor will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
146. No federally determined critical habitat has been designated in the study area for any endangered or threatened species.
147. It is unlikely that significant adverse consequences for populations of any federally-listed endangered or threatened species will result from constructing the proposed transmission facilities.
148. Oncor can construct the transmission facilities in an ecologically sensitive manner along the proposed route.
149. 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.
150. It is appropriate for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
151. 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.
152. It is appropriate for Oncor to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the United States Fish and Wildlife Service and Texas Parks and Wildlife Department.

153. After approval of the route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- and state-listed fish and wildlife species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally- or state-listed fish and wildlife species are observed during a field survey of the approved route, Oncor will further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance or mitigation strategies.
154. 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 landowners agree otherwise. However, it is not appropriate for Oncor to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line's structures or the safe operation and maintenance of any transmission line.
155. 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 rights-of-way. The use of chemical herbicides to control vegetation within rights-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.
156. It is appropriate for Oncor to protect raptors and migratory birds by following the procedures outlined in the following 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 California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and the *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.

- 157. It is appropriate for Oncor to use best management practices to minimize any potential harm that route 15 presents to migratory birds and threatened or endangered species.
- 158. It is unlikely that the presence of transmission facilities along route 15 will adversely affect the environmental integrity of the surrounding landscape.

Texas Parks and Wildlife Department

- 159. On November 22, 2024, Texas Parks and Wildlife Department provided Oncor a letter which contained various comments and recommendations regarding the transmission facilities, but Texas Parks and Wildlife Department did not file comments in this proceeding or become a party to this proceeding.
- 160. The Texas Parks and Wildlife Department was provided a complete copy of the application, including the environmental assessment and routing analysis, for the proposed transmission facilities.
- 161. Texas Parks and Wildlife Department's comment letter addressed issues relating to effects on natural resources but did not consider the other factors the Commission and utilities must consider in CCN applications.
- 162. Before beginning construction, it is appropriate for Oncor to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.
- 163. Oncor will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
- 164. Oncor will use avoidance or mitigation procedures, as appropriate, to comply with laws protecting federally listed species.
- 165. Oncor will re-vegetate rights-of-way as necessary and according to Oncor's vegetation management practices, the storm water pollution prevention plan developed for construction of the proposed transmission line, if any, and in many instances, landowner preferences or requests.
- 166. Oncor will use appropriate avian protection procedures.

167. Oncor will comply with all environmental laws and regulations, including those governing threatened and endangered species.
168. Oncor will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.
169. 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.
170. If construction affects federally listed species or their habitat or affects water under the authority of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality (TCEQ), Oncor will cooperate with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, and the TCEQ as appropriate to coordinate permitting and perform any required mitigation.
171. Halff relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by Texas Parks and Wildlife Department, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.
172. Oncor will cooperate with the United States Fish and Wildlife Service and Texas Parks and Wildlife Department if field surveys identify threatened or endangered species' habitats.
173. The standard mitigation requirements included in the ordering paragraphs of this Notice of Approval, coupled with Oncor's current practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and sufficiently address Texas Parks and Wildlife Department's comments and recommendations.
174. This Notice of Approval does not address 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.

175. This Notice of Approval addresses only those recommendations by Texas Parks and Wildlife Department for which there is record evidence.
176. The recommendations and comments made by Texas Parks and Wildlife Department do not necessitate any modifications to the proposed transmission facilities.

Permits

177. Before beginning construction of the proposed transmission facilities, Oncor will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.
178. Before beginning construction of the proposed transmission facilities, Oncor will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
179. Before beginning construction of the proposed transmission facilities, Oncor will obtain any necessary permits or clearances from federal, state, or local authorities.
180. It is appropriate for Oncor, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the TCEQ. In addition, before commencing construction, it is appropriate for Oncor to prepare a stormwater pollution prevention plan if required, to submit a notice of intent to TCEQ if required, and to comply with all other applicable requirements of the general permit.
181. It is appropriate for Oncor to conduct a field assessment of the proposed route before beginning construction of the proposed transmission facilities to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these assessments, Oncor will identify all necessary permits from counties and federal and state agencies. Oncor will comply with the relevant permit conditions during construction and operation of the transmission facilities along route 15.
182. After designing and engineering the alignments, structure locations, and structure heights, Oncor will determine the need to notify the Federal Aviation Administration 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 requirements of the Federal Aviation Administration.

Coastal Management Program

- 183. No part of the proposed transmission facilities is located within the coastal management program as defined in 31 TAC § 27.1.
- 184. Construction of the proposed transmission facilities along the proposed route will not have any effect on 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 not reasonable and appropriate for a CCN order 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 place on the authority granted in this Notice of Approval to construct the transmission facilities.

Informal Disposition

- 187. More than 15 days have passed since the completion of notice provided in this docket.
- 188. Four protestors filed comments.
- 189. Oncor, Delaware Basin Midstream, Sullivan Partners, Mr. Whitt, and Commission Staff are the only parties to this proceeding.
- 190. All parties to this proceeding support or do not oppose the proposed route.
- 191. No hearing is needed.
- 192. Commission Staff recommends approval of the application.
- 193. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes 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. Oncor is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).
3. Oncor must obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using the proposed transmission facilities under PURA § 37.053.
4. SOAH exercised authority over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
5. The application is sufficient under 16 TAC § 22.75(d).
6. The application complies with the requirements of 16 TAC § 25.101.
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,² and Commission rules.
8. Oncor provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
9. Additional notice of route 15 is not required under 16 TAC § 22.52(a)(2) because it consists entirely of properly noticed links contained in the application.
10. Oncor held a public meeting and provided proper notice of the public meeting in compliance with 16 TAC § 22.52(a)(4).
11. 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.
12. The transmission facilities using route 15 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
13. The construction of the proposed transmission facilities along route 15 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.

² Tex. Gov't Code §§ 2001.001–.903.

14. The Texas Coastal Management Program does not apply to the proposed transmission facilities approved in this Notice of Approval, and the requirements of 16 TAC § 25.102 do not apply to the application.
15. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Commission approves route 15 and amends Oncor's CCN number 30043 to the extent provided in this Notice of Approval.
2. The Commission amends Oncor's CCN number 30043 to include the construction, ownership, and operation of the transmission facilities, including a 345-kV double-circuit transmission line along route 15 (comprising route links A-B11-B2-E1-E2-E3-H1-H2-H3-I2-L1-M1-Z) and station work at Drill Hole switch and Riverton switch.
3. Oncor 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 alternating-current interference on existing metallic pipelines that are paralleled by the proposed electric transmission facilities.
4. Oncor must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission facilities approved by this Notice of Approval and coordinate with metallic pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
5. Oncor must comply with all applicable local, state, and federal laws, regulations, and permits.
6. 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 Notice of Approval, and if Oncor fails to obtain any such permit, license, plan, or permission, must notify the Commission immediately.

7. Oncor must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and 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 Notice of Approval.
8. 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.
9. Before beginning construction, Oncor must undertake reasonable measures to identify whether a potential habitat for federally-listed endangered or threatened species exists and must respond as required by applicable law or permit.
10. Oncor must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.
11. Oncor must follow the procedures to protect raptors and migratory birds as outlined in the following 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 the United States Fish and Wildlife Service, April 2005.
12. Oncor must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
13. 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 rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.

14. 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.
15. Oncor must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so.
16. To the maximum extent practicable, Oncor must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the United States Fish and Wildlife Service and Texas Parks and Wildlife Department.
17. Oncor must implement 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 implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.
18. 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 original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the transmission facilities.
19. Oncor must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the proposed transmission line approved by this Notice of Approval. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
20. The Commission does not permit Oncor 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.
21. If possible, and subject to the other provisions of this Notice of Approval, Oncor must prudently implement appropriate final design for the transmission line 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 Notice of Approval 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.
22. Oncor must include the transmission facilities approved by this Notice of Approval 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 Oncor identifies all charges.
23. The Commission limits the authority granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed unless, before that time, the transmission line is commercially energized before that time.
24. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas on the 27th day of August 2025.

PUBLIC UTILITY COMMISSION OF TEXAS



AARON HAAS
ADMINISTRATIVE LAW JUDGE