

Control Number: 50546



Item Number: 15

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DOCKET NO. 50546

**APPLICATION OF AEP TEXAS INC. TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE UNION CARBIDE TO LOMA ALTA
CUT-IN TO POMPANO 138-KV DOUBLE
CIRCUIT TRANSMISSION LINE IN
CAMERON COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COMES NOW, AEP Texas Inc. (AEP Texas or Company) and files this Joint Proposed Notice of Approval and Motion to Admit Evidence. The Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) has reviewed and agreed to the Joint Proposed Notice of Approval attached to this pleading. As required by Order No. 3, this Joint Proposed Notice of Approval is timely filed.

I.

Introduction

On March 10, 2020, AEP Texas filed its application for approval to amend its Certificate of Convenience and Necessity number 30170 for the proposed Union Carbide to Loma Alta Cut-In to Pompano double-circuit 138-kV transmission line in Cameron County (Application). This docket was processed in accordance with applicable statutes and the Commission's rules. AEP Texas and Commission Staff are the only parties in this docket, and no party requested a hearing on the merits. Based on AEP Texas's Application and Commission Staff's May 6, 2020 memorandum recommending approval of the Application, AEP Texas and Commission Staff jointly propose that the following Notice of Approval, including proposed findings of fact, conclusions of law, and ordering paragraphs attached to this Motion as Attachment 1 be approved.

II.

Motion to Admit Evidence

AEP Texas and Commission Staff respectfully request that the following documents, as filed in this docket, be admitted into evidence:

1. AEP Texas's Application and all Attachments, filed on March 10, 2020;
2. AEP Texas's additional native documents to the Application filed on March 23, 2020;
3. AEP Texas's Proof of Notice and Publication filed on March 30, 2020;

4. Commission Staff's Recommendation on Final Disposition filed on May 6, 2020.
5. Texas Parks and Wildlife Department letter to Rachelle Robles, Legal Division, filed on May 14, 2020.

III.

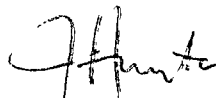
Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, AEP Texas respectfully requests that a Notice of Approval containing findings of fact, conclusions of law, and ordering paragraphs attached to this pleading as Attachment 1 be approved, and for any further relief to which it may be justly entitled.

Dated: May 19, 2020

RESPECTFULLY SUBMITTED,

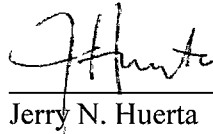
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Jerry N. Huerta
ATTORNEY FOR AEP TEXAS INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding by hand-delivery, overnight delivery, facsimile transmission, or U.S. first-class mail on the 19th day of May 2020.



Jerry N. Huerta

DOCKET NO. 50546

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| APPLICATION OF AEP TEXAS INC. | § | PUBLIC UTILITY COMMISSION |
| TO AMEND ITS CERTIFICATE OF | § | |
| CONVENIENCE AND NECESSITY | § | OF TEXAS |
| FOR THE UNION CARBIDE TO | § | |
| LOMA ALTA CUT-IN TO POMPAÑO | § | |
| 138-KV DOUBLE CIRCUIT | § | |
| TRANSMISSION LINE IN CAMERON | § | |
| COUNTY | § | |

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of AEP Texas Inc. (AEP Texas) to amend its certificate of convenience and necessity (CCN) for the construction of a double-circuit 138-kilovolt (kV) transmission line in Cameron County. The Commission approves the application, as amended, for the reasons discussed in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. AEP Texas is an investor owned transmission and distribution utility that owns and operates transmission facilities within the Electric Reliability Council of Texas (ERCOT) under CCN Nos. 30170 and 30028.

Application

2. On March 10, 2020, AEP Texas filed an application to amend its CCN for authority to construct, own, and operate a double-circuit 138-kV transmission line in Cameron County.
3. AEP Texas retained POWER Engineers, Inc. (POWER) to prepare an environmental assessment and routing analysis (EA).
4. In Order No. 3 issued on April 9, 2020, the administrative law judge (ALJ) found the application materially complete.

Public Input

5. AEP Texas was not required to hold a public participation meeting because there were fewer than 25 directly affected landowners.
6. The Department of Defense received notice of the intention to file the application.

Notice

7. On March 30, 2020, AEP Texas filed the affidavit of Roy R. Bermea, Regulatory Consultant for AEP Texas, attesting that notice was provided by mail to directly affected property owners, county and municipal officials, neighboring utilities, the Office of Public Utility Counsel (OPUC), the Texas Parks and Wildlife Department (TPWD), and the Department of Defense Siting Clearinghouse (DoD) on March 10, 2020. AEP Texas also attested that it sent to DoD notice of its Intent to File the Application on December 6, 2019. The affidavit of Mr. Bermea also attested to the publication of notice of the application on March 17, 2020, in the *Valley Morning Star*, and on March 25, 2020 in the *Brownsville Herald* newspapers of general circulation in Cameron County.
8. In Order No. 3 issued on April 9, 2020, the ALJ approved AEP Texas's notice.

Evidentiary Record

9. On May 19, 2020, the parties filed a proposed notice of approval and a joint motion to admit evidence.
10. In Order No. 4 filed on May __, 2020, the ALJ admitted the following evidence into the record: (a) AEP Texas's application and accompanying attachments, filed on March 10, 2020; (b) additional native documents to AEP Texas's application, filed on March 23, 2020; (c) AEP Texas's proof of notice by mail, including the affidavit of Roy R. Bermea, filed on March 30, 2020, attesting that notice was provided on March 10, 2020 to directly affected property owners, county and municipal officials, neighboring utilities, OPUC, TPWD and to the DoD, which included the notice to the DoD of AEP Texas notice of its Intent to File the Application on December 6, 2019; (d) AEP Texas's proof of published notice filed on March 30, 2020, in which AEP Texas provided the affidavit of Roy R. Bermea, attesting to the publication of newspaper notice in the *Valley Morning Star*, and on March 25, 2020 in the *Brownsville Herald*; (e) Commission Staff's recommendation on

final disposition filed on May 6, 2020; and (f) Texas Parks and Wildlife Department letter to Rachele Robles, Legal Division, filed on May 14, 2020.

Interventions

11. No motions to intervene were filed.

Description of the Transmission Line

12. The proposed transmission line is a double-circuit 138-kV transmission line cut into the AEP Texas Union Carbide to Brownsville Public Utility Board (Brownsville PUB) Loma Alta 138-kV transmission line and terminates at the proposed AEP Texas Pompano substation.
13. AEP Texas and POWER evaluated several routing alternatives to the project. AEP Texas submitted eight transmission route alternatives in its application.
14. The right-of-way width for the proposed transmission line will be 100-feet, with a combination of a 65 feet Brownsville Navigation District (BND) easement width and a 35 feet Texas Department of Transportation easement overlap for the portion of the route approved that is located in the BND utility corridor. Construction of the proposed transmission line will consist of steel monopoles using bundled 795 KCM ACSS (Drake) conductors with one optical ground shield wire.
15. The proposed alternative routes range from 9.54 to 10.28 miles in length. The length of the approved Route 8 is 10.07 miles.
16. Route 8 is comprised of noticed links that were not changed or modified from the links filed in the application.
17. AEP Texas proposes to use a combination of short-term borrowings and owner equity to fund the project.

Route Adequacy

18. AEP Texas's application presented eight routes for the Commission's consideration.
19. No party filed testimony or a statement of position challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.

20. The application provided an adequate number of routing alternatives to conduct a proper evaluation.

Need for the Proposed Project

21. This proposed transmission line project is needed to permanently connect the Rio Grande LNG, liquefied natural gas facility developed by Next Decade, LLC, to the ERCOT electric grid.
22. The Rio Grande LNG facility is scheduled to have a 50 MW load that it seeks to interconnect to the AEP Texas transmission system by the third quarter of 2023, which will increase to 200 MW by the fourth quarter of 2024. The ultimate planned build out of the Rio Grande LNG facility is approximately 600 MW by the second quarter of 2026.
23. The transmission project will provide transmission service for a maximum of approximately 300 MW before other transmission service improvements are necessary to serve additional load in the area. The future project needs to this area are currently being reviewed at ERCOT.
24. Because the interconnecting 138-kV transmission line is a Tier 4 neutral project under the ERCOT Regional Planning Group Charter and the associated Tier classifications in ERCOT Protocol Section 3.11.4, the transmission line did not require review by the ERCOT Regional Planning Group.

Alternatives to the Project

25. There are no practical alternatives to the project. The need for the 138-kV transmission option was driven by the sizeable load of the Rio Grande LNG facilities. Distribution alternatives do not exist to serve the magnitude of the load for the LNG facilities.

Probable Improvement of Service or Lowering of Consumer Cost

26. The project is needed to permanently interconnect the LNG load facility and will improve service to electric customers for the reasons desired in the findings of facts addressing the need for the project.

Effect of Granting the CCN on Other Utilities

27. The proposed transmission line will not adversely affect service by other utilities in the area and is necessary to connect the new load to the AEP Texas transmission system.

Estimated Costs

28. The cost estimate for the Route 8 transmission line is \$39,558,563. The cost estimate for a BND easement to be adjusted annually for the length of right-of-way across BND property is \$42,065. An additional \$21,231,833 is estimated for the construction of the new AEP Texas proposed Pompano Gas Insulated Substation and an additional BND easement cost estimate of \$15,484 for the land occupied by the substation site that is subject to adjustment each year.

Prudent Avoidance

29. There are no known habitable structures within 300 feet of the centerline of Route 8.
30. AEP Texas has routed the proposed routes in accordance with the Commission's policy of prudent avoidance.

Community Values

31. AEP Texas and POWER considered information received from local, state, and federal agencies in the routing analysis.
32. The transmission line project will have minimal impacts on community values.

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

33. Route 8 parallels 8.9 miles of existing transmission line right-of-way, railroads, public roads or highways, or apparent property boundaries.
34. All routes comprise 6.2 miles of routing that lie within a utility corridor developed by the BND on land it owns in Cameron County.

Engineering Constraints

35. AEP Texas did not identify any engineering constraints that would prevent construction of the transmission line along Route 8.

Other Land Uses and Land Types**a. Radio Towers and Other Electronic Installations**

36. There are no commercial AM radio transmitters located within 10,000 feet of the centerline of Route 8.
37. There are two FM radio transmitters, microwave towers or any other electronic installation devices located within 2,000 feet of the centerline of Route 8.

b. Airstrips and Airports

- 38. There are no airports registered with the Federal Aviation Administration (FAA) with at least one runway longer than 3,200 feet located within 20,000 feet of the centerline of Route 8.
- 39. There are no airports registered with the FAA with a runway no longer than 3,200 feet in length located within 10,000 feet of the centerline of Route 8.
- 40. There are no heliports located within 5,000 feet of the centerline of Route 8.
- 41. There are no private airstrips located within 10,000 feet of the centerline of Route 8.
- 42. There are no significant impacts to any airports, airstrips, or heliports anticipated from construction of Route 8.

c. Irrigation Systems

- 43. Route 8 crosses 5.5 miles of pasture or cross cropland.
- 44. Route 8 does not cross any property with travelling irrigation systems.
- 45. There are no significant impacts to mobile irrigation systems crossed by Route 8.

Other Route Attributes

- 46. Route 8 crosses 1.6 miles of upland woodlands and brushland.
- 47. Route 8 crosses 0.4 miles of riparian brushland or shrubland.
- 48. All routes will have minimal impact on these land use attributes.

Recreational and Park Areas

- 49. All routes cross the Jaime J. Zapata Memorial Boat Ramp for approximately 0.04 miles. There are no other parks or recreation areas within 1,000 feet of the centerline of Route 8.
- 50. Route 8 will have minimal adverse impact on parks and recreational areas.

Historical and Archeological Areas

- 51. There are no historical or archeological sites crossed by Route 8 and three additional historical or archeological sites are within 1,000 feet of the centerline of all routes. Route 8 has an additional historical or archeological site within 1,000 feet of its centerline along State Highway 48.

- 52. There are no National Register of Historic Places listed properties crossed or within 1,000 feet of the centerline of any of the routes.
- 53. There are no known cemeteries within the study area.
- 54. Route 8 of the transmission line will have minimal impact on historical or archeological areas.

Aesthetic Values

- 55. Route 8 is not located within the foreground visual zone of farm-to-market or ranch-to-market roads.
- 56. Route 8 is located within the foreground visual zone of U.S. or state highways for 9.6 miles due to its paralleling of highways within the BND corridor.
- 57. The proposed transmission line will have minimal impact on aesthetic values.

Environmental Integrity

- 58. The study area lies within the Western Gulf Coastal Plains Level III Ecoregion. The principal distinguishing characteristic of this ecoregion is its relatively flat topography with a high percentage of the habitat converted to croplands. Within the Western Gulf Coastal Plain Ecoregion, the Level IV Ecoregions located within the study area include the Lower Rio Grande Alluvial Floodplain and the Laguna Madre Barrier Islands and Coastal Marshes ecoregion. The Lower Rio Grande Alluvial Floodplain ecoregion occurs in the far western extent of the study area. The Laguna Madre Barrier Islands and Coastal Marshes ecoregion encompasses the majority of the study area.
- 59. POWER obtained information from the United States Fish and Wildlife Service (USFWS) and TPWD regarding the possibility of encountering any endangered or threatened species in the area affected by the proposed transmission line.
- 60. AEP Texas and POWER evaluated the potential impacts of the proposed transmission project on endangered and threatened species.
- 61. POWER evaluated potential impacts to soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.

62. AEP Texas does not anticipate significant impacts to wetland resources, ecological resources, endangered and threatened species, or land use as a result of construction of the proposed transmission line.
63. Route 8 crosses 0.2 miles of known or occupied habitat of federally listed endangered or threatened species.
64. AEP Texas will protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.
65. AEP Texas will minimize the amount of flora and fauna disturbed during construction of the proposed transmission line.
66. AEP Texas will revegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
67. AEP Texas will avoid causing, to the maximum extent possible, adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and the USFWS.
68. AEP Texas will implement erosion control measures and return each affected landowner's property to its original contours unless otherwise agreed to by the landowners. It is appropriate that AEP Texas not be required to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of the proposed transmission line's structures or the safe operation and maintenance of the transmission line.
69. AEP Texas will exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way must comply with the rules

and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with the Texas Department of Agriculture regulations.

70. AEP Texas will use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.

TPWD Comments and Recommendations

71. TPWD was provided a copy of the application, including the EA for the project.
72. In letter dated April 30, 2020 and filed on May 14, 2020, TPWD provided comments and recommendations concerning the transmission line and referenced the recommendations the agency provided to POWER dated May 19, 2016, prior to the application filing date.
73. TPWD recommended that Route 8 be constructed for AEP Texas's transmission project.
74. Before beginning construction, AEP Texas will undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exist and respond as required.
75. The standard mitigation requirements included in the ordering paragraphs in this Notice of Approval, coupled with the AEP Texas construction and mitigation practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address the TPWD's comments and recommendations.
76. This Notice of Approval addresses only those TPWD recommendations and comments for which there is record evidence.
77. No modifications to Route 8 are required as the result of the recommendations and comments made by TPWD.

Permits

78. AEP Texas will obtain road-crossing permits from the county in which the approved route is located depending on the location of the transmission-line structures.
79. AEP Texas will obtain permits for crossing roads, highways, and other properties owned or maintained by the Texas Department of Transportation, as necessary.
80. AEP Texas will obtain permits from the Texas Historical Commission for the proposed transmission line right-of-way, as necessary.

81. If a storm-water pollution-prevention plan is required by the Texas Commission on Environmental Quality (TCEQ), AEP Texas will submit a notice of intent to the TCEQ at least 48 hours before construction begins and will have a storm-water pollution-prevention plan on site when clearing and construction activities begin.
82. AEP Texas will any obtain easements required from the Texas General Land Office as necessary for any right-of-way that crosses a state-owned riverbed or navigable stream.
83. AEP Texas will comply with any FAA requirements to alter the design of the structures or potential requirements to mark or illuminate the line.
84. AEP Texas will obtain permits or comply with other requirements from the USFWS, as necessary, related to possible impacts to endangered or threatened species.
85. No part of Route 8 will cross property that is owned by the United States Army Corps of Engineers (USACE), and no easements on USACE's property will be necessary. Permits or other requirements associated with possible impacts to waters of the U.S. under the jurisdiction of the USACE will be coordinated with USACE as necessary.

Coastal Management Program

86. The transmission project is located in the boundary of the Coastal Management Program (CMP) and three Coastal Natural Resource Areas (CNRA) as defined in 31 Texas Administrative Code (TAC) § 503.1(b).
87. The length of Route 8 crossing wetland area, as mapped by the U.S. Fish and Wildlife Service National Wetland Inventory (NWI), is approximately 4.51 miles and 2.02 miles across estuarine NWI wetlands.
88. AEP Texas will construct the transmission line in accordance with the goals and policies of the CMP to minimize impacts to any CNRAs.
89. AEP Texas will implement special construction methods to avoid or minimize any potential impact to sensitive environmental areas of the CNRAs as described in Section 1.4 of the EA, which is provided as Attachment 2 of the CCN Application.

Effect on the State's Renewable Energy Goal

90. The Texas Legislature established a goal in PURA¹ § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
91. The project cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Limitation of Authority

92. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
93. Seven years is a reasonable and appropriate limit to place on the authority granted in this order to construct the proposed transmission line.

Informal Disposition

94. At least 15 days have passed since the completion of all notice requirements in this docket.
95. No person filed a protest or motion to intervene.
96. AEP Texas and Commission Staff are the only parties to this proceeding.
97. No party requested a hearing and no hearing is needed.
98. Commission Staff recommended approval of the application.
99. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this application under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
2. AEP Texas is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA § 31.002(6).

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

3. AEP Texas must obtain the approval of the Commission to construct the proposed transmission line and provide service to the public using that line under PURA § 37.053.
4. The application is sufficient under 16 TAC § 22.75(d).
5. AEP Texas's application complies with the requirements of 16 TAC § 25.101.
6. AEP Texas provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,² and Commission rules.
8. The proposed transmission line using Route 8 is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
9. The proposed route complies with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
10. The Texas Coastal Management Program applies to the proposed transmission line and the requirements of 16 TAC § 25.102 apply to the application.
11. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.
12. The requirements for administrative approval in 16 TAC § 25.101(b)(3)(C) have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Commission approves AEP Texas's application to amend CCN number 30170 to construct and operate the Union Carbide to Loma Alta Cut-In to Pompano double circuit capable 138-kV transmission line along the consensus route identified in the application, as amended.

² Tex. Gov't Code ch. 2001.

2. AEP Texas must conduct surveys, if not already completed, to identify pipelines that could be affected by the transmission line and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.
3. AEP Texas must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission line. If AEP Texas fails to obtain any such permit, license, plan, or permission, AEP Texas must notify the Commission immediately.
4. In the event AEP Texas encounters any archeological artifacts or other cultural resources during project construction, work must cease immediately in the vicinity of the artifact or resource and the discovery must be reported to the Texas Historical Commission. In that situation, AEP Texas must take action as directed by the Texas Historical Commission.
5. AEP Texas must follow the procedures to protect raptors and migratory birds as outlined in the publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Commission (APLIC), Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, APLIC and USFWS, April 2005. AEP Texas must take precautions to avoid disturbing occupied nests and take steps to minimize the impact of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
6. AEP Texas must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way and must ensure that such herbicide use complies with the rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with Texas Department of Agriculture regulations.
7. AEP Texas must minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, AEP Texas must revegetate using native

species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, AEP Texas must avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and USFWS.

8. Before beginning construction, AEP Texas must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
9. AEP Texas must implement erosion control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. AEP Texas must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or landowners' representatives. AEP Texas need not restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the project's structures or the safe operation and maintenance of the line.
10. AEP Texas will construct the transmission line in accordance with the goals and policies of the CMP to minimize impacts to any CNRAs.
11. AEP Texas must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
12. AEP Texas must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the transmission line. Any minor deviation to the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and landowners that have agreed to the minor deviation.
13. AEP Texas is not authorized to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, without further amending its CCN.
14. If possible, and subject to the other provisions of this Notice of Approval, AEP Texas must prudently implement appropriate final design for this transmission line so as to avoid being subject to the FAA's notification requirements. If required by federal law, AEP Texas

must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. AEP Texas is not authorized to deviate materially from this Notice of Approval to meet the FAA's recommendation or requirements. If a material change would be necessary to comply with the FAA's recommendations or requirements, then AEP Texas must file an application to amend its CCN, as necessary.

15. AEP Texas must report the transmission line approved by this Notice of Approval on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, AEP Texas must provide final construction costs, with any necessary explanation for cost variance, after completion of construction and when all charges have been identified.
16. The Commission limits the authority granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed unless the transmission line is commercially energized before that time.
17. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the _____ day of May 2020.

CHRISTOPHER OAKLEY
ADMINISTRATIVE LAW JUDGE