



Control Number: 50410



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PUC DOCKET NO. 50410
SOAH DOCKET NO. 473-20-3470



**JOINT APPLICATION OF WIND
ENERGY TRANSMISSION TEXAS,
LLC AND ONCOR ELECTRIC
DELIVERY COMPANY LLC TO
AMEND THEIR CERTIFICATES OF
CONVENIENCE AND NECESSITY
FOR THE BEARKAT SWITCHING
STATION-TO-LONGHORN
SWITCHING STATION 345-KV
TRANSMISSION LINE IN
GLASSCOCK AND HOWARD
COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF
TEXAS**

COMMISSION STAFF'S LIST OF ISSUES

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this List of Issues. In support thereof, Staff shows the following:

I. BACKGROUND

On January 14, 2020, Wind Energy Transmission Texas, LLC (WETT) and Oncor Electric Delivery Company, LLC (Oncor) (collectively, Joint Applicants) filed an application to amend their certificates of convenience and necessity (CCN) for the Bearkat Switching Station-to-Longhorn Switching Station 345-kilovolt (kV) transmission line in Glasscock and Howard Counties. The proposed unit is called the Bearkat Switching Station-to-Longhorn Switching Station 345-kV Transmission Line Project (Project). The Project will connect WETT's existing Bearkat Switching Station and Oncor's existing Longshore Switching Station. The Joint Applicants will construct, own, operate, and maintain all transmission line facilities, including conductors, wires, structures, hardware, and easements, on their respective portions of the line.

On March 10, 2020, Commission Staff requested referral of this matter to the State Office of Administrative Hearings (SOAH). The Office of Policy and Docket Management issued an Order of Referral on April 22, 2020, referring this docket to SOAH. The Order also stated that

Staff may file a list of issues to be addressed, as well as any necessary statement of Commission policy, precedent, or position on any relevant threshold legal or policy issues, in the docket by May 1, 2020.

II. LIST OF ISSUES

Staff recommends that the Commission identify the following issues to be addressed:

Application

1. Is Joint Applicant's application to amend their CCN adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering this question, consideration shall be given to the number of proposed alternatives, the locations of the proposed transmission line, and any associated proposed facilities that influence the location of the line. Consideration may also be given to the facts and circumstances specific to the geographic area under consideration, and to any analysis and reasoned justification presented for a limited number of alternative routes.¹ A limited number of alternative routes is not in itself a sufficient basis for finding an application inadequate when the facts and circumstances or a reasoned justification demonstrates a reasonable basis for presenting a limited number of alternatives. If an adequate number of routes is not presented in the application, the ALJ shall allow Joint Applicants to amend the application and to provide proper notice to affected landowners; if Joint Applicants choose not to amend the application, the ALJ may dismiss the case without prejudice.

Need

2. Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a) taking into account the factors set out in PURA § 37.056(c)? In addition,

¹ See *Application of Wood County Electric Cooperative, Inc. for a Certificate of Convenience and Necessity for a Proposed Transmission Line in Wood County, Texas*, Docket No. 32070, Order on Appeal of Order No. 8 at 6 (Nov. 1, 2006).

- a. How does the proposed facility support the reliability and adequacy of the interconnected transmission system?
 - b. Does the proposed facility facilitate robust wholesale competition?
 - c. What recommendation, if any, has an independent organization, as defined in PURA § 39.151, made regarding the proposed facility?
 - d. Is the proposed facility needed to interconnect a new transmission service customer?
3. Is the transmission line the better option to meet this need when compared to employing distribution facilities? If Joint Applicants are not subject to the unbundling requirements of PURA § 39.051, is the transmission line the better option to meet the need when compared to a combination of distributed generation and energy efficiency'?

Route

4. Which proposed transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)?
5. Are there alternative routes or facilities configurations that would have a less negative impact on landowners? What would be the incremental cost of those routes?
6. If alternative routes or facility configurations are considered due to individual landowner preference:
 - a. Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?
 - b. Have the accommodations to landowners diminished the electric efficiency of the line or reliability?

Texas Parks and Wildlife Department

7. On or after September 1, 2009, did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with Section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:
 - a. What modifications, if any, should be made to the proposed transmission line as a result of any recommendations or comments?

- b. What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?
- c. What other disposition, if any, should be made of any recommendations or comments?
- d. If any recommendation or comment should not be incorporated in the final order or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.

Other Issues

- 8. Are the circumstances for this line such that the seven-year limit for the transmission line to be commercially energized should be changed?

This list of issues is not intended to be exhaustive.

III. ISSUES NOT TO BE ADDRESSED

The following issue should not be addressed in this proceeding for the reasons stated:

- 1. What is the appropriate compensation for right-of-way or condemnation of property?

The Commission does not have the authority to adjudicate or set the amount of compensation for rights-of-way or for condemnation.

IV. THRESHOLD LEGAL/POLICY ISSUES

Staff has not identified any threshold legal or policy to be addressed in this docket.

V. CONCLUSION

Staff respectfully requests an order adopting Staff's list of issues.

Dated: May 1, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 1, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664

/s/ Rustin Tawater
Rustin Tawater