



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-LONGSHORE
SWITCHING STATION 345-KV
TRANSMISSION LINE IN
GLASSCOCK AND HOWARD
COUNTIES**

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PUBLIC UTILITY COMMISSION

OF TEXAS

APPLICANTS' LIST OF ISSUES

Wind Energy Transmission Texas, LLC (“WETT”) and Oncor Electric Delivery Company LLC (“Oncor”) (together, the “Applicants”) file this List of Issues in response to the Order of Referral issued by the Public Utility Commission of Texas (“Commission”), respectfully showing as follows:

On January 14, 2020, WETT and Oncor filed a joint application to amend their respective certificates of convenience and necessity for the proposed Bearkat to Longshore 345 kV transmission line.¹ On April 22, 2020, the Commission issued an Order of Referral, referring this docket to the State Office of Administrative Hearings and requiring Applicants to file a list of issues to be addressed, and issues not to be addressed, in this docket by May 1, 2020. To assist the Commission in drafting a preliminary order, Applicants timely provide the following lists of issues.

¹ The caption in this case contains a typographical error—it lists an endpoint as “Longhorn” instead of “Longshore”.

ISSUES TO BE ADDRESSED

Application

1. Is WETT and Oncor's application to amend their respective CCNs adequate? Does the application contain an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation? In answering these questions, consideration must be given to the number of proposed alternatives, the location 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.² 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 must allow WETT and Oncor to amend the application and to provide proper notice to affected landowners; if WETT and Oncor choose not to amend the application, the ALJ may dismiss the case without prejudice.

Notice

2. Have WETT and Oncor provided notice of the application in accordance with 16 Tex. Admin. Code (TAC) § 22.52(a)?

Need

3. Are the proposed facilities necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA³ § 37.056(a) taking into account the factors set out in PURA § 37.056(c)? In addition:
 - 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?

² 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).

³ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 ("PURA").

- 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?
4. Is the transmission project the better option to meet this need when compared to employing distribution facilities? If WETT and Oncor are not subject to the unbundling requirements of PURA § 39.051, is the project the better option to meet the need when compared to a combination of distributed generation and energy efficiency?

Route

5. 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)?
6. 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?
7. 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

8. 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 project 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 this project or 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 discussed in section V of this Order should be changed?

ISSUES NOT TO BE ADDRESSED

In addition, Applicants identify the following issue that should not be addressed in this docket:

- 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.

Respectfully submitted,

By: D. W. Donley, Jr.

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**ATTORNEYS FOR ONCOR ELECTRIC
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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has been hand-delivered or sent via courier service, email, fax, overnight delivery, or first class United States mail, postage prepaid, to all parties of record in this proceeding, on the 1st day of May, 2020.

D. W. Donley, Jr.