

Control Number: 9694



Item Number: 13

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Public Utility Commission of Texas

7800 Shoal Creek Boulevard · Suite 400N

Austin, Texas 78757 · 512/458-0100

Jo Campbell
Commissioner

Marta Greytok
Commissioner

Paul D. Meek
Chairman

FEB 22 1991

TO: Commissioners

FROM: Carole Vogel

RE: Consolidated Examiner's Report for unprotested electric CCN amendment cases.

DATE: February 22, 1991

Attached is a copy of the consolidated examiner's report for Docket Nos. 9694, 9748, and 10043. This report is scheduled for your consideration at the Final Order Meeting beginning at 9:00 a.m. on March 7, 1991.

cc: all parties of record

DOCKET NOS. 9694, 9748, AND 10043

**APPLICATION OF CENTRAL POWER AND
LIGHT COMPANY FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
PROPOSED SANTO NINO 138KV
TRANSMISSION LINE AND SUBSTATION
WITHIN WEBB COUNTY**

**APPLICATION OF HOUSTON LIGHTING &
POWER COMPANY FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
A TRANSMISSION LINE WITHIN HARRIS
COUNTY**

**APPLICATION OF CONCHO VALLEY
ELECTRIC COOPERATIVE, INC. TO
AMEND CERTIFICATED SERVICE AREA
BOUNDARIES WITHIN GLASSCOCK
COUNTY**

100

**PUBLIC UTILITY COMMISSION
OF TEXAS**

EXAMINER'S REPORT

I. Discussion

These dockets involve applications filed by Central Power and Light Company (CP&L), Houston Lighting & Power Company (HL&P), and Concho Valley Electric Cooperative (CVEC). Docket Nos. 9694 and 9748 involve applications of CP&L and HL&P to amend their respective certificates of convenience and necessity to construct transmission facilities. Docket No. 10043 involves the application of CVEC to request a service area exception to serve a customer outside its certificated service area boundaries. The undersigned Administrative Law Judge (ALJ) has reviewed the applications individually and consolidated them solely for the purposes of this Examiner's Report.

The applicants provided notice to all interested persons and affected utilities. No protests, motions to intervene, or requests for hearing have been filed. The staff has recommended approval of these applications.

Consequently, the ALJ is of the opinion that the Commission can approve these applications without hearings as provided by Section 13(e) of the Administrative Procedure and Texas Register Act (APTRA), Tex. Rev. Civ. Stat. Ann. art. 6252-13a (Vernon Supp. 1991).

II. Findings of Fact and Conclusions of Law

The ALJ recommends that the Commission adopt the following Findings of Fact and Conclusions of Law.

A. Findings of Fact

1. a. In Docket No. 9694, CP&L filed an application on August 13, 1990, to amend its Certificate of Convenience and Necessity (CCN) No. 30028, within Webb County, as shown on the maps filed with the application.

b. The proposed amendment involves the construction of approximately 6.2 miles of 138kV transmission in two parallel circuits to serve the proposed Santo Nino Substation in the City of Laredo.

c. The proposed double circuit line will connect CP&L's existing Del Mar - Zapata 138kV transmission line to the proposed substation. The 3.1 mile Del Mar - Santo Nino segment and the parallel 3.1 mile Santo Nino - Zapata segment of the double circuit line will provide alternate power source links allowing the existing transmission line to serve the new substation from both Del Mar and Zapata. This design will improve service reliability at increased capacity by providing alternate power sources for the new substation.

d. The proposed project is necessary to provide additional transmission capacity in the southern portion of the City of Laredo. This part of the city is currently served by a single substation and distribution

feeder. Load growth in the area is expected to cause the existing substation to reach its 35.8 megawatt design limit in 1991. The feeder is expected to exceed its design capacity by 1992. Construction of the proposed facilities will allow the applicant to increase transmission capacity through the proposed substation and to provide alternate power sources to the new substation by means of the proposed double circuit transmission line.

e. The proposed line will be constructed on double-circuit steel single-pole structures within a 40-foot right-of-way.

f. The proposed double circuit line will originate at a point on an the existing CP&L Del Mar - Zapata 138kV transmission line approximately 150 feet north of its intersection with Wormser Road. It will extend in a westerly direction approximately 15,900 feet to a point approximately 500 feet east of the intersection of Ejido Avenue and Wormser Road, and then north approximately 970 feet to CP&L's proposed Santo Nino Substation.

g. CP&L considered four alternate routes, using eight different links and three switching stations. The preferred route was selected because it runs parallel to an existing county road for 95% of the distance, is the second shortest among the proposed routes, and minimizes the impact on the community and surrounding environment.

h. No habitable structures are located within 200 feet of the center-line of the proposed project.

i. No other utility is affected by the proposed project.

j. A portion of the project traverses territory within the incorporated limits of the City of Laredo. Evidence of a franchise agreement with the City of Laredo was previously submitted in Docket No. 29.

k. No commercial AM radio transmitters are within 10,000 feet, and no FM radio transmitters are within 2,000 feet of the proposed transmission line.

l. No airports are located within 10,000 feet of the center-line of the proposed project.

m. There is no pasture or cropland irrigated by travelling irrigation systems that would be traversed by the transmission line.

n. No parks or recreational areas are located within 1,000 feet of the center-line of the proposed project.

o. No historical or archaeological sites within 1,000 feet of the center-line of the proposed project have been recorded.

p. The estimated cost of the project is \$2,221,000. This amount is reasonable and comparable to the cost of similar projects undertaken in the past by other utilities.

q. CP&L published notice of its application on August 20, and August 27, 1990, in the Laredo Morning Times, a newspaper of general circulation in Webb County.

r. No protests, motions to intervene, or requests for hearing have been filed.

s. This application is in the public interest and should be approved as filed.

2. a. In Docket No. 9748, HL&P filed an application on September 12, 1990, to amend its Certificate of Convenience and Necessity (CCN) No. 30086, within Harris County, as shown on the maps filed with the application.

b. The proposed amendment involves the rebuilding of approximately 5 miles of existing 69kV transmission line and the removal of 2.7 miles of existing 69kV transmission line in the Cities of Houston and Galena Park.

c. The proposed rebuild is necessary due to the deterioration of the existing facilities which were constructed between 1956 and 1963.

d. Previous upgrades to the two substations allow the removal of 2.7 miles of transmission line.

e. The existing line measures approximately 7.7 miles in three segments extending from a point at the intersection of Richardson and Meadow Streets in the City of Houston to HL&P's Galena Park Substation in the City of Galena Park. The first section, extending west from the intersection of Richardson and Meadow Streets approximately 3.3 miles to the HL&P's Clinton Substation, will be rebuilt. The next segment extending west from the Clinton Substation approximately 2.7 miles to HL&P's Ideal Corner Tap, will be removed. The final section, extending from the Ideal Corner Tap approximately 1.7 miles to the Galena Park Substation in the City of Galena Park, will be rebuilt.

f. The segments of the line to be rebuilt will be constructed on steel, concrete, or wooden single-pole structures within an existing 40-foot right of way.

g. The proposed project is entirely within an area singly certificated to HL&P. No other utility is affected by this application.

h. The proposed project traverses territory within the incorporated limits of the City of Houston and the City of Galena Park. A franchise agreement with the City of Houston was previously submitted in Docket No.

6719. A copy of the franchise agreement with the City of Galena Park was filed with the application.

i. The line traverses an area characterized primarily by urban residential development. The western segment of the line runs parallel to a railroad right-of-way. The area south of the railroad is urban and residential; the area north of the railroad consists of a series of large dredge spoils for the Houston Ship Channel.

j. There are 81 habitable structures within 200 feet of the center-line along the 3.3 miles of the eastern segment of the proposed rebuild. These consist of 80 residences and one business. The residences along this section vary in distance from the center-line between 48 and 140 feet. 134 habitable structures are located within 200 feet of the center-line of the western 1.7 mile section of the rebuild. These consist of 124 businesses and 10 abandoned houses. The structures along this section vary in distance from the center-line between 3 and 123 feet.

k. A limited routing study was conducted for this project. HL&P considered three options and chose the most cost effective and reliable alternative. The staff requested HL&P to consider an alternate route north of the proposed location for the east segment of the line in order to ameliorate the effect on residential structures. Staff later determined that the alternate route was in fact located closer to residences than the proposed route. Any relocation of the west segment of the line would affect service to two existing transmission customer substations and would require new tap lines and additional right-of-way through residential areas.

l. No FM radio transmitters are within 2,000 feet of the proposed transmission line. Two commercial AM radio transmitters are located within 10,000 feet of the proposed transmission line rebuild. Six radio communications towers are located within 1,800 feet of the proposed project.

The proposed line rebuild should have no adverse affect on any of these facilities.

m. No airports are located within 10,000 feet of the center-line of the proposed project. Fifteen heliports are located within 10,000 feet of the project's center-line. Since this is a rebuild of an existing line, there should be no adverse effect on normal air traffic as a result of the proposed construction.

n. There is no pasture or cropland irrigated by travelling irrigation systems that would be traversed by the transmission line.

o. There are twelve parks or recreation areas located within 1,000 feet of the center-line of the proposed project. The proposed rebuild should not adversely affect these facilities.

p. No historical or archaeological sites within 1,000 feet of the center-line of the proposed project have been recorded.

q. The estimated cost of the project is \$1,138,000. This amount is reasonable and comparable to the cost of similar projects undertaken in the past by other utilities.

r. HL&P published notice of its application on October 12, and October 19, 1990, in the Houston Chronicle, a newspaper of general circulation in Harris County.

s. No protests, motions to intervene, or requests for hearing have been filed.

t. This application is in the public interest and should be approved as filed.

3. a. In Docket No. 10043, CVEC filed an application on February 8, 1991, to amend its Certificate of Convenience and Necessity (CCN) No. 30039, within Glasscock County, as shown on the maps filed with the application.

b. The proposed amendment involves CVEC's request for an exception to the certificated service area boundary between CVEC and Texas Utilities Electric Company (TU Electric) to the extent necessary to enable CVEC to provide service to single customer currently within TU Electric's service area.

c. American Cometra (Cometra) requested CVEC service to four oil wells, three of which are located in CVEC's service area. The fourth well is located in TU Electric's service area. There is currently no service to the area near the wells.

d. CVEC will construct a distribution line to serve the three Cometra wells within its service area. CVEC's distribution line will then be closer to the well located in TU Electric's service area than the nearest TU Electric facilities.

e. TU Electric has agreed to allow CVEC to provide service to the Cometra well within its territory under the proposed service area exception. A letter of consent from TU Electric was submitted with the application.

f. No other utility is affected by the proposed amendment.

g. The proposed service area exception will allow CVEC to provide service to the customer at lower cost.

h. No transmission facilities are proposed in the application.

i. No municipality is affected by the proposed amendment.

j. Published notice is not required for this application because it constitutes a minor boundary change within the meaning of P.U.C. PROC. R. 21.24(c).

k. No protests, motions to intervene, or requests for hearing have been filed.

l. The proposed amendment involves the designation of the service provider to the area in question. Because the application involves only the provision for a service area exception, it should not adversely affect park areas; community, historical or aesthetic values; or environmental integrity.

m. This application is in the public interest and should be approved as filed.

B. Conclusions of Law

1. CP&L, HL&P, and CVEC are public utilities as defined in Section 3(c)(1) of the Public Utility Regulatory Act (PURA), Tex. Rev. Civ. Stat. Ann. art. 1446c (Vernon Supp. 1991).

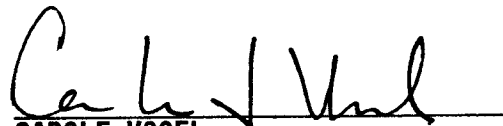
2. The Commission has jurisdiction over these matters pursuant to Sections 16(a), 17(e), 37, 50, 52, and 54 of PURA.

3. CP&L and HL&P provided notice of their respective applications to all interested persons and affected utilities pursuant to Section 54 of PURA and P.U.C. PROC. R. 21.24(c). Notice is not required for CVEC's application in Docket No. 10043 because it constitutes a minor boundary change within the meaning of P.U.C. PROC. R. 21.24(c).

4. As no protests, motions to intervene or requests for hearing have been filed, each application may be approved without a hearing, pursuant to Section 13(e) of APTRA.

5. CP&L, HL&P, and CVEC are each entitled to approval of the applications described in Findings of Fact Nos. 1, 2, and 3, having demonstrated that the proposed transmission facilities and the service area boundary change are necessary for the service, accommodation, convenience or safety of the public within the meaning of Section 54(b) of PURA, taking into consideration the factors set out in Section 54(c) of PURA and discussed in the Findings of Fact.

Respectfully submitted,


CAROLE VOGEL
ADMINISTRATIVE LAW JUDGE

Approved on this 22nd day of February 1991.


MARY ROSS McDONALD
DIRECTOR OF HEARINGS

df

DOCKET NO. 9694

**APPLICATION OF CENTRAL POWER AND
LIGHT COMPANY FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
PROPOSED SANTO NINO 138KV
TRANSMISSION LINE AND SUBSTATION
WITHIN WEBB COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

PROPOSED ORDER

In open meeting at its offices in Austin, Texas, the Public Utility Commission of Texas finds that this docket was processed by an Administrative Law Judge (ALJ) in accordance with applicable statutes and Commission rules. The ALJ prepared and filed a consolidated report in this docket and Docket Nos. 9748 and 10043, containing Findings of Fact and Conclusions of Law. That Examiner's Report, insofar as it pertains to this docket, is **ADOPTED** and **INCORPORATED** by reference into this Order. The Commission further issues the following Order:

Central Power and Light's Certificate of Convenience and Necessity No. 30028 is **AMENDED** to include the construction of a transmission line requested in Docket No. 9694 and described in Finding of Fact No. 1 of the Examiner's Report.

SIGNED AT AUSTIN, TEXAS on the _____ day of _____ 1991.

PUBLIC UTILITY COMMISSION OF TEXAS

JO CAMPBELL, COMMISSIONER

MARTA GREYTOK, COMMISSIONER

PAUL D. MEEK, CHAIRMAN

ATTEST:

**MARY ROSS McDONALD
SECRETARY OF THE COMMISSION**

DOCKET NO. 9748

**APPLICATION OF HOUSTON LIGHTING
& POWER COMPANY FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR A TRANSMISSION
LINE WITHIN HARRIS COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

PROPOSED ORDER

In open meeting at its offices in Austin, Texas, the Public Utility Commission of Texas finds that this docket was processed by an Administrative Law Judge (ALJ) in accordance with applicable statutes and Commission rules. The ALJ prepared and filed a consolidated report in this docket and Docket Nos. 9694 and 10043, containing Findings of Fact and Conclusions of Law. That Examiner's Report, insofar as it pertains to this docket, is **ADOPTED** and **INCORPORATED** by reference into this Order. The Commission further issues the following Order:

Houston Lighting & Power Company's Certificate of Convenience and Necessity No. 30086 is **AMENDED** to include the construction of a transmission line requested in Docket No. 9748 and described in Finding of Fact No. 2 of the Examiner's Report.

SIGNED AT AUSTIN, TEXAS on the _____ day of _____ 1991.

PUBLIC UTILITY COMMISSION OF TEXAS

JO CAMPBELL, COMMISSIONER

MARTA GREYTOK, COMMISSIONER

PAUL D. MEEK, CHAIRMAN

ATTEST:

**MARY ROSS McDONALD
SECRETARY OF THE COMMISSION**

DOCKET NO. 10043

**APPLICATION OF CONCHO VALLEY
ELECTRIC COOPERATIVE, INC. TO
AMEND CERTIFICATED SERVICE AREA
BOUNDARIES WITHIN GLASSCOCK
COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

PROPOSED ORDER

In open meeting at its offices in Austin, Texas, the Public Utility Commission of Texas finds that this docket was processed by an Administrative Law Judge (ALJ) in accordance with applicable statutes and Commission rules. The ALJ prepared and filed a consolidated report in this docket and Docket Nos. 9694 and 9748, containing Findings of Fact and Conclusions of Law. That Examiner's Report, insofar as it pertains to this docket, is **ADOPTED** and **INCORPORATED** by reference into this Order. The Commission further issues the following Order:

Concho Valley Electric Cooperative's Certificate of Convenience and Necessity No. 30039 and Texas Utilities Electric Company's Certificate of Convenience and Necessity No. 30043 are **AMENDED** to modify common service area boundaries to the extent necessary to allow a service area exception as requested in Docket No. 10043 and described in Finding of Fact No. 3 in the Examiner's Report.

SIGNED AT AUSTIN, TEXAS on the _____ day of _____ 1991.

PUBLIC UTILITY COMMISSION OF TEXAS

JO CAMPBELL, COMMISSIONER

MARTA GREYTOK, COMMISSIONER

PAUL D. MEEK, CHAIRMAN

ATTEST:

**MARY ROSS McDONALD
SECRETARY OF THE COMMISSION**

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DOCKET NO. 9694 RECEIVED

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APPLICATION OF CENTRAL POWER AND
LIGHT COMPANY FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
PROPOSED SANTO NINO 138KV
TRANSMISSION LINE AND SUBSTATION
WITHIN WEBB COUNTY

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PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

ORDER

In open meeting at its offices in Austin, Texas, the Public Utility Commission of Texas finds that this docket was processed by an Administrative Law Judge (ALJ) in accordance with applicable statutes and Commission rules. The ALJ prepared and filed a consolidated report in this docket and Docket Nos. 9748 and 10043, containing Findings of Fact and Conclusions of Law. That Examiner's Report, insofar as it pertains to this docket, is **ADOPTED** and **INCORPORATED** by reference into this Order. The Commission further issues the following Order:

Central Power and Light's Certificate of Convenience and Necessity No. 30028 is **AMENDED** to include the construction of a transmission line requested in Docket No. 9694 and described in Finding of Fact No. 1 of the Examiner's Report.

SIGNED AT AUSTIN, TEXAS on the 7th day of March 1991.

PUBLIC UTILITY COMMISSION OF TEXAS


JO CAMPBELL, COMMISSIONER


MARTA GREYTOK, COMMISSIONER


PAUL D. MECK, CHAIRMAN

ATTEST:


MARY ROSS McDONALD
SECRETARY OF THE COMMISSION



Public Utility Commission of Texas

7800 Shoal Creek Boulevard · Suite 400N
Austin, Texas 78757 · 512/458-0100

Jo Campbell
Commissioner

Marta Greytak
Commissioner

Paul D. Meek
Chairman

February 26, 1991

To All Parties of Record

Re: Docket No. 9694 - Application of Central Power and Light Company for a Certificate of Convenience and Necessity for the Proposed Santo Nino 138kV Transmission Line within Webb County

Ladies and Gentlemen:

Enclosed please find a revised page 4 to the consolidated Examiner's Report for unprotested CCN amendment cases. Finding of Fact No. 1. k. and Finding of Fact No. 1. o. to the report in the above captioned docket have been revised in accordance with the General Counsel's request for correction.

This report is scheduled for Commission consideration at the March 7, 1991, final order meeting.

Sincerely,

Carole J. Vogel
Administrative Law Judge

df/enclosure

1991 FEB 26 AM 11:58
PUBLIC UTILITY COMMISSION
FILMS CLERK



k. Radio station KLAR-AM operates three radio towers located approximately 5,550 feet from the proposed center-line. The U.S. Border Patrol operates a radio tower located approximately 800 feet from the proposed center-line. These facilities will not be adversely affected by the construction of the proposed line. No FM radio transmitters are within 2,000 feet of the proposed line.

l. No airports are located within 10,000 feet of the center-line of the proposed project.

m. There is no pasture or cropland irrigated by travelling irrigation systems that would be traversed by the transmission line.

n. No parks or recreational areas are located within 1,000 feet of the center-line of the proposed project.

o. There are no historical or archaeological sites within 1,000 feet of the center-line of the proposed project eligible for inclusion on the National Register of Historic Places. One cultural resource site, a prehistoric lithic procurement area located 525 feet from the proposed center-line, has been previously recorded. This site will not be impacted by the proposed project.

p. The estimated cost of the project is \$2,221,000. This amount is reasonable and comparable to the cost of similar projects undertaken in the past by other utilities.

q. CP&L published notice of its application on August 20, and August 27, 1990, in the Laredo Morning Times, a newspaper of general circulation in Webb County.

r. No protests, motions to intervene, or requests for hearing have been filed.

feeder. Load growth in the area is expected to cause the existing substation to reach its 35.8 megawatt design limit in 1991. The feeder is expected to exceed its design capacity by 1992. Construction of the proposed facilities will allow the applicant to increase transmission capacity through the proposed substation and to provide alternate power sources to the new substation by means of the proposed double circuit transmission line.

e. The proposed line will be constructed on double-circuit steel single-pole structures within a 40-foot right-of-way.

f. The proposed double circuit line will originate at a point on an existing CP&L Del Mar - Zapata 138kV transmission line approximately 150 feet north of its intersection with Wormser Road. It will extend in a westerly direction approximately 15,900 feet to a point approximately 500 feet east of the intersection of Ejido Avenue and Wormser Road, and then north approximately 970 feet to CP&L's proposed Santo Nino Substation.

g. CP&L considered four alternate routes, using eight different links and three switching stations. The preferred route was selected because it runs parallel to an existing county road for 95% of the distance, is the second shortest among the proposed routes, and minimizes the impact on the community and surrounding environment.

h. No habitable structures are located within 200 feet of the center-line of the proposed project.

i. No other utility is affected by the proposed project.

j. A portion of the project traverses territory within the incorporated limits of the City of Laredo. Evidence of a franchise agreement with the City of Laredo was previously submitted in Docket No. 29.

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JULIO H. GARCIA

DOCKET NO. 9694

APPLICATION OF CENTRAL POWER AND	§	PUBLIC UTILITY COMMISSION
LIGHT COMPANY FOR A CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY FOR	§	OF TEXAS
PROPOSED SANTO NINO 138KV	§	
TRANSMISSION LINE AND SUBSTATION	§	
WITHIN WEBB COUNTY	§	

EXAMINER'S ORDER NO. 1


On August 13, 1990, Central Power and Light Company filed an application to amend its Certificate of Convenience and Necessity by constructing approximately 6.2 miles of 138kV transmission line and a substation in Webb County.

The General Counsel and other parties shall review this application and shall notify the Commission, through written pleadings, of any deficiencies in the application by September 7, 1990, at 2:00 p.m. Should the application be considered deficient in any way, the applicant will then have until September 17, 1990, at 2:00 p.m. to file its reply.

Motions to intervene in this docket must be filed within 60 days after Central Power and Light has completed published notice of the application.

SIGNED AT AUSTIN, TEXAS on the 30th day of August 1990.

PUBLIC UTILITY COMMISSION OF TEXAS


J. KAY TROSTLE
ADMINISTRATIVE LAW JUDGE

