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APPLICATION OF AEP TEXAS INC. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE ARANSAS PASS TO GREGORY 138-KV TRANSMISSION LINE IN SAN PATRICIO COUNTY	**§ § § § § §**	**BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

DIRECT TESTIMONY

OF

KATHLEEN COONEY

ON BEHALF OF

AEP TEXAS INC.

JULY 2, 2025

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ATTACHMENTS

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Kathleen Cooney. My business address is 7600 North Capital of Texas Highway, Suite 320, Austin, Texas 78731.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by POWER Engineers, Inc. (POWER), a wholly owned subsidiary of WSP USA Inc., which is a consulting and engineering firm, as Project Manager II in the Environmental Division.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS AND BUSINESS EXPERIENCE.

A. I received a Bachelor of Arts degree in Communication Arts from Villanova University in 1996, and a Master of Arts degree in Geography from San Francisco State University in 2010.

I have managed multidisciplinary teams to license energy projects, including environmental and cultural field studies, siting and routing/alternatives evaluations, public scoping meetings/hearings, environmental permitting, and mitigation planning. My resume is attached to this Direct Testimony as Attachment KC-1.

Q. HAVE YOU PREVIOUSLY PERFORMED WORK RELATED TO TRANSMISSION LINE ADMINISTRATIVE PROCEEDINGS?

A. Yes, I have. My resume, attached as Attachment KC-1, lists the administrative proceedings in which I have performed work related to transmission line projects.

Q. HAVE YOU EVER SUBMITTED TESTIMONY BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS?

A. Yes. I submitted testimony in Commission Docket No. 56414 and No. 57245.

II. PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to introduce, support, and sponsor the document entitled *Aransas Pass-to-Gregory 138-kV Transmission Line Environmental Assessment and Alternative Route Analysis San Patricio, Texas* (Environmental Assessment or EA) prepared by POWER at the request of AEP Texas Inc. (AEP Texas). The EA is Attachment 1 to the *Application of AEP Texas Inc. to Amend its Certificate of Convenience and Necessity for the Aransas Pass-to-Gregory 138-kV Transmission Line in San Patricio County* (Application) that was filed in this docket. The Application is publicly available at the Commission and will be offered into evidence by AEP Texas as an exhibit in this proceeding.

Q. WHAT PORTIONS OF THE APPLICATION DO YOU SPONSOR?

A. I am sponsoring in whole or in part the responses to Application Questions Nos. 6, 17 through 24, and 26 through 29. I also sponsor the majority of the EA, which is Attachment 1 of the Application, and Attachment 2 of the Application.

Q. WERE YOUR TESTIMONY AND THE INFORMATION YOU HAVE BEEN IDENTIFIED AS SPONSORING PREPARED BY YOU OR BY KNOWLEDGEABLE PERSONS UNDER YOUR SUPERVISION AND UPON

WHOSE EXPERTISE, JUDGMENT AND OPINIONS YOU RELY IN PERFORMING YOUR DUTIES?

A. Yes, they were.

Q. IS THE INFORMATION THAT IS CONTAINED IN YOUR TESTIMONY AND THAT YOU ARE SPONSORING TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?

A. Yes, it is.

III. PROJECT DESCRIPTION

Q. PLEASE DESCRIBE THE TRANSMISSION LINE PROJECT THAT IS ADDRESSED IN YOUR TESTIMONY AND IN THE EA.

A. The proposed Project will be a new Aransas Pass-Gregory 138-kilovolt (kV) transmission line in San Patricio County. The Project involves rebuilding and relocating approximately 2 miles of the existing AEP Texas Aransas Pass-Gregory 69-kV transmission line with a steel-pole, 138-kV design to be operated at 69 kV. The Project will begin at a tap point along the existing transmission line located the northwest side of Avenue C/Farm-to-Market (FM) 3284 approximately 0.06 mile north-northeast of the intersection of Avenue C/FM 3284 and 9th Street in the City of Gregory. The Project will terminate at the existing AEP Texas Gregory Substation located on the northwest side of FM 2986 approximately 0.61 mile south-southwest of the intersection of United States Highway (US Hwy) 181 and FM 2986. The new transmission line will require a 100-foot-wide right-of-way (ROW).

IV. ENVIRONMENTAL ASSESSMENT AND ROUTING ANALYSIS

Q. WHY DID POWER PREPARE THE EA?

A. AEP Texas contracted with POWER to perform a routing study and prepare the EA for this Project. As Project Manager, I am responsible for the EA and its findings. I oversaw all elements of the EA from baseline data acquisition and analysis through selection of the route for this Project that POWER determined best meets the requirements of the Public Utility Regulatory Act (PURA) and the PUC's Substantive Rules from an environmental and land use perspective.

Q. PLEASE DESCRIBE THE PURPOSE OF THE EA.

A. The objective of the EA was to identify and evaluate several alternative transmission line routes and ultimately to recommend a route to AEP Texas that POWER believes best meets the requirements of PURA and the PUC's Substantive Rules from environmental and land use standpoints. The environmental planning process completed by POWER consisted of a series of tasks to address the requirements of PURA, the Commission's Rules, and AEP Texas' standard design practices for the development of an EA to address essential elements for a CCN application.

Q. WHAT DOES THE EA ADDRESS?

A. The EA provides a detailed description of the procedures and methodology followed and the factors considered in identifying Alternative Routes for AEP Texas. The EA was prepared to address land use, visual resources, socioeconomic elements, biological/ecological resources, geology and soils, hydrology, and cultural resources within the study area and along the Alternative Routes. The EA specifically addresses

the environmental and land use factors that appear in PURA § 37.056(c)(4) (A)-(D), which is included as Attachment KC-2 of this testimony. The EA also addresses the PUC's policy of prudent avoidance, the PUC's CCN application requirements, and the issues commonly addressed in PUC preliminary orders associated with CCN applications that appear in PUC Substantive Rule 16 Texas Administrative Code (TAC) § 25.101(b)(3)(B), which is included as Attachment KC-3 of this testimony.

Q. WHO PARTICIPATED IN PREPARATION OF THE EA?

A. A team of professionals under my direction, representing various environmental disciplines, was assembled from the POWER staff and was involved in data acquisition, routing analysis, and environmental impacts assessment of the subject Project. Section 6.0 of the EA presents a list of the primary preparers of the EA.

Q. PLEASE DESCRIBE THE STEPS TAKEN IN PREPARING THE EA.

A. The tasks included Project scoping and study area delineation, data collection, constraint mapping, Preliminary Alternative Links identification, review and adjustment of Preliminary Alternative Links following field review, local/state/federal agency input, analysis and impact assessment, and the identification of Alternative Routes for AEP Texas, including the Alternative Route believed to best meet the requirements of PURA and the PUC's Substantive Rules from an environmental and land use perspective.

Project Scoping and Study Area Delineation

Project scoping required the selection of a study area. This area needed to encompass the Project termination points and include a large enough area within which a geographically diverse set of Alternative Routes could be delineated.

Data Collection and Agency Contact

After the study area was identified, the POWER Project Team initiated a variety of data collection activities. Data collection activities consisted of file and record reviews.

Data used by POWER in the delineation and evaluation of the Preliminary and Primary Alternative Links/Routes were drawn from a variety of sources, including published literature (documents, reports, maps, aerial photography, etc.) and information from local, state, and federal regulatory agencies. Throughout the identification and evaluation of Alternative Routes, POWER used readily available recent aerial photography, United States Geological Survey 7.5-minute topographic maps, Texas Department of Transportation (TxDOT) county highway maps, and reconnaissance surveys. Computer-based evaluation of digital aerial imagery was utilized for both refinement and evaluation of Alternative Routes. The data collection effort, although concentrated in the early stages of the Project, was an ongoing process and continued up to the point of Alternative Route selection.

One of the data collection activities was the development of a list of local officials and departments and local, state, and federal regulatory agencies to receive a consultation letter in April 2024 regarding the proposed transmission line Project. The purpose of the letter was to inform the various officials and agencies of the Project and to give

those officials and agencies the opportunity to provide any information they had regarding the Project and/or general Project area. In response, POWER and AEP Texas received written and verbal information from various public officials and agencies. Written responses to consultation letters are included in Appendix A of the EA.

Constraint Mapping

Since a number of potential routes could be drawn to connect the tap point along the existing Aransas Pass-Gregory 69-kV transmission line and the existing AEP Texas Gregory Substation, a constraints mapping process was used to identify and refine potential Alternative Routes. The geographic locations of environmentally sensitive and other restrictive areas within the study area were located and considered during alternative transmission line route delineation. The overall impact of the Alternative Routes has been greatly reduced by avoiding, to the extent reasonable, such constraints as individual residences, rural subdivisions, airstrips, cemeteries, known historic and archeological sites, wetlands, parks, places of worship, and schools. Impacts have also been reduced by efforts to parallel existing compatible ROW and property lines where reasonable and practical.

Preliminary Alternative Route Delineation/Adjustments

Based on a review of recent aerial photographs, environmental and land use constraints, existing transportation and utility ROWs, and the location of existing facilities, POWER delineated a network of links, which were presented to AEP Texas for review and comment. These initial Preliminary Alternative Links were examined in the field on February 12 and June 26, 2024 by POWER staff. Following environmental and

engineering review by the Project Team, adjustments were made to the location and alignment of several links resulting in a set of Primary Alternative Links.

Public Open House Meeting Input/Route Revisions

These adjusted Preliminary Alternative Links were presented during a public open house meeting held at the Gregory Municipal Complex Community Center in Gregory, Texas on June 27, 2024. Subsequent to the public open house meeting, POWER staff and/or AEP Texas performed a review and analysis of comments and information received at the public meeting and from discussions with landowners and interested stakeholders. The purpose of the review and analysis was to evaluate areas of concern and to consider modifications to the Preliminary Alternative Links. As a result, Alternative Links 12 and 21 were removed to minimize impacts to existing constraints, including a new RV park, to the greatest extent practicable. The Project Team, utilizing this input, made final revisions to develop the 33 Primary Alternative Links, and identified the 11 Alternative Routes to be further evaluated by POWER in the EA for the Project.

Alternative Route Evaluation/POWER Route Recommendation

As detailed in the EA, 11 Alternative Routes, comprised of 33 different links, were ultimately selected for evaluation by the POWER staff and AEP Texas. As discussed below, AEP Texas and POWER believe that the 33 Alternative Links and the 11 Alternative Routes are all viable and provide an adequate number of geographically differentiated routes to consider for this Project. The results of POWER's effort are presented in Sections 4.0 and 5.0 of the EA. These Alternative Routes are shown on

Figures C-1 and C-2, located in Appendix C of the EA. In evaluating the Alternative Routes, 41 environmental criteria were considered.

The number or amount of each environmental criterion was determined by reviewing various maps and recent color aerial photography and by performing field verification from public viewpoints. The environmental and land use advantages and disadvantages of each Alternative Route were then evaluated.

The EA prepared by POWER provides a comparison of the Alternative Routes strictly from an environmental and land use standpoint, based upon professional expertise and on the measurement of 41 separate routing criteria for route evaluation. The routing criteria are listed in Table 2-2, and the data associated with the criteria are provided in Table 4-1 of the EA, and address the factors set forth in PURA § 37.056(c)(A)-(D) and 16 TAC § 25.101(b)(3)(B). POWER professionals with expertise in different environmental disciplines (wildlife biology, plant ecology, land use/planning, and archeology) evaluated the Alternative Routes based upon environmental conditions present along each Alternative Route, augmented by aerial photograph interpretation and field reconnaissance from public viewpoints, the general routing methodology used by POWER, and the environmental criteria. Each POWER evaluator independently analyzed the Alternative Routes and the environmental criteria data. The evaluators then met as a group and discussed their independent results. The relationship and relative sensitivity among the major environmental criteria were determined by the group as a whole. The POWER evaluators then ranked the Alternative Routes based strictly upon the environmental and land use criteria evaluation, considering the

relationships and relative sensitivities among the criteria, and selected an Alternative Route determined to best meet the requirements of PURA and the PUC's Substantive Rules from a land use and environmental perspective.

Q. HAVE AN ADEQUATE NUMBER OF GEOGRAPHICALLY DIVERSE ALTERNATIVE ROUTES BEEN FORMULATED TO CONDUCT A PROPER EVALUATION?

A. Yes. Given the distance between the Project end points and the nature of the Project area, I believe that the routes evaluated in the EA provide an adequate number of geographically diverse Alternative Routes for evaluation. Data for the environmental/land use criteria were collected for each link, and all of the links were used to develop the Alternative Routes filed in the Application. I believe that the 11 Alternative Routes filed in the Application represent an adequate number of reasonable, viable, geographically varied Alternative Routes.

Q. WHAT ROUTE DID POWER IDENTIFY AS BEST MEETING THE REQUIREMENTS OF PURA AND THE PUC'S SUBSTANTIVE RULES FROM AN ENVIRONMENTAL AND LAND USE PERSPECTIVE?

A. For the transmission line Project, POWER identified Alternative Route B as the route that best meets the requirements of PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B) from an environmental and land use perspective. The other four Alternative Routes that POWER ranked from an environmental and land use perspective are Alternative Routes K, D, C, and A. However, all of the Alternative Routes and links in the Application are viable, feasible, and acceptable from an environmental and land use perspective.

V. INFORMATION ADDRESSING THE PUC's CCN CRITERIA

Q. HOW WAS THE INFORMATION COMPILED BY POWER USED FOR PURPOSES OF THE APPLICATION?

A. POWER provided environmental and land use information for all of the Alternative Routes, which was used to complete several specific questions in the Application.

Q. WHAT ARE POWER'S FINDINGS REGARDING PROXIMITY TO HABITABLE STRUCTURES IN THE VICINITY OF THE PROPOSED ALTERNATIVE ROUTES?

A. As shown in Table 4-1 of the EA, between 1 and 83 habitable structures are located within 300 feet of the centerlines of the Alternative Routes. General descriptions of the habitable structures that are within 300 feet of the centerline of each Alternative Route and their distances from the centerlines are provided in Tables 5-2 through 5-12 of the EA. The habitable structures (by ID number) that are located within 300 feet of the Alternative Route centerlines are shown on Figure C-2 (located in Appendix C) of the EA. These same ID numbers will be found in Attachments 7 and 8 of the Application.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO AM RADIO TRANSMITTERS WITHIN 10,000 FEET OF THE CENTERLINE AND OTHER TYPES OF ELECTRONIC INSTALLATIONS WITHIN 2,000 FEET OF THE CENTERLINES OF THE PROPOSED ALTERNATIVE ROUTES?

A. One commercial AM radio tower was identified within 10,000 feet of each of the Alternative Route centerlines. Alternative Routes A, B, C, D, J, and K each have one

FM radio transmitter or other electronic communication facility identified within 2,000 feet of the centerlines and Alternative Routes E, F, G, H, and I each have three.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO KNOWN PRIVATE AIRSTRIPS WITHIN 10,000 FEET, FAA REGISTERED AIRPORTS WITHIN 20,000 FEET, AND HELIPORTS WITHIN 5,000 FEET OF THE CENTERLINES OF THE PROPOSED ALTERNATIVE ROUTES?

A. There is one Federal Aviation Administration (FAA)-registered private airstrip, Magee airstrip, located within 10,000 feet of all of the Alternative Routes. There are no FAA-registered public-use or military airports having at least one runway over 3,200 feet in length within 20,000 feet of the Alternative Routes. There are no FAA-registered public-use or military airports having no runways over 3,200 feet in length within 10,000 feet of the Alternative Routes, and no public or private-use heliports within 5,000 feet of the Alternative Routes.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO AREAS IRRIGATED BY TRAVELING IRRIGATION SYSTEMS IN THE VICINITY OF THE PROPOSED ALTERNATIVE ROUTES?

A. None of the Alternative Routes cross agricultural lands with known mobile irrigation systems (rolling or pivot).

Q. PLEASE DESCRIBE THE PERMITS OR APPROVALS THAT WILL BE OBTAINED AS NECESSARY TO CONSTRUCT THE PROJECT.

A. Permits/approvals to be obtained, as necessary, are:

- Floodplain development permits may be required by San Patricio County depending on the location of the approved transmission line structures.
- Permits for crossing state-maintained roads/highways will be obtained from TxDOT as necessary.
- Cultural resource clearance will be obtained from the Texas Historical Commission for the proposed Project ROW as necessary.
- A Storm Water Pollution Prevention Plan (SWPPP) may be required by the Texas Commission on Environmental Quality (TCEQ). AEP Texas or its contractor as necessary will submit a Notice of Intent to the TCEQ at least 48 hours prior to the beginning of construction and will have the SWPPP on site at the initiation of clearing and construction activities.
- A Miscellaneous Easement from the Texas General Land Office (GLO) will be obtained as necessary for any ROW that crosses a state-owned riverbed or navigable stream.
- The Texas Land Commissioner administers to Coastal Management Program (CMP) under the GLO. Coordination with the GLO will be completed as necessary.
- Notification to the FAA may be required depending on the alignment of the approved route, structure locations, and structure designs. Requirements to alter the design of the structures or potential requirements to mark and/or illuminate the line will be coordinated with the FAA as necessary.
- Permits or other requirements associated with potential impacts to endangered/threatened species will be coordinated with the United States Fish and Wildlife Service (USFWS) as necessary.
- Permits or other requirements associated with potential impacts to waters of the United States under the jurisdiction of the United States Army Corps of Engineers (USACE) will be coordinated with the USACE as necessary. None of the Alternative Links for this Project cross property that is owned by the USACE, and no easements on USACE property will be necessary. A Section 404 Permit may be required. No navigable Waters of the United States occur within the study area; therefore, a Section 10 Permit is not anticipated for this Project.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO THE NUMBER OF PARKS AND RECREATIONAL AREAS WITHIN 1,000 FEET OF THE CENTERLINE OF THE PROPOSED ALTERNATIVE ROUTES?

A. POWER reviewed the federal, state, and local websites and maps and conducted field reconnaissance to identify parks and recreation facilities located within the study area. None of the Alternative Routes cross any parks or recreation facilities. None of the Alternative Routes are located within 1,000 feet of a park or recreation facility.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO POTENTIAL IMPACTS ON HISTORICAL AND AESTHETIC VALUES FROM THE PROPOSED ALTERNATIVE ROUTES, INCLUDING KNOWN CULTURAL RESOURCES SITES WITHIN 1,000 FEET FROM THE CENTERLINE OF THE PROPOSED ALTERNATIVE ROUTES?

A. One previously recorded archeological site was identified within 1,000 feet of the centerlines of the Alternative Routes. The site is approximately 135 feet from Alternative Routes B, D, K, and J, and approximately 489 feet from Alternative Routes A and C. No recorded archeological sites are crossed by the Alternative Routes. No National Register of Historic Places sites are crossed by or are located within 1,000 feet of the centerlines of any of the Alternative Routes. No cemeteries are crossed by or are located within 1,000 feet of the centerlines of any of the Alternative Routes.

The ROWs of the Alternative Routes traverse between 0.16 mile and 1.15 mile of land with high archeological site potential.

The eastern and central portions of the study area are within the boundaries of the City of Gregory and primarily consist of residential and commercial development. The western and southwestern portions of the study area are primarily industrial, and cropland is located in the northern portion and the southwestern corner of the study area. Construction of the proposed transmission line could have both temporary and permanent aesthetic effects. Temporary impacts would include views of the actual assembly and erection of the tower structures. If wooded areas are cleared, the brush and wood debris could have an additional temporary negative impact on the local visual environment. Permanent impacts from the Project would involve the views of the cleared ROW, tower structures, and lines from public viewpoints, including roadways.

All of the Alternative Routes have a portion of their length located within the foreground visual zone of United States highways US Hwys and State Highways. Alternative Route B has the shortest length with 1.51 miles and Alternative Route J has the longest length with 1.80 miles.

All of the Alternative Routes also have a portion of their length located within the foreground visual zone of FM roads. Alternative Routes H and I have the shortest length with 1.65 miles each, and Alternative Route J has the longest length with 1.96 miles.

Alternative Routes F, G, H, and I each have approximately 0.05 mile within the foreground visual zone of parks or recreational areas, while Alternative Route E has 0.06 mile. Alternative Routes A, B, C, D, J, and K have no portion of their length located within the foreground visual zone of parks or recreational areas.

A summary of the lengths for each of the Alternative Routes within the foreground visual zone of these areas is presented in Section 4.3.7 and in Table 4-1 of the EA.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO COASTAL MANAGEMENT ZONE IMPACTS IN THE VICINITY OF THE PROPOSED ALTERNATIVE ROUTES?

A. The study area is located within the CMP boundary as defined in 31 TAC § 503. Coastal Natural Resource Areas are identified for the Study Area that include special hazard areas (Federal Emergency Management Area floodplains). Alternative Routes E through I each have some length of ROW across 100-year floodplains ranging from 0.55 mile to 0.80 mile. Construction activities would not significantly impede the flow of water within the watershed, significantly impact the overall function of the floodplain, nor adversely affect downstream properties. Prior to construction, if required, the Applicant will coordinate with the appropriate floodplain administrator to acquire any necessary floodplain construction permits.

Q. WHAT ARE POWER'S FINDINGS WITH RESPECT TO IMPACTS ON ENVIRONMENTAL INTEGRITY FROM THE PROPOSED ALTERNATIVE ROUTES?

A. Review of information from the Texas Natural Diversity Database (NDD), Texas Parks and Wildlife Department (TPWD), and USFWS indicated that no federally and state-listed plant have the potential to occur within the study area in San Patricio County. The TPWD's NDD data identified element of occurrence data for three state-sensitive plant species: coastal gay-feather (*Liatric bracteate*), Wright's trichocoronis

(*Trichocoronis wrightii* var. *wrightii*), and south Texas spikesedge (*Eleocharis austrotexana*). Although these species are not state or federally protected, they are each considered either imperiled or vulnerable according to the status and rank key from the State Wildlife Action Plan for Texas and are considered species of greatest conservation need.

There are 18 federally listed threatened and endangered, one proposed endangered, and one candidate animal species potentially occurring within the study area county. Fifteen state-listed animal species have the potential to occur within San Patricio County. None of the Alternative Routes cross designated critical habitat of federally listed endangered or threatened species.

The impacts on environmental integrity are discussed further in Section 4.1 of the EA. The Project is anticipated to have short-term minimal impacts to soil, water, and ecological resources. If necessary, prior to construction, a field survey will be completed on the PUC-approved route to determine if suitable habitat is present for any of the federally listed species.

VI. ADDITIONAL COMMISSION ROUTING CONSIDERATIONS

Q. DID THE POWER ANALYSIS CONSIDER SUCH FACTORS AS PARALLELING OF EXISTING COMPATIBLE RIGHTS OF WAY AND PROPERTY BOUNDARIES OR OTHER NATURAL OR CULTURAL FEATURES?

A. Yes. In consideration of and in compliance with 16 TAC § 25.101(b)(3)(B)(i), (ii), and (iii), POWER's route delineation and route evaluation process considered utilizing and

paralleling existing compatible ROW, property boundaries, and other natural or cultural features where practical and reasonable.

Alternative Routes A and C do not utilize existing transmission line ROW. Of the nine Alternative Routes with lengths of ROW that utilize existing transmission line ROW, Alternative Routes B and K utilize the least amount at 0.08 mile and Alternative Route D utilizes the most existing transmission line ROW at 0.85 mile.

Alternative Routes A, B, C, D, J, and K parallel existing transmission line ROW for a portion of their lengths, at approximately 0.03 mile each. The other five Alternative Routes do not parallel existing transmission line ROW.

Five of the 11 Alternative Routes have some length of ROW parallel to other existing compatible ROW (roadways, etc.). Of the five Alternative Routes, Alternative Route E has the least length of ROW parallel to other existing compatible ROW at 0.12 mile, while Alternative Route C parallels the most at 0.25 mile.

Nine of the 11 Alternative Routes have some length of ROW parallel to apparent property lines. Of the nine Alternative Routes with lengths of ROW parallel to apparent property lines, Alternative Routes A and C have the least at 0.13 mile, and Alternative Route H has the most at 0.94 mile.

Q. DID THE POWER ANALYSIS CONSIDER EXISTING PIPELINES?

A. Yes; however, AEP Texas did not consider being parallel to a pipeline as a positive routing attribute. Therefore, for this Project, POWER avoided routing links adjacent to existing pipelines. POWER did quantify the lengths of ROW for each Alternative

Route parallel to and within 500 feet of existing pipelines. None of the Alternative Routes have a portion of their length parallel to existing pipelines within 500 feet or less of the centerline.

Q. DOES POWER BELIEVE THAT ADDITIONAL ALTERNATIVE ROUTE CONFIGURATIONS EXIST THAT WOULD HAVE LESS IMPACT ON LANDOWNERS?

A. No. The routing process involved the delineation of several Alternative Routes, as depicted in Figures C-1 and C-2, located in Appendix C of the EA. Information on community values, parks and recreation areas, archeological and historic sites, aesthetics, and environmental integrity is presented for the Alternative Routes in the EA. These Alternative Routes were identified to minimize landowner impact in accordance with the criteria specified in PURA and the PUC's Substantive Rules.

I believe that, on balance, the proposed Alternative Routes minimize adverse impacts on directly affected landowners. Additional Alternative Route configurations would not have less impact on landowners.

Q. DO YOU BELIEVE THE CONCEPT OF "COMMUNITY VALUES" HAS BEEN ADEQUATELY ADDRESSED BY THE SELECTION OF THE ALTERNATIVE ROUTES AND THE COMPILATION OF DATA BY POWER, INCLUDING THE DATA THAT HAS BEEN RECEIVED FROM THE AGENCIES AND THE PUBLIC INPUT?

A. Yes, I do. The term "community values" is included as a factor for the consideration of transmission line certification under Section 37.056(c)(4) of PURA, although the term has not been specifically defined for regulatory purposes by the PUC.

For purposes of evaluating the effects of the Project, POWER has defined the term "community values" as a "shared appreciation of an area or other natural resource by a national, regional, or local community."

POWER's studies of the effect on "community values," which are described in Sections 3.7 and 3.8, and 4.2 and 4.3 of the EA, adequately address the requirements of PURA and the PUC's Substantive Rules regarding consideration of the effects of the Project on "community values."

Q. ARE YOU FAMILIAR WITH THE COMMISSION'S POLICY OF "PRUDENT AVOIDANCE?"

A. Yes. Commission Substantive Rule 25.101 defines the term "prudent avoidance" as "the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort." My understanding of the Commission's policy of prudent avoidance is that the process of routing a proposed transmission line

should include consideration of routing options that entail reasonably avoiding population centers and other locations where people gather. This does not mean that a proposed transmission line must avoid habitable structures at all costs, but that reasonable alternatives must be considered.

Q. DO YOU BELIEVE THE ROUTES CONSIDERED BY POWER AND AEP TEXAS CONFORM TO THE COMMISSION'S POLICY OF PRUDENT AVOIDANCE?

A. Yes. All of the routes considered in the EA conform to the Commission's policy of prudent avoidance in that they reflect reasonable investments of money and effort to limit exposures to electric and magnetic fields.

Q. HAS POWER REVIEWED AND CONSIDERED CERTAIN MITIGATION MEASURES FOR THIS PROJECT TO DECREASE POTENTIAL IMPACTS FROM THE PROJECT?

A. Yes, it has. These mitigation measures are set forth in Sections 1.4.1, 1.4.2, 1.4.3, 4.1.2, 4.1.4, and 4.4.3 of the EA.

Q. WHAT ARE POWER'S CONCLUSIONS REGARDING THESE MITIGATION MEASURES?

A. Where applicable and practical, the proposed mitigation measures should serve to reduce and mitigate the potential adverse effects of construction and operation of the Project to an appropriate extent.

VII. SUMMARY AND CONCLUSION

Q. PLEASE SUMMARIZE YOUR TESTIMONY.

A. In my opinion, all of the proposed Alternative Routes have been routed in a prudent manner and comply with PURA and the Commission's rules, policies, and procedures for transmission line routing. All of the Alternative Routes and links in the Application are viable, feasible, and acceptable from an environmental standpoint. My testimony and the EA address the differing extent to which the proposed Alternative Routes satisfy such requirements. In addition, I conclude that Alternative Routes B, K, D, C, and A are the best routes from an environmental and land use perspective for approval by the Commission in this docket.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes, it does.

Kathleen L Cooney

Project Manager

WHY KATHLEEN?

CCN application preparation experience throughout Texas

Extensive NEPA/CEQA document preparation experience

20 YEARS OF EXPERIENCE

EDUCATION

- M.A., Geography, San Francisco State University
- B.A., Communication Arts, Villanova University

AREAS OF EXPERTISE

- PUC of Texas CCN experience
- NEPA and CEQA experience
- Environmental studies and documents
- Routing and siting studies
- Permits and clearances
- Regulatory compliance
- Risk analysis and mitigation
- Project management
- Schedule and budget management
- Program development
- Technical editing

EXPERIENCE SUMMARY

Ms. Cooney is a Project Manager in POWER's Environmental Division with over 20 years of experience managing multi-discipline teams. She has a broad range of experience supporting energy industry projects. She is well-versed in navigating all aspects of planning and permitting for electric transmission lines and substations, pipelines, marine oil terminals, and renewables. Ms. Cooney has supported the licensing phase of several Certificate of Convenience and Necessity (CCN) projects in Texas, including preparation of the CCN application responses, assisting with responding to requests for information, drafting direct and rebuttal testimony, and also serving as the backup witness. She is also particularly familiar with the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), construction monitoring oversight, and general permitting. Her past work in permit strategy, development, and acquisition for a variety of clients makes her a valuable member of any energy industry project team.

American Electric Power Texas Inc. (AEP Texas), Medio Creek-Lon Hill 138-kV Cut-in to Portilla Substation Double-circuit Transmission Line Routing Study

TEXAS

Project Manager responsible for managing the environmental assessment and alternative route analysis for an approximate 2-mile, 138-kilovolt (kV) transmission line rebuild in San Patricio County, Texas to support the CCN application filing with the Public Utility Commission of Texas (PUC). POWER identified preliminary alternative route segments. POWER also completed the public input analysis and conducted an alternative route comparison as part of the Routing Study/Environmental Assessment (EA) and CCN application document. POWER is supporting the licensing phase of the project and will provide expert testimony support. Docket number 57245.

AEP Texas, Joslin to Carbide 138-kV Cut-in to Cangrejo Substation Routing Study

TEXAS

Project Manager responsible for managing the environmental assessment and alternative route analysis for an approximate 5-mile, 138/69-kV transmission line rebuild in Calhoun County, Texas to support the CCN application filing with the PUC. POWER identified preliminary alternative route segments and

Kathleen L Cooney

Project Manager

presented the results at a public open house meeting hosted by AEP Texas. POWER also completed the public input analysis and conducted an alternative route comparison as part of the EA and CCN application document. POWER supported the licensing phase of the project and provided expert testimony support. Docket number 56414. Project was successfully approved.

AEP Texas, Aransas Pass to Gregory 138-kV Transmission Line Routing Study

TEXAS

Project Manager responsible for managing the environmental assessment and alternative route analysis for an approximate 2-mile, 69-kV transmission line rebuild in San Patricio County, Texas to support the CCN application filing with the PUC. POWER identified preliminary alternative route segments and presented the results at a public open house meeting hosted by AEP Texas. POWER also completed the public input analysis and conducted an alternative route comparison as part of the EA and CCN application document. POWER is supporting the licensing phase of the project and will provide expert testimony support.

Grid United, Pecos West

TEXAS

Assistant Project Manager responsible for overseeing and managing the preparation of a Routing Study for a 280-mile 525-kV high voltage direct current (HVDC) intertie line. POWER supported preparation of Grid United's application for a CCN to the PUC to become a DC Tie Operator. POWER has completed environmental surveys for a converter station site and is coordinating the NEPA process across federal land.

AEP Texas and Electric Transmission Texas (ETT), Del Sol to Frontera 345-kV Routing Study

TEXAS

Assistant Project Manager for an approximate 35-mile, 345-kV line in Starr and Hidalgo counties. The Project is a component of the Lower Rio Grande Valley Transmission Improvements Project, to strengthen the electric grid to withstand weather impacts to decrease the likelihood and duration of community-wide outages and provide additional capacity for growth and economic development. POWER conducted the routing study and prepared the EA to support a CCN application for AEP Texas and ETT. POWER identified preliminary alternative route segments and presented the results at three public open house meetings hosted by AEP Texas and ETT. POWER also completed the public input analysis and conducted an alternative route comparison as part of the Routing Study/EA

Kathleen L Cooney

Project Manager

and CCN application document. POWER supported the licensing phase of the project and provided expert testimony support.

AEP Texas, Eldorado to Fort Mckavitt 69-kV Rebuild Routing Study

TEXAS

Assistant Project Manager for an approximate 20-mile, 69-kV transmission line rebuild. The existing line parallels a pipeline corridor with three to six pipelines within the corridor. The easement width required for the rebuild would require overlap into the existing pipeline corridor; therefore, a new route is required to rebuild the existing line. POWER identified preliminary alternative links for presentation at a virtual public meeting. POWER consulted with federal, state, and local agencies. POWER completed the public input analysis, conducted an alternative route comparison, and prepared the Routing Study/EA. POWER also contributed to preparation of the CCN application for approval by the PUC.

AEP Texas, Sonora to Sonora-Rocksprings Cut-in 69-kV Routing Study

TEXAS

Assistant Project Manager for an approximate 2-mile, 69-kV transmission line rebuild. AEP Texas is rebuilding the Sonora to Rocksprings 69-kV transmission line. A portion of the existing line is located in a drainage area through the City of Sonora. AEP Texas obtained consent from the impacted landowners to relocate this section of the existing transmission line out of the drainage area. POWER supported the public open house meeting, completed the public input analysis, and prepared the Routing Study/EA. POWER also contributed to preparation of the CCN application for approval by the PUC.

AEP Texas, Albany to Throckmorton 138-kV Rebuild Routing Study

TEXAS

Project Manager for an approximate 2-mile reroute of the existing Albany to Throckmorton 69-kV transmission line to avoid the Fort Griffin State Historic Site. POWER prepared a siting study that documented the reroute segment. The project was exempt from the CCN process and was filed with the PUC through the Monthly Construction Progress Report.

Transource, Sooner-Wekiwa 345-kV Routing Study

OKLAHOMA

Assistant Project Manager for an approximate 75-mile, single-circuit 345-kV transmission line. The project was proposed to further enable integration of lower-cost generation for the benefit of Southwest Power Pool customers. POWER identified preliminary alternative route segments for presentation at two

Kathleen L Cooney

Project Manager

virtual public meetings and three in-person open house public meetings. POWER consulted with federal, tribal, state, and local agencies and attended local agency meetings. POWER completed the public input analysis, conducted an alternative route comparison, and prepared the Routing Study/EA.

Entergy Louisiana, LLC, Sapphire 230-kV Transmission Line Critical Issues Analysis

LOUISIANA

Project Manager responsible for managing the Critical Issues Analysis (CIA) for two new approximate 6-mile, 230-kV transmission lines in Ascension Parish. The CIA provided a high-level overview and initial assessment of potential impacts to natural and human environmental resources and identified required permits and approvals. POWER identified preliminary alternative route segments, conducted a preliminary alternative route comparison, and prepared the CIA report.

Entergy Louisiana, LLC, Willow Glen to Conway 230-kV Routing Study

LOUISIANA

Project Manager responsible for managing the environmental assessment and alternative routing analysis for a new approximate 15-mile, 230-kV transmission line in Iberville and Ascension parishes. POWER identified preliminary alternative route segments, conducted an alternative route comparison, and prepared the Routing Study/EA.

Entergy Louisiana, LLC, Conway to Audubon 230-kV Routing Study

LOUISIANA

Assistant Project Manager for a new approximate 15-mile, 230-kV transmission line in Ascension Parish. POWER identified preliminary alternative route segments, conducted an alternative route comparison, and is preparing the Routing Study/EA.

Entergy Louisiana, LLC, Amite South Improvements Project Phase 1 - Commodore to Waterford 230/500-kV Routing Study

LOUISIANA

Assistant Project Manager for two new approximate 59-mile 230-kV and 500-kV transmission lines in St. Charles, St. James, St. John the Baptist, Assumption, Ascension, and Iberville parishes. The 230-kV and 500-kV lines will be constructed from a proposed Commodore 500-kV Substation to the existing Waterford Substation. POWER identified preliminary alternative route segments, conducted an alternative route comparison, and prepared the Routing Study/EA.

Kathleen L Cooney

Project Manager

Entergy Louisiana, LLC, Amite South Improvements Project Phase 1 - Waterford to Churchill 500-kV Routing Study

LOUISIANA

Assistant Project Manager for a new approximate 28-mile, 500-kV transmission line in St. Charles and Jefferson parishes. The 500-kV line will be constructed from a tap point along the Commodore to Waterford 500-kV transmission line to the existing Churchill Substation. POWER identified preliminary alternative route segments, conducted an alternative route comparison, and prepared the Routing Study/EA.

Entergy Mississippi, Grenada Industrial Park 115-kV Routing Study

MISSISSIPPI

Project Manager responsible for overseeing and managing the preparation of Environmental Assessment and Routing Study for an approximate 1-mile, 115-kV transmission line, including field reconnaissance. Expert witness testimony as part of MPSC Docket 2023-UA-088 was provided for this project, which was successfully approved.

AEP, Southwestern Electric Power Company, Asteroid 69-kV Tap Line Routing Study

LOUISIANA

Project Manager for an approximate 8-mile, 69-kV tap line in Sabine and DeSoto parishes. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

American Electric Power, Siting Risk Assessment Services

TEXAS, LOUISIANA, OKLAHOMA, ARKANSAS

Project Manager for more than 30 risk assessments for rebuild and greenfield projects in Texas, Louisiana, Oklahoma, and Arkansas. The risk assessments are high-level evaluations of the human and environmental constraints associated with the subject project using publicly available data. POWER performs an assessment of the potential challenges of rebuilding the existing transmission lines or building new transmission lines and determines whether siting new portions (reroutes) of the existing lines might be necessary due to encroachments or other constraints along the existing rights-of-way.

Kathleen L Cooney

Project Manager

AEP, Public Service Company of Oklahoma, Ridge Road 138-kV Transmission Line Routing Study

OKLAHOMA

Project Manager for an approximate 5-mile, 138-kV transmission line project in Grady County. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

AEP, Public Service Company of Oklahoma, Weleetka to Okemah 69-kV Transmission Line Routing Study

OKLAHOMA

Assistant Project Manager for an approximate 12-mile, 69-kV radial transmission line rebuild project in Okfuskee County. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

AEP, Public Service Company of Oklahoma, Clinton City to Foss Tap 69-kV Transmission Line Routing Study

OKLAHOMA

Assistant Project Manager for an approximate 13-mile, 69-kV rebuild project in Custer County. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

AEP, Public Service Company of Oklahoma, Red Oak to Talihina 69-kV Transmission Line Routing Study

OKLAHOMA

Assistant Project Manager for an approximate 16-mile, 69-kV radial transmission line rebuild project in Latimer and Le Flore counties. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

AEP, Southwestern Electric Power Company, Kingston Area Reliability Project

LOUISIANA

Assistant Project Manager for an approximate 5-mile, 69-kV rebuild. Southwestern Electric Power Company proposed to rebuild 5 miles of the existing Gravel Point to Kingston 69-kV radial transmission line with a double-circuit, 138-kV transmission line in DeSoto Parish. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the Routing Study.

Kathleen L Cooney

Project Manager

Florida Power and Light (FPL), Ryder to Grammercy and Johnson to Woods Routing Studies

FLORIDA

Siting lead for two routing projects in Palm Beach and Manatee counties, Florida. POWER assisted FPL in identifying transmission line alternative routes. POWER prepared a desktop study, identified alternative routes, and conducted a field review of the alternative routes. POWER prepared a Routing Memo for each project to assist FPL in identifying a preferred route.

CenterPoint Energy Electric Houston, LLC, Space City Solar 345-kV Transmission Line Project

TEXAS

Senior Environmental Planner responsible for land use support and QA/QC of the EA and alternative route analysis. POWER performed data collection, resource analyses, and prepared an EA and alternative route analysis for CenterPoint Energy's proposed Space City Solar project in Wharton County, Texas. The project included an approximate 3.5- to 8-mile, 345-kV single-circuit transmission line on double-circuit structures. POWER also contributed to preparation of the CCN application for approval by the PUC.

CPS Energy, Scenic Loop 138-kV Transmission Line Project

TEXAS

Senior Environmental Planner responsible for QA/QC of the Routing Study/EA and land use support. CPS Energy proposed to design and construct a new double-circuit, 138-kV line in Bexar County, Texas. The project was proposed to connect the new Scenic Loop Substation to an existing 138-kV transmission line in a rapidly developing area with a mix of rural and residential areas.

Orion Renewable Energy Group, LLC, Black Branch Solar Project Critical Issues Analysis

ARKANSAS

Managed the desktop CIA to identify potential environmental and regulatory issues associated with the transmission line portion of a solar project in Hot Spring County. The CIA provided a high-level overview and initial assessment of environmental and land use resource constraints and anticipated required permits and approvals for the Project. POWER identified preliminary alternative routes, conducted an alternative route comparison, and prepared the CIA letter report.

Kathleen L Cooney

Project Manager

Enstor Gas, LLC, Mississippi Hub Expansion Project

MISSISSIPPI

Responsible for the cumulative impacts section of Resource Report 1. Mississippi Hub, LLC is an underground natural gas storage facility located in Simpson County, Mississippi, and whose operations extend into Covington and Jefferson Davis counties. MS Hub is applying for an amendment to the Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act for the construction, operation, and maintenance of the Mississippi Hub Expansion Project.

Eastern Texas Transmission LP, Third-Party EIS Preparation for Venice Extension Project

LOUISIANA

Responsible for reviewing the Environmental Justice section of the EIS and document quality control. The project consisted of: (i) construction of a new pipeline segment; (ii) abandonment of an existing pipeline segment; (iii) construction of a new compressor station and metering and regulating (M&R) facilities; (iv) modifications and upgrades at two existing compressor stations; and (v) upgrades at one M&R facility to provide firm natural gas transportation service in Pointe Coupee, Iberville, Lafourche, and Plaquemines parishes.

Northern California Power Agency, Wildfire Mitigation Plan Review

CALIFORNIA

Managed a third-party review and assessment of Northern California Power Agency's (NCPA) Wildfire Mitigation Plan for compliance with applicable state regulations and requirements. POWER also updated the existing Wildfire Mitigation Plan with procedural steps to address public safety power shutoff for NCPA's Geothermal Facility during wind events. POWER wrote the Independent Evaluator Report.

Southern California Edison, Reliability Utility Owned Energy Storage Systems, Energy Storage Systems Projects

CALIFORNIA

As a subconsultant to Ameresco, provided oversight and coordination during preparation of the environmental reports for three project sites. Conducted technical review and quality control on an expedited schedule for approximately 24 reports, including the Environmental Compliance Monitoring Plans, Nesting Bird Plans, Habitat Assessments, Geotechnical Environmental Due Diligence Reports, and Cultural Resources Reports.

Kathleen L Cooney

Project Manager

City of Gridley, Wildfire Mitigation Plan Review

CALIFORNIA

Managed a third-party review and assessment of the City of Gridley's Wildfire Mitigation Plan for compliance with applicable state regulations and requirements. POWER provided a report documenting level of compliance and suggested areas for plan improvement.

Horizon West Transmission, LLC, Estrella Substation Wildfire Risk Assessment Report

CALIFORNIA

Responsible for writing the environmental portion of a Wildfire Risk and Fire Hardening Assessment for the new Estrella 230/70-kV Substation in San Luis Obispo County.

Four Different Utility Partners, Northwest Transmission Study

CALIFORNIA, OREGON, WASHINGTON

Environmental Planner responsible for researching federal and state (CA, OR, WA) regulatory policies and helped to create a permitting strategy for a proposed 500-kV transmission line from British Columbia to California. Drafted the Request for Proposals (RFP) for environmental consultants to prepare the required environmental review documents for the project and provided RFP management and assistance in selection of a consulting firm. Worked with the GIS team on routing through three states and Canada.

City of Pittsburg, Tesoro Pittsburg Terminal Deconstruction Project

CALIFORNIA

Deputy Project Manager responsible for writing the Aesthetics, Land Use and Recreation, and Transportation chapters of an Initial Study/Mitigated Negative Declaration for the deconstruction of Tesoro Refining and Marketing Company's approximate 2.72-acre marine terminal parcel located almost entirely within New York Slough in the San Francisco Bay. Performed and managed the technical review, quality control, and editing of the Initial Study/Mitigated Negative Declaration. The Mitigated Negative Declaration was approved in May 2019.

Kathleen L Cooney

Project Manager

Pacific Gas and Electric Company, Moss Landing Battery Storage Project

CALIFORNIA

Project Manager for the permitting process to obtain a combined coastal development permit, which involved drafting an applicant-prepared environmental assessment that Monterey County used to prepare the Mitigated Negative Declaration for the permit. Oversaw subconsultants for noise, biological, and cultural resources surveys. Coordinated with several departments at the County. Project involved installation of a 182.5-megawatt/730-megawatt-hour Tesla battery storage system and associated infrastructure at Moss Landing Substation to be owned by Pacific Gas and Electric Company.

Pacific Gas and Electric Company, Stockton A-Weber 60-kV Nos. 1 and 2 Reconductor Project

CALIFORNIA

Project Manager responsible for managing the permitting and compliance of the project, including the permitting strategy and the Central Valley Flood Protection Board encroachment permits. Oversaw a subconsultant perform a wetland delineation and habitat assessment. Managed the Federal Aviation Administration notifications and the creation of a Web map. Drafted the Notice of Construction and managed a subconsultant conducting biological monitoring during construction. The project involved the reconductor of approximately 4.5 miles of the existing Stockton A-Weber 60-kV line and replacement of up to approximately 150 wood poles. The project crossed Mormon Slough in three places, and Duck Creek.

Pacific Gas and Electric Company, Substation Security Enhancement Projects

CALIFORNIA

Project Manager that managed the municipal permitting for the project. PG&E was enhancing security at several of its most vulnerable substations as a result of a security incident at the Metcalf Substation in Santa Clara County. The first phase of the project involved obtaining 10 ministerial building permits from the local municipalities for the installation of security fencing and perimeter walls at Tier I substations in Alameda, Contra Costa, Butte, Solano, Merced, Kern, and Santa Clara counties. Phase 2 involved approximately nine building permits for the Tier 2 substations in Alameda, Contra Costa, Fresno, Kern, Monterey, San Luis Obispo, and Shasta counties. Tiers 4 and 5 involved permitting for approximately 25 substations across PG&E's service territory.

Kathleen L Cooney

Project Manager

Pacific Gas and Electric Company, 2016 Pipeline Corrosion Program

CALIFORNIA

Project Manager for the prime consultant supporting PG&E's Gas Transmission Department for approximately 200 corrosion projects. Oversaw seven teaming partners as well as budget and invoicing, scheduling, safety, and quality control. Provided biological, regulatory, and compliance support as needed.

Pacific Gas and Electric Company, Crazy Horse Canyon Switching Station Project

CALIFORNIA

Senior Planner/Project Manager that assisted with the preconstruction process, including preparing variance requests and requests for Notices to Proceed from the California Public Utilities Commission, as well as permit amendment requests and training materials. Used a global positioning system to locate the coordinates of the trees slated for removal within the workspace. During construction, assisted with permit amendments, monthly reports, and miscellaneous tasks. Took over the role of project manager during construction.

Pacific Gas and Electric Company, Moss Landing Substation Security Project

CALIFORNIA

Project Manager responsible for obtaining a coastal development permit to install security fencing and a perimeter wall at Moss Landing Substation, which involved drafting an applicant-prepared environmental assessment that Monterey County used to prepare the Mitigated Negative Declaration for the permit. Also oversaw subconsultants for biological and cultural resources.

Pacific Gas and Electric Company, Line 109 Cañada Road, Bunker Hill, and Crystal Springs Pipeline Replacement Projects

CALIFORNIA

Assistant Project Manager responsible for researching and preparing several sections of a Preliminary Mitigated Negative Declaration, including Aesthetics, Transportation and Traffic, Recreation, and Mandatory Findings of Significance. Drafted the front-end sections and managed the preparation of the noise analysis by a subconsultant. Performed a technical/peer review of the entire document. The project involved replacing a total of approximately 4.65 miles of existing underground natural gas pipeline in three segments across San Francisco Public Utilities Commission Peninsula Watershed lands.

Kathleen L Cooney

Project Manager

U.S. Department of Veterans Affairs (VA), Replacement VA Medical Center

KENTUCKY

Senior Planner responsible for researching and preparing the affected environment portion of the socioeconomics chapter of a draft Environmental Impact Statement for a proposed replacement VA hospital. Topics included population, veteran population, educational attainment, housing, income, labor force and employment, VA employment, property values, and crime and drug addiction.

California State Lands Commission, Tesoro Avon Marine Oil Terminal Project

CALIFORNIA

Deputy Project Manager responsible for researching and preparing a public review Draft and Final Environmental Impact Report assessing project-related environmental impacts associated with the anticipated Marine Oil Terminal Engineering Maintenance Standards (MOTEMS)-mandated facility upgrades and continued operation of the existing Avon Marine Oil Terminal facility. Managed the peer review and editing processes. The Final Environmental Impact Report was certified in March 2015. Project involved the lease renewal of 11.24 acres of sovereign public land from the California State Lands Commission for the existing Tesoro Refining and Marketing Company, LLC terminal and the modernization of the terminal for compliance with current MOTEMS.

City of Pittsburg, WesPac Energy-Pittsburg LLC, Pittsburg Energy Infrastructure Project

CALIFORNIA

Senior Planner that prepared the Aesthetics and Public Services and Utilities chapters of an Environmental Impact Report for the modernization and reactivation of an existing crude oil storage and marine terminal facility. Managed the preparation of the social chapters, and the Noise and Land Transportation chapters. Performed technical/peer review, quality control, and editing of the document. Incorporated relevant public comments into the Draft Environmental Impact Report for a re-issue as the project description changed. Prepared responses to comments from the Recirculated Draft Environmental Impact Report and finalized the Environmental Impact Report.

Kathleen L Cooney

Project Manager

Pacific Gas and Electric Company, California Independent System Operator (CAISO) Transmission Sponsor Application

CALIFORNIA

Project Manager responsible for managing a substation siting analysis to support the development of a new substation located in Kern County. Managed the preparation of environmental responses as part of the Project Sponsor Application submitted to the CAISO for the substation project.

California State Lands Commission, Tesoro Amorco Marine Terminal Lease Consideration Project

CALIFORNIA

Senior Planner that prepared the Aesthetics and Land Use and Recreation chapters of an Environmental Impact Report for a new 30-year lease of sovereign land from the California State Lands Commission to continue operations at the existing Tesoro terminal, a tanker petroleum unloading facility. Oversaw the preparation of the Noise, Cultural Resources, and Land-based Transportation chapters. Performed technical/peer review, quality control, and editing of the Draft and Final Environmental Impact Report. The Final Environmental Impact Report was certified in February 2014.

San Diego Gas & Electric, Confidential Project

CALIFORNIA

Senior Planner that prepared the Recreation and Utilities sections of a Proponent's Environmental Assessment for a proposed electric transmission line. Provided technical review of the Land Use, Population, and Public Services sections.

Pacific Gas and Electric Company, Stafford 1101 Reconductoring Project

CALIFORNIA

Project Manager responsible for preparing a Notification of Streambed Alteration to the California Department of Fish and Wildlife for the reconductoring of five wood poles off Highway 101 and Highway 37 in the City of Novato. Managed a biological monitor during project construction.

Pacific Gas and Electric Company, Rio Oso to Lincoln Highway 65 Project

CALIFORNIA

Project Manager responsible for managing the Federal Aviation Administration notification process for the relocation of a portion of the existing Rio Oso to

Kathleen L Cooney

Project Manager

Lincoln 115-kV transmission line to run along Highway 65 for approximately 2.8 miles.

Pacific Gas and Electric Company, Atascadero to San Luis Obispo 70-kV Reconductoring Project

CALIFORNIA

Senior Planner responsible for preparing the environmental training materials, including the supervisor training slide presentation, hard hat decal, and environmental brochure. Compiled and distributed the daily and weekly reports during construction, and distributed updates to the project permit binders. Drafted the final reports to the agencies.

San Diego Gas and Electric, Tie-Line 637 Wood-to-Steel Project

CALIFORNIA

Senior Planner responsible for preparing the Agriculture and Forestry Resources, Population and Housing, and Public Services chapters of a Proponent's Environmental Assessment for a tie-line project in unincorporated San Diego County.

Pacific Gas and Electric Company, Rio Oso to Lincoln 115-kV Reconductoring Project

CALIFORNIA

Project Manager that oversaw the Federal Aviation Administration filing process for placement of new poles for the project, which involved building new line and reconductoring a 60-kV power line to a 115-kV power line.

Pacific Gas and Electric Company, Cantua Solar Station Project

CALIFORNIA

Senior Planner that prepared the Population and Growth-inducing and Cumulative Impacts chapters of a Proponent's Environmental Assessment for a 20-megawatt solar photovoltaic site on approximately 220 acres in Fresno County.

Pacific Gas and Electric Company, Pleasant Creek Wind Project

CALIFORNIA

Environmental Planner that prepared the Geology and Soils, Land Use and Recreation, and Transportation sections of a desktop critical issues analysis for a proposed 34.5-megawatt wind energy facility.

Kathleen L Cooney

Project Manager

Wind Power Partners, LLP, Palm Springs Repower Wind Energy Center

CALIFORNIA

Environmental Planner that researched and prepared the Socioeconomic Technical Report and the two Visual Resources Technical Reports required under the California Environmental Quality Act and National Environmental Policy Act. Drafted the EA. The project involved decommissioning of wind turbines and replacement with fewer, larger turbines on two parcels. One parcel was on U.S. Bureau of Land Management land, and the other was on City of Palm Springs land.

Jamboree Housing Corporation, Tonner Hills Apartment Homes

CALIFORNIA

Environmental Planner that prepared the EA and the Finding of No Significant Impact for the Tonner Hills Apartment Homes, an affordable housing development that is part of a proposed master planned community.

Yosemite National Park Service, Yosemite Communication Data Network Upgrade Project

CALIFORNIA

Environmental Planner that researched and prepared the Land Use and Transportation sections of an EA for the National Park Service to update telephone, Internet, and network access within the National Park.

Stockton Generation LLC, Stockton Generation Project

CALIFORNIA

Environmental Planner that researched and prepared the Socioeconomic section of an Application for Certification submittal to the California Energy Commission for approval of Stockton Generation LLC's proposed 36-acre power plant in San Joaquin County. The project also included a 4-mile gas pipeline alignment, 11-mile reclaimed water pipeline alignment, and a 38-mile transmission line reconductor.

San Diego Gas and Electric, Orange County Transmission Expansion Project

CALIFORNIA

Deputy Project Manager that prepared the Land Use, Recreation, and Agricultural Resources and the Population and Housing, Public Services, and Utilities and Service Systems chapters of a Proponent's Environmental Assessment for submittal to the California Public Utilities Commission for

Kathleen L Cooney

Project Manager

approval of construction of an approximate 8-mile, 230-kV overhead and underground transmission line; installation of new 69-kV, 138-kV, and 230-kV structures; and modifications at two existing substations. Coordinated with the contributors and subcontractors and provided quality control.

Pacific Gas and Electric Company, Atlantic to Lincoln Transmission Project

CALIFORNIA

Project Manager that oversaw the permitting of three segments of the approximate 24-mile project, which involved building a new line and reconductoring a 60-kV power line to a 115-kV power line. Permitting agencies included the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and Federal Aviation Administration. Managed the contracts for visual and cultural resource surveys for the Rio Oso segment of the project.

California State Lands Commission, NuStar Energy, Selby Marine Terminal Lease Renewal

CALIFORNIA

Project Manager that managed the responses to data requests by the California State Lands Commission regarding a lease-renewal application for the Selby Marine Terminal. Prepared a project description for use by the California State Lands Commission to obtain a consultant to prepare the Environmental Impact Report and participated in the public hearing for the project.

IPC, IMTT Marine Terminal Expansion Project

CALIFORNIA

Lead Planner that provided permitting support, peer review, and research assistance for the proposed dredging and tank construction at IMTT's marine terminal in the Port of Richmond.

Southwest Gas Corporation, Marlette Lake Project

NEVADA

Lead Planner responsible for preparing the environmental permits for a 1,500-foot, 4-inch-diameter polyethylene gas pipeline in the Lake Tahoe State Park. Permitting agencies included the U.S. Army Corps of Engineers, Nevada Department of Environmental Protection, and Washoe County Air Management District.

Kathleen L Cooney

Project Manager

City of Encinitas, Beacon's Beach Project

CALIFORNIA

Lead Planner that prepared the responses to comments on the Draft Environmental Impact Report for the beach replenishment project.

Pacific Gas and Electric Company, Camanche 230-kV Transmission Line

CALIFORNIA

Project Manager that managed the preparation of an application for a Certificate of Public Convenience and Necessity for submittal to the California Public Utilities Commission for approval of a 1-mile electric transmission line to provide electricity to a substation to be constructed as part of the East Bay Municipal Utility District's Freeport Regional Water Project. Coordinated with subconsultants for biological resource surveys and wetland delineations.

County of Colusa, Petrogulf Corporation Sand Born Slough 3-D Seismic Survey

CALIFORNIA

Lead Planner that prepared the Land Use and Planning, Agricultural Resources, and Hazards and Hazardous Materials sections of an Initial Study/Mitigated Negative Declaration for a proposed seismic survey covering approximately 24 square miles of primarily agricultural land. Managed the review process and attended the public hearing for the project.

Pacific Gas and Electric Company, Line 406 and 407 Pipeline Project

CALIFORNIA

Lead Planner that prepared the Land Use and Planning and Agricultural Resources chapters of a supplemental filing to the California State Lands Commission for a proposed approximate 42-mile natural gas pipeline construction project in Yolo, Sutter, Sacramento, and Placer counties. Provided quality control on the document.

County of San Luis Obispo, On-Call Environmental Services

CALIFORNIA

Lead Planner that provided ongoing assistance with preparation of Mitigated Negative Declarations for County compliance with CEQA. These projects included small-scale infrastructure construction such as road improvements, culvert repairs, stream bank stabilization, and sand and gravel mine restoration. Provided quality control and editing for several habitat assessments and project descriptions for various projects for the County.

Kathleen L Cooney

Project Manager

Southern California Edison, Cross Valley Loop

CALIFORNIA

Technical lead for the Noise and Transportation and Traffic chapters of a Proponent's Environmental Assessment for submittal to the California Public Utilities Commission for approval of a new 20.4-mile, 230-kV transmission line. Provided assistance to the Project Manager for organization and development of the document, as well as technical editing.

Pacific Gas and Electric Company, Delta Distribution Planning Area Capacity Increase Substation Project

CALIFORNIA

Researched and authored the Population and Housing, Public Services, and Utilities and Service Systems chapters of a Proponent's Environmental Assessment for submittal to the California Public Utilities Commission for approval of a new substation.

Pacific Gas and Electric Company, Metcalf to Moss Landing Reinforcement Project

CALIFORNIA

Managed the final draft phase of a Proponent's Environmental Assessment for submittal to the California Public Utilities Commission for approval of the reconductoring of an existing 36-mile, 230-kV double-circuit transmission line, including tower modifications.

San Diego Gas and Electric, Otay Mesa Power Purchase Agreement Transmission Line Project

CALIFORNIA

Conducted research for the Noise and Transportation and Traffic chapters of a Proponent's Environmental Assessment for submittal to the California Public Utilities Commission for approval of an approximate 60-mile overhead and underground 230-kV electric transmission line.

Sec. 37.056. GRANT OR DENIAL OF CERTIFICATE.

(a) The commission may approve an application and grant a certificate only if the commission finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public.

(b) The commission may:

(1) grant the certificate as requested;

(2) grant the certificate for the construction of a portion of the requested system, facility, or extension or the partial exercise of the requested right or privilege; or

(3) refuse to grant the certificate.

(c) The commission shall grant each certificate on a nondiscriminatory basis after considering:

(1) the adequacy of existing service;

(2) the need for additional service;

(3) the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and

(4) other factors, such as:

(A) community values;

(B) recreational and park areas;

(C) historical and aesthetic values;

(D) environmental integrity;

(E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted, including any potential economic or reliability benefits associated with dual fuel and fuel storage capabilities in areas outside the ERCOT power region; and

(F) to the extent applicable, the effect of granting the certificate on the ability of this state to meet the goal established by Section 39.904(a) of this title.

(c-1) In considering the need for additional service under Subsection (c)(2) for a reliability transmission project that serves the ERCOT power region, the commission must consider the historical load, forecasted load growth, and additional load currently seeking interconnection.

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal reliability standards, and that is not included in a plan developed under Section 39.904(g). The criteria must include a comparison of the estimated cost of the transmission project for consumers and the estimated congestion cost savings for consumers that may result from the transmission project, considering both current and future expected congestion levels and the transmission project's ability to reduce those congestion levels. The commission shall include with its decision on an application for a certificate to which this subsection applies findings on the criteria.

(e) A certificate to build, own, or operate a new transmission facility that directly interconnects with an existing electric utility facility or municipally owned utility facility may be granted only to the owner of that existing facility. If a new transmission facility will directly interconnect with facilities owned by different electric utilities or municipally owned utilities, each entity shall be certificated to build, own, or operate the new facility in separate and discrete equal parts unless they agree otherwise.

(f) Notwithstanding Subsection (e), if a new transmission line, whether single or double circuit, will create the first interconnection between a load-serving station and an existing transmission facility, the entity with a load-serving responsibility or an electric cooperative that has a member with a load-serving responsibility at the load-serving station shall be certificated to build, own, or operate the new transmission line and the load-serving station. The owner of the existing transmission facility shall be certificated to build, own, or operate the station or tap at the existing transmission facility to provide the interconnection, unless after a reasonable period of time the owner of the existing transmission facility is unwilling to build, and then the entity with the load-serving responsibility or an electric cooperative that has a member with a load-serving responsibility may be certificated to build the interconnection facility.

(g) Notwithstanding any other provision of this section, an electric utility or municipally owned utility that is authorized to build, own, or operate a new transmission facility under Subsection (e) or (f) may designate another electric utility that is currently certificated by the commission within the same electric power region, coordinating council, independent system operator, or power pool or a municipally owned utility to build, own, or operate a portion or all of such new transmission facility, subject to any requirements adopted by the commission by rule.

(h) The division of any required certification of facilities described in this section shall apply unless each entity agrees otherwise. Nothing in this section is intended to require a certificate for facilities that the commission has determined by rule do not require certification to build, own, or operate.

(i) Notwithstanding any other provision of this section, an electric cooperative may be certificated to build, own, or operate a new facility in place of any other electric cooperative if both cooperatives agree.

(V.A.C.S. art. 1446c-0, secs. 2.255(b), (c).) (Amended by Acts 2003, 78th Leg., R.S., ch. 295 (HB 2548), § 2(added subd. (c)(4)(F)); Acts 2011, 82nd Leg., R.S., ch. 949 (HB 971), § 2(a) (added subsec. (d)); Acts 2019, 86th Leg. R.S., ch. 44 (SB 1938), § 4 (added subsecs. (e), (f), (g), (h), and (i)) Acts 2021, 87th Leg., R.S., ch. 198 123(HB 1510), § 3 (amended subd. (c)(4)); Acts 2021, 87th Leg., R.S., ch. 876 (SB 1281), § 2 (added subsec. (c-1) & amended subsec. (d)).)

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.

§25.101. Certification Criteria.

(a) **Definitions.** The following words and terms, when used in this section, have the following meanings unless the context indicates otherwise:

(1) **Construction or extension** -- Does not include the purchase or condemnation of real property for use as facility sites or right-of-way. Acquisition of right-of-way must not be deemed to entitle an electric utility to the grant of a certificate of convenience and necessity without showing that the construction or extension is necessary for the service, accommodation, convenience, or safety of the public.

(2) **Generating unit** -- Any electric generating facility. This section does not apply to any generating unit that is ten megawatts or less and is built for experimental purposes only.

(3) Habitable structures -- Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to: single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools.

(4) Municipal Power Agency (MPA) -- Agency or group created under Texas Utilities Code, Chapter 163 – Joint Powers Agencies.

(5) Municipal Public Entity (MPE) -- A municipally owned utility (MOU) or a municipal power agency.

(6) Prudent avoidance -- The limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.

(7) Tie line -- A facility to be interconnected to the Electric Reliability Council of Texas (ERCOT) transmission grid by a person, including an electric utility or MPE, that would enable additional power to be imported into or exported out of the ERCOT power grid.

(b) **Certificates of convenience and necessity for new service areas and facilities.** Except for certificates granted under subsection (e) of this section, the commission will grant an application and issue a certificate only if it finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public, and complies with the statutory requirements in the Public Utility Regulatory Act (PURA) §37.056. The commission may issue a certificate as applied for, or refuse to issue it, or issue it for the construction of a portion of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege. The commission will render a decision approving or denying an application for a certificate within one year of the date of filing of a complete application for such a certificate, unless good cause is shown for exceeding that period. A certificate, or certificate amendment, is required for the following:

(1) **Change in service area**. Any certificate granted under this section must not be construed to vest exclusive service or property rights in and to the area certificated.

(A) Uncontested applications: An application for a certificate under this paragraph must be approved administratively within 80 days from the date of filing a complete application if:

(i) no motion to intervene has been filed or the application is uncontested;

(ii) all owners of land that is affected by the change in service area and all customers in the service area being changed have been given direct mail notice of the application; and

(iii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.

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(B) Minor boundary changes or service area exceptions: Applications for minor boundary changes or service area exceptions must be approved administratively within 45 days of the filing of the application provided that:

(i) every utility whose certificated service area is affected agrees to the change;

(ii) all customers within the affected area have given prior consent; and

(iii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.

(2) **Generation facility.**

(A) In a proceeding involving the purchase of an existing electric generating facility by an electric utility that operates solely outside of ERCOT, the commission will issue a final order on a certificate for the facility not later than the 181st day after the date a request for the certificate is filed with the commission under PURA §37.058(b).

(B) In a proceeding involving a newly constructed generating facility by an electric utility that operates solely outside of ERCOT, the commission will issue a final order on a certificate for the facility not later than the 366th day after the date a request for the certificate is filed with the commission under PURA §37.058(b).

(C) An electric utility operating solely outside of the ERCOT region may, but is not required to, obtain a certificate to install, own, or operate a generation facility with a capacity of 10 megawatts or less.

(3) **Electric transmission line.** All new electric transmission lines must be reported to the commission in accordance with §25.83 of this title (relating to Transmission Construction Reports). This reporting requirement is also applicable to new electric transmission lines to be constructed by an MPE seeking to directly or indirectly construct, install, or extend a transmission facility outside of its applicable boundaries. For an MOU, the applicable boundaries are the municipal boundaries of the municipality that owns the MOU. For an MPA, the applicable boundaries are the municipal boundaries of the public entities participating in the MPA.

(A) **Determination of need**:

(i) **Economic projects.** Except as otherwise stated in this subparagraph, the following must be met for a transmission line in the ERCOT region. The applicant must present an economic cost-benefit study that analyzes the transmission project under a congestion cost savings test and a production cost savings test. The commission will give great weight to such a study if it is conducted by the ERCOT independent system operator. Adequately quantifiable and ongoing direct and indirect costs and benefits to the transmission system attributable to the project may be included in the cost-benefit study.

(I) **Congestion cost savings test.** ERCOT, in consultation with commission staff, must develop a congestion cost savings test.

(-a-) The congestion cost savings test must include an analysis of whether the levelized ERCOT-wide annual congestion cost savings attributable to the proposed project are equal to or greater than the average of the first three years annual revenue requirement of the proposed project of which the transmission line is a part.

(-b-) Prior to the effective date of the test developed by ERCOT under this subclause ERCOT may immediately, without updating its current protocols, utilize the generator revenue reduction test, effective Dec. 1, 2011 under

ERCOT Nodal Protocols §3.11.2(6), as the congestion cost benefit test required under this clause. ERCOT may continue to rely upon completed calculations using the generator revenue reduction test to evaluate ongoing applications after the effective date of the test developed under this subclause.

(II) **Production cost savings test.** The production cost savings test must include an analysis of whether the levelized ERCOT-wide annual production cost savings attributable to the proposed project are equal to or greater than the first-year annual revenue requirement of the proposed project of which the transmission line is a part.

(III) Economic cost-benefit analysis must be studied for the projected in-service date of the project using the study case identified in the ERCOT planning guide.

(IV) ERCOT may recommend, and the commission may approve, a transmission line in the ERCOT region that demonstrates a savings under either a congestion cost savings test or a production cost savings test.

(ii) **Reliability projects.**

(I) The requirements of clause (i) of this subparagraph do not apply to an application for a transmission line that is necessary to meet state or federal reliability standards, including: a transmission line needed to interconnect a transmission service customer or end-use customer; or needed due to the requirements of any federal, state, county, or municipal government body or agency for purposes including, but not limited to, highway transportation, airport construction, public safety, or air or water quality.

(II) For a transmission line not addressed by clause (i) of this subparagraph, the commission will consider, among other factors, the needs of the interconnected transmission systems to support a reliable and adequate network and to facilitate robust wholesale competition. When evaluating reliability for a proposed project in the ERCOT region, the commission will consider and any review conducted by ERCOT must incorporate the historical load, forecasted load growth, and additional load currently seeking interconnection. The forecasted load growth and additional load currently seeking interconnection must be substantiated by quantifiable evidence of projected load growth. The commission will give great weight to:

(-a-) the recommendation of an organization that meets the requirement of PURA §39.151; and/or

(-b-) written documentation provided by a transmission service provider to ERCOT that the transmission line is needed to interconnect transmission service or retail customers.

(iii) **Resiliency.** ERCOT may recommend, and the commission may approve, a transmission project that is submitted as an economic or reliability project and does not demonstrate sufficient economic savings or reliability benefits to merit approval on those grounds if ERCOT determines the line would

address a resiliency issue identified in the grid reliability and resiliency assessment required by subparagraph (E) of this paragraph. In determining whether to approve such a project the commission will consider:

(I) the margin by which the transmission project was unable to demonstrate sufficient economic savings or reliability benefits to merit approval on those grounds;

(II) whether the resiliency benefits the transmission project would provide by reducing the impacts to customers of potential outages caused by regional extreme weather scenarios are sufficient to compensate for the project's inability to demonstrate sufficient economic savings or reliability benefits to merit approval on those grounds.

(III) the cost effectiveness of the transmission project's ability to address the resiliency issue identified by ERCOT compared to other possible solutions.

(IV) other factors listed in PURA §37.056(c), as appropriate.

(B) **Routing**: An application for a new transmission line must address the criteria in PURA §37.056(c) and considering those criteria, engineering constraints, and costs, the line must be routed to the extent reasonable to moderate the impact on the affected community and landowners unless grid reliability and security dictate otherwise. The following factors must be considered in the selection of the utility's alternative routes unless a route is agreed to by the utility, the landowners whose property is crossed by the proposed line, and owners of land that contains a habitable structure within 300 feet of the centerline of a transmission project of 230 kV or less, or within 500 feet of the centerline of a transmission project greater than 230 kV, and otherwise conforms to the criteria in PURA §37.056(c):

(i) whether the routes parallel or utilize existing compatible rights-of-way for electric facilities, including the use of vacant positions on existing multiple-circuit transmission lines;

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

(iii) whether the routes parallel property lines or other natural or cultural features; and

(iv) whether the routes conform with the policy of prudent avoidance.

(C) **Uncontested transmission lines**: An application for a certificate for a transmission line will be approved administratively within 80 days from the date of filing a complete application if:

(i) no motion to intervene has been filed or the application is uncontested; and

(ii) commission staff has determined that the application is complete and meets all applicable statutory criteria and filing requirements, including, but not limited to, the provision of proper notice of the application.

(D) **Projects deemed critical to reliability**. Applications for transmission lines which have been formally designated by a PURA §39.151 organization as critical to the reliability of the system will be considered by the commission on an expedited basis. The commission will render a decision approving or denying an application for a certificate under this subparagraph within 180 days of the date of filing a complete application for such a certificate unless good cause is shown for extending that period.

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(E) **Grid reliability and resiliency assessment.** ERCOT must conduct a biennial assessment of the ERCOT power grid's reliability and resiliency in extreme weather scenarios. Each assessment must:

(i) consider the impact of different levels of thermal and renewable generation availability;

(ii) identify areas of the state that face significant grid reliability and resiliency issues, taking into account the impact of potential outages caused by regional extreme weather scenarios on customers, including multiple element outage analysis when appropriate, and

(iii) recommend transmission projects that may increase the grid's reliability or resiliency in extreme weather scenarios.

(4) **Tie line**. An application for a tie line must include a study of the tie line by ERCOT. The study must include, at a minimum, an ERCOT-approved reliability assessment of the proposed tie line. If an independent system operator intends to conduct a study to evaluate a proposed tie line or intends to provide confidential information to another entity to permit the study of a proposed tie line, the independent system operator must file notice with the commission at least 45 days prior to the commencement of such a study or the provision of such information.

(c) **Projects or activities not requiring a certificate**. A certificate, or certificate amendment, is not required for the following:

(1) An extension of facilities as described in PURA §37.052(a) and (b);

(2) A new electric high voltage switching station, or substation;

(3) The repair or reconstruction of a transmission facility due to emergencies. The repair or reconstruction of a transmission facility due to emergencies should proceed without delay or prior approval of the commission and must be reported to the commission in accordance with §25.83 of this title;

(4) The construction or upgrading of distribution facilities within the electric utility's service area;

(5) Routine activities associated with transmission facilities that are conducted by transmission service providers. Nothing contained in the following subparagraphs should be construed as a limitation of the commission's authority as set forth in PURA. Any activity described in the following subparagraphs must be reported to the commission in accordance with §25.83 of this title. The commission may require additional facts or call a public hearing thereon to determine whether a certificate of convenience and necessity is required. Routine activities are defined as follows:

(A) The modification, construction, or extension of a transmission line that connects existing transmission facilities to a substation or metering point provided that:

(i) the transmission line modification, construction, or extension does not exceed:

(I) three miles if the line connects to a load-serving substation or metering point; or

(II) two miles if the line connects to a generation substation or metering point; and

(ii) all rights-of-way necessary for the modification, construction, or extension have been acquired, and

(iii) all landowners whose property is directly affected by the transmission line, as defined in §22.52(a)(3) of this title, have given written consent for the modification, construction, or extension. If the transmission line

modification, construction, or extension does not exceed one mile to provide service to a substation or metering point, written consent is only required by landowners whose property is crossed by the transmission line.

(B) The rebuilding, replacement, or respacing of structures along an existing route of the transmission line; upgrading to a higher voltage not greater than 230 kV; bundling of conductors or reconductoring of an existing transmission facility, provided that:

(i) no additional right-of-way is required; or

(ii) if additional right-of-way is required, all landowners of property crossed by the electric facilities have given prior written consent.

(C) The installation, on an existing transmission line, of an additional circuit not previously certificated, provided that:

(i) the additional circuit is not greater than 230 kV; and

(ii) all landowners whose property is crossed by the transmission facilities have given prior written consent.

(D) The relocation of all or part of an existing transmission facility due to a request for relocation, provided that:

(i) the relocation is to be done at the expense of the requesting party; and

(ii) the relocation is solely on a right-of-way provided by the requesting party.

(E) The relocation or alteration of all or part of an existing transmission facility to avoid or eliminate existing or impending encroachments, provided that all landowners of property crossed by the electric facilities have given prior written consent.

(F) The relocation, alteration, or reconstruction of a transmission facility due to the requirements of any federal, state, county, or municipal governmental body or agency for purposes including, but not limited to, highway transportation, airport construction, public safety, or air and water quality, provided that:

(i) all landowners of property crossed by the electric facilities have given prior written consent; and

(ii) the relocation, alteration, or reconstruction is responsive to the governmental request.

(6) Upgrades to an existing transmission line by an MPE that do not require any additional land, right-of-way, easement, or other property not owned by the MOU;

(7) The construction, installation, or extension of a transmission facility by an MPE that is entirely located not more than 10 miles outside of an MOU's certificated service area that occurs before September 1, 2021; or

(8) A transmission facility by an MOU placed in service after September 1, 2015, that is developed to interconnect a new natural gas generation facility to the ERCOT transmission grid and for which, on or before January 1, 2015, an MOU was contractually obligated to purchase at least 190 megawatts of capacity.

(d) **Standards of construction and operation.** In determining standard practice, the commission will be guided by the provisions of the American National Standards Institute, Incorporated, the National Electrical Safety Code, and such other codes and standards that are generally accepted by the industry, except as modified by this commission or by municipal regulations within their jurisdiction. Each electric utility must construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with these standards, and in such manner to best accommodate the public, and to prevent interference with service furnished by other public utilities insofar as practical.

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(1) The standards of construction apply to, but are not limited to, the construction of any new electric transmission facilities, rebuilding, upgrading, or relocation of existing electric transmission facilities.

(2) For electric transmission line construction requiring the acquisition of new rights-of-way, an electric utility must include in the easement agreement, at a minimum, a provision prohibiting the new construction of any above-ground structures within the right-of-way. For this purpose, new construction of above-ground structures does not include necessary repairs to existing structures, farm or livestock facilities, storage barns, hunting structures, small personal storage sheds, or similar structures. A utility may negotiate appropriate exceptions in instances where the electric utility is subject to a restrictive agreement being granted by a governmental agency or within the constraints of an industrial site. Any exception to this paragraph must meet all applicable requirements of the National Electrical Safety Code.

(3) Measures must be applied when appropriate to mitigate the adverse impacts of the construction of any new electric transmission facilities, and the rebuilding, upgrading, or relocation of existing electric transmission facilities. Mitigation measures must be adapted to the specifics of each project and may include such requirements as:

(A) selective clearing of the right-of-way to minimize the amount of flora and fauna disturbed;

(B) implementation of erosion control measures;

(C) reclamation of construction sites with native species of grasses, forbs, and shrubs; and

(D) returning site to its original contours and grades.

(e) **Certificates of convenience and necessity for existing service areas and facilities.** For purposes of granting these certificates for those facilities and areas in which an electric utility was providing service on September 1, 1975, or was actively engaged in the construction, installation, extension, improvement of, or addition to any facility actually used or to be used in providing electric utility service on September 1, 1975, unless found by the commission to be otherwise, the following provisions prevail for certification purposes:

(1) The electrical generation facilities and service area boundary of an electric utility having such facilities in place or being actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, must be limited, unless otherwise provided, to the facilities and real property on which the facilities were actually located, used, or dedicated as of September 1, 1975.

(2) The transmission facilities and service area boundary of an electric utility having such facilities in place or being actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, must be, unless otherwise provided, the facilities and a corridor extending 100 feet on either side of said transmission facilities in place, used or dedicated as of September 1, 1975.

(3) The facilities and service area boundary for the following types of electric utilities providing distribution or collection service to any area, or actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the electric utility's system as of September 1, 1975, must be limited, unless otherwise found by the commission, to the facilities and the area which lie within 200 feet of any point along a distribution line, which is specifically deemed to include service drop lines, for electrical utilities.

(f) **Transferability of certificates.** Any certificate granted under this section is not transferable without approval of the commission and remains in force until further order of the commission.

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(g) **Certification forms.** All applications for certificates of convenience and necessity must be filed on commission-prescribed forms so that the granting of certificates, both contested and uncontested, may be expedited. Forms may be obtained from Central Records.

(h) **Commission authority**. Nothing in this section is intended to limit the commission's authority to recommend or direct the construction of transmission under PURA §§35.005, 36.008, or 39.203(e).