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JOINT APPLICATION OF AEP TEXAS §
INC. AND SHARYLAND UTILITIES §
LLC TO AMEND THEIR §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY FOR THE LA §
PALMA TO KINGFISHER §
DOUBLE-CIRCUIT 345-KV §
TRANSMISSION LINE IN CAMERON §
COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

ORDER

This Order addresses the joint application of AEP Texas Inc. and Sharyland Utilities LLC (collectively, the applicants) to amend their certificates of convenience and necessity (CCN) for the La Palma-to-Kingfisher double-circuit 345-kilovolt (kV) transmission line in Cameron County. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent described in this Order.

The Commission makes the following modifications to the proposal for decision. The Commission deletes finding of fact 7 and incorporates its content into findings of fact 38 and 39; the Commission also deletes finding of fact 191 and incorporates its content into finding of fact 17. In addition, the Commission modifies findings of fact 10, 14, 15, 126, and 194 and adds finding of fact 12A, for clarity and completeness. Further, the Commission adds findings of fact 16A through 16C, 19A, 77A, and 77B for completeness and adds findings of fact 29A, 32A, 32B, 32C, and 32D for completeness and to reflect additional procedural history.

The Commission deletes finding of fact 37 because it is unnecessary and is duplicative of finding of fact 170; also, the Texas Parks and Wildlife Department’s comments were not testimony or a statement of position. In addition, the Commission deletes finding of fact 70 as duplicative of findings of fact 19A and 143. Further, the Commission deletes part of finding of fact 80 because it is duplicative of finding of fact 20 and deletes finding of fact 82 because it is duplicative of finding of fact 65. The Commission deletes finding of fact 83 and incorporates its content into finding of fact 157.

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The Commission modifies findings of fact 84 and 144 for accuracy. The Commission also deletes finding of fact 147 because the Commission is not determining the reasonableness of costs in this proceeding, and findings of fact 144 through 146 are sufficient to address estimated costs for route comparison purposes. The Commission moves some of finding of fact 160 into its own finding of fact 160A and deletes finding of fact 164 because it is unnecessary in light of standard finding of fact 189. The Commission modifies finding of fact 173 to delete unnecessary language and modifies finding of fact 190 to reflect a recent transfer of rules within chapter 31 of the Texas Administrative Code. Further, the Commission adds findings of fact 183A, 183B, and 183C as standard findings of fact in the Commission's electric CCN orders.

The Commission modifies conclusion of law 2 for accuracy and modifies conclusion of law 11 to frame it as a proper conclusion of law. The Commission deletes conclusion of law 12 because it is unnecessary and appears to contradict conclusion of law 11. Finally, the Commission makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, readability, and conformity with the Commission's order-writing format.

I. Findings of Fact

The Commission adopts the following findings of fact.

Applicants

1. AEP Texas Inc. is a Delaware corporation registered with the Texas secretary of state under filing number 802611352.
2. AEP Texas owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. AEP Texas is authorized under CCN number 30028 to provide service to the public and to provide retail electric utility service within its certificated service area.
4. Sharyland Utilities LLC is a Delaware limited liability company registered with the Texas secretary of state under filing number 803319844.

5. Sharyland owns and operates for compensation in Texas facilities and equipment to transmit electricity in the ERCOT region.
6. Sharyland is authorized under CCN number 30192 to provide service to the public.

Joint Application

7. DELETED.
8. On June 29, 2022, the applicants filed an application requesting an amendment to their CCNs to construct the new La Palma-to-Kingfisher 345-kV transmission line in Cameron County, Texas.
9. The applicants retained POWER Engineers, Inc. to prepare an environmental assessment and alternative route analysis for the proposed transmission line.

Description of the Proposed Transmission Facilities

10. The applicants propose to construct a new single-circuit 345-kV transmission line in Cameron County, Texas.
11. The transmission line will begin at the existing 345-kV La Palma station, which is located in the City of San Benito approximately 0.8 miles south of United States highway business 77 and approximately 0.3 miles southeast of farm-to-market road 1846. The line will extend southeast until it reaches the new 345-kV Kingfisher station, to be located on the west side of county road 315 (Casey Road) approximately 0.8 miles south of farm-to-market road 510 and approximately 0.73 miles southeast of farm-to-market road 510.
12. AEP Texas and Sharyland will each own approximately one-half of the transmission line. AEP Texas will construct and own the western portion of the new transmission line terminating into the La Palma station, and Sharyland will construct and own the eastern portion of the new transmission line terminating into the Kingfisher station.
- 12A. In this Order, the term *transmission facilities* includes the transmission line as well as modifications to the La Palma station and construction of the Kingfisher station.
13. AEP Texas owns the La Palma station, and Sharyland will own the new Kingfisher station.
14. AEP Texas and Sharyland will own 100% of their respective portion of the transmission line and will have no ownership interest in the other's portion of the line. The applicants

- will not own any part of the transmission facilities as tenants in common, partners, or any other form of joint ownership.
15. The applicants plan to construct the transmission line using steel, double-circuit-capable, monopole structures that will range in height between 130 and 200 feet above grade and will be located in a 150-foot right-of-way.
 16. The line will use 2x954 aluminum-conductor, steel-reinforced, aluminum-wire-core conductors with one optical ground wire. The conductor has a continuous summer static current rating of 2,215 amperes and a continuous summer static line capacity of 1,322 megavolt-amperes.
 - 16A. The modifications to the La Palma station include expanding to the east-southeast side of the station's current footprint. The expansion will include station site preparation; new ground mat and trenching with cable trays; cables for new communication, protection, measurement, the supervisory control and data acquisition system, and power needs; new structural improvements to add three 345-kV breakers and associated switches, power and current transformers, insulators, and surge arrestors; construction of a new control building, fencing, security lighting and security equipment, and charger and battery backup.
 - 16B. The costs of the expansion include new bus work, breakers, switches, voltage and current transformers; new panels with protection and control instruments; a remote terminal unit; communication equipment; batteries and a charger; new cable trays and cables; and a new control house.
 - 16C. Sharyland proposes to build the Kingfisher station using a breaker-and-a-half configuration with five line-terminal positions for the following 345-kV transmission circuits: two circuits from Sharyland's existing Palmito station and one circuit each from AEP Texas's existing Stewart Road, North Edinburg, and La Palma stations. As proposed, though, it will be expandable to accommodate a total of eight line-terminal positions.

Schedule

17. In the application, the applicants estimated they would acquire all right-of-way and land by May 2024, finalize engineering and design by September 2024, procure material and

equipment by June 2025, complete construction by April 2026, and energize the proposed facilities by April 2026.

Routes

18. POWER Engineers used a project team with expertise in different environmental disciplines to develop and analyze the primary alternative routes in the application based on environmental conditions present along each potential route, augmented by aerial photograph interpretation and field surveys, where possible.
19. POWER Engineers examined the study area and the alternative routes, taking into consideration the routing factors in PURA¹ § 37.056(c), the Commission's rule at 16 Texas Administrative Code (TAC) § 25.101(b)(3)(B), and the Commission's CCN application.
- 19A. The application included 19 alternative routes composed from 50 segments.
20. The applicants' application included 19 alternative routes that range from approximately 4.35 miles in length (route 1) to approximately 10.91 miles (route 18).
21. In the application, route 4 was identified by the applicants as the route that best meets the routing criteria, and Commission Staff agreed. Routes 2, 5, 19, and 6 were identified as other top alternatives. One or more intervenors opposes each of those routes.
22. All alternative routes are viable and constructible.

Referral to SOAH for a Hearing

23. On June 29, 2022, the applicants requested referral of this case to the State Office of Administrative Hearings (SOAH).
24. On July 11, 2022, the Commission issued an order of referral and preliminary order referring the matter to SOAH, establishing a decision deadline, and including a list of issues to be addressed.
25. SOAH administrative law judges (ALJs) Daniel Wiseman and Sarah Starnes convened a prehearing conference on July 29, 2022, via videoconference to address a procedural schedule and other prehearing matters.

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

26. In SOAH Order No. 3 filed on August 2, 2022, the SOAH ALJs set the hearing on the merits and prehearing schedule.
27. Also in SOAH Order No. 3, the SOAH ALJs granted the motions to intervene filed by the following: Palo Verde and Las Retamos Neighbors Association; GOBAR Brothers (consisting of Rolando Gonzalez, Raul A. Gonzalez, and GOBAR Brothers, LLC); Randall P. Crane; Jose A. Quintanilla; Frank X. Hernandez; Ramiro Gonzalez; David Floodman as agent for U R Home Texas, LLC; D/T Carson Trust (via Dale Larson); Wilson B. Fry; Ignacio and Minerva Delgado; Michael Fitzpatrick; Bernardo Elder; Gustavo Cantu, Jr.; Ricardo Morado; Terry and Stephanie Rhyner; STX Premier Properties, LLC; Blanca and Luis Chapa; Francisco Grajales; John Grajales; and Cerafin Grajales.
28. In SOAH Order No. 4 filed on August 11, 2022, the SOAH ALJs granted the motions to intervene filed by the following: Ernesto Estrada; Phillip Ogdee; Fred Ogdee; Ronald Ogdee; Marjorie Kay Johnson; Wanda Walker; Mari de la Fuente-Pena, et al.; Martha Reyna; Raul Pena; Zobeyda Morales; Yolanda Guillen; Sonia Flores; Maria Teresa Guerra Pina; Marjory Colvin Batsell; Norton A. Colvin, Jr.; Hejar, Ltd.; Gustavo J. Gonzalez; and Michele de los Santos.
29. In SOAH Order No. 5 filed on August 24, 2022, the SOAH ALJs dismissed the following intervenors for failing to file direct testimony or a statement of position: Randall P. Crane; Frank X. Hernandez; Ramiro Gonzalez; D/T Carson Family Trust; Ignacio and Minerva Delgado; Bernardo Elder; Gustavo Cantu, Jr.; Ricardo Morado; Terry and Stephanie Rhyner; STX Premier Properties, LLC; Francisco Grajales; John Grajales; Cerafin Grajales; Marjorie Kay Johnson; Wanda Walker; Mari de la Fuente-Pena, et al.; Marjory Colvin Batsell; Norton A. Colvin, Jr.; Hejar, Ltd.; Gustavo J. Gonzalez; and Michele de los Santos.
- 29A. Also in SOAH Order No. 5, the SOAH ALJs granted late-filed motions to intervene filed by Manuel and Evelia Duran and denied motions to intervene filed by Joseph Ballenger and Daniel Villafranco.

30. One intervenor, Michele de los Santos, was readmitted as a party at the hearing without objection.
31. On September 6, 2022, SOAH ALJs Wiseman and Starnes convened a hearing on the merits via videoconference. The following appeared at the hearing: the applicants; Commission Staff; GOBAR Brothers; the Palo Verde and Las Retamos Neighbors Association; Blanca and Luis Chapa; Michele de los Santos; Evelia Duran; Ernesto Estrada; Michael Fitzpatrick; David Floodman and U R Home Texas, LLC; Sonia Flores; Zobeyda Morales, and Maria Teresa Guerra Pina.
32. Initial briefs were due on September 14, 2022, reply briefs were due on September 21, 2022, and the record closed on September 21, 2022.

Return from SOAH

- 32A. On October 27, 2022, the SOAH ALJs denied a motion by GOBAR Brothers to reopen the evidentiary record and admit a resolution of the City of San Benito.
- 32B. On December 7, 2022, the applicants filed the affidavit of Mark D. Meyer describing the dividing point of ownership between the applicants for routes 2, 4, 5, 6, and 19.
- 32C. In Order No. 3 filed on December 9, 2022, the Commission ALJ admitted the affidavit of Mark D. Meyer into evidence.
- 32D. At its December 15, 2022 open meeting, the Commission denied another motion by GOBAR Brothers to reopen the evidentiary record and admit a resolution of the City of San Benito.

Statements of Position and Testimony

33. On June 29, 2022, the applicants filed the direct testimony of the following witnesses: Eric W. Scott, a project manager in the transmission services department of American Electric Power Service Company; Annie C. Wantland, a planning and engineering supervisor of transmission-line engineering in ERCOT at American Electric Power Service Company; Mark D. Meyer, vice president of operations at Hunt Utility Services, L.L.C.; and Gary L. McClanahan, Jr., a project manager in the environmental division of POWER Engineers. These direct testimonies were admitted at the hearing.

34. The following intervenors' direct testimonies were offered and admitted at the hearing: Blanca and Luis Chapa; Michael Fitzpatrick; Zobeyda Morales; Maria Teresa Pina Guerra; Sonia Flores; Ernesto Estrada; Manuel and Evelia Duran, Jr.; David Floodman on behalf of U R Home Texas, LLC; and Victor M. Gutierrez, Jr., P.E. and Brian C. Andrews on behalf of GOBAR Brothers.
35. On August 26, 2022, Commission Staff filed the direct testimony of its witness, Sherryhan Ghanem. This direct testimony was admitted at the hearing.
36. On September 1, 2022, the applicants filed the rebuttal testimony of Mr. McClanahan. This rebuttal testimony was admitted at the hearing.
37. DELETED.

Need for the Proposed Transmission Line

38. In September 2021, the Commission determined that additional transmission facilities were needed to be constructed under PURA §§ 35.005(b) and 39.203(e) to ensure safe and reliable electric service in the Lower Rio Grande Valley.
39. On October 14, 2021, the Commission issued an order in Project No. 52682² that required the applicants to develop a CCN application for approval to construct transmission facilities to "close the loop from Palmito to North Edinburg" and file the application no later than June 30, 2022.
40. This transmission line will close the loop from Palmito to North Edinburg in accordance with the Commission's order in Project No. 52682.

Route Adequacy

41. No party challenged the adequacy of the applicants' application.
42. No party filed testimony or a position statement 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.

² *Project for Commission Ordered Transmission Facilities*, Project No. 52682, Order (Oct. 14, 2021).

43. The application's 19 routes are an adequate number of reasonably differentiated routes to conduct a proper evaluation.

Notice of Application

44. On June 29, 2022, the applicants provided notice of the application to the following: (a) all landowners, as stated on the current county tax rolls in Cameron County, Texas, who are directly affected by the alternative routing options; (b) utilities providing similar service within five miles of the alternative routing options, which included the Brownsville Public Utilities Board, Magic Valley Electric Cooperative, Inc., and South Texas Electric Cooperative, Inc.; (c) the county judge and county commissioners in Cameron County; and (d) the mayors of the cities of San Benito, Harlingen, and Brownsville (the only municipalities within five miles of the alternative routing options).
45. On June 29, 2022, the applicants provided the application and environmental assessment and alternative route analysis in this project to the Texas Parks and Wildlife Department.
46. On June 29, 2022, the applicants provided notice of the application to the Department of Defense Siting Clearinghouse.
47. On June 29, 2022, the applicants provided notice of the application to the Office of Public Utility Counsel.
48. On July 6, 2022, the applicants caused notice to be published in the *Brownsville Herald*, the newspaper of general circulation in Cameron County.
49. On July 19, 2022, the applicants filed the affidavit of Mel L. Eckhoff, a regulatory consultant for American Electric Power Service Corporation, attesting to proof of notice by first-class priority mail, email, and publication. Attached to Mr. Eckhoff's affidavit was a publisher's affidavit from the newspaper and a copy of the notice as published.

Public Notice

50. Before filing the application, the applicants held three public meetings within the study area to solicit comments from residents, landowners, and other interested parties regarding the new transmission line. The first two meetings were held on March 8 and 9, 2022, at

the San Benito Cultural Heritage Museum, and the third meeting was held on April 12, 2022, at the San Benito High School in the City of San Benito.

51. A public-meeting notice was mailed to landowners who own property located within 500 feet of the alternative segment centerlines. Approximately 350 notices were mailed to landowners and entities for the March 8 and 9, 2022 public meetings, and 145 notices were mailed to landowners and entities for the April 12, 2022 public meeting. Each landowner also received a map of the study area depicting the alternative segments with their invitation letter, a questionnaire, and a regulatory frequently-asked-questions sheet. The invitation letter, questionnaire, and frequently-asked-questions sheet were also provided in Spanish.
52. Each of the approximately 495 individuals and entities who received an invitation letter also received a public-meeting postcard in both English and Spanish inviting them again to the public meetings.
53. The applicants provided notice of the public meetings to the Department of Defense Siting Clearinghouse.
54. A total of 65 individuals attended the March 8, 2022 public meeting according to the sign-in sheet.
55. A total of 18 individuals attended the March 9, 2022 public meeting according to the sign-in sheet.
56. Following the March public meetings, the applicants modified several alternative segments and added alternative segments L, AO, AP, and AQ.
57. The applicants hosted a third public meeting for landowners located near the modified and newly added alternative segments. A total of 26 individuals attended the April 12, 2022 public meeting according to the sign-in sheet.
58. Information received from the public meetings and from local, state, and federal agencies was considered and incorporated into POWER Engineers' environmental assessment and alternative route analysis.

59. Following the public meetings, POWER Engineers and the applicants added several segments and modified several segments to avoid irrigation risers, provide additional crossings over the Resaca de los Fresnos, and improve paralleling existing compatible right-of-way and minimize land-use impacts.

Questionnaire Responses

60. Questionnaire respondents were asked to rank the importance of 13 criteria in routing the transmission line.
61. The applicants received 11 questionnaire responses at the March 8, 2022 public meeting. In descending order, the most highly ranked criteria in those responses were the following:
- 1) Maximize distance from residences, businesses, and schools;
 - 2) Maximize length along property boundary lines;
 - 3) Minimize length across cropland;
 - 4) Minimize visibility of the line;
 - 5) Minimize loss of trees; and
 - 6) Minimize impact on archaeological and historical sites.
62. The applicants received ten questionnaire responses at the March 9, 2022 public meeting. In descending order, the most highly ranked criteria in those responses were the following:
- 1) Maximize distance from residences, businesses, and schools;
 - 2) Minimize impacts on streams and rivers;
 - 3) Minimize impacts to grassland or pasture; and
 - 4) Minimize impacts to archaeological and historical sites.
63. The applicants received five questionnaire responses at the April 12, 2022 public meeting. In descending order, the most highly ranked criteria in those responses were the following:
- 1) Maximize distance from residences;
 - 2) Minimize impacts on streams and rivers;
 - 3) Minimize length through wetlands or floodplains; and

- 4) Minimize impacts to archaeological and historical sites.
64. The applicants received 50 questionnaires by mail after the public meetings took place. In descending order, the most highly ranked criteria in those responses were the following:
- 1) Maximize distance from residences, businesses, and schools;
 - 2) Minimize impacts on streams and rivers;
 - 3) Maximize length along property boundary lines;
 - 4) Minimize impacts to archaeological and historical sites; and
 - 5) Minimize visibility of the transmission line.
65. On all of the responses, the most highly ranked concern was maximizing the distance of the transmission line from residences, businesses, and schools.

Routing of the Transmission Facilities

66. The POWER Engineers' project team included professionals with expertise in different environmental and land-use disciplines who were involved in data acquisition, routing analysis, and environmental assessment for the transmission facilities.
67. To identify alternative route segments for the transmission facilities, POWER Engineers delineated a study area, sought public official and agency input, gathered data regarding the study area, performed constraints mapping, reviewed geographic diversity information within the study as well as numerous environmental and land use criteria, identified alternative route segments, and reviewed and adjusted the alternative route segments following field reconnaissance and the public meetings.
68. The majority of the study area is in a suburban setting with a mix of residential subdivisions and commercial structures. The study area is predominantly residential with cropland throughout the study area.
69. The study area is located within the Coastal Prairies sub-province of the Gulf Coastal Plains Physiographic Province. Elevations within the study area range between approximately 20 and 25 feet above mean sea level.
70. DELETED.

71. All alternative routes can be safely and reliably constructed and operated without significant adverse effects on property uses.
72. The consensus opinion of POWER Engineers' evaluators was to recommend route 4 as the route that best addresses the requirements of PURA and the Commission's rules from an environmental and land-use perspective, followed by routes 2, 5, 19, and 6. These routes use the following segments:
 - Route 2: B1, B2, E1, E2, O, and Q
 - Route 4: A, C, E1, E2, O, and Q
 - Route 5: A, D, G, I, N1, N2, O, and Q
 - Route 6: A, D, G, J, S1, L, AP, N2, O, and Q
 - Route 19: A, D, H, K, S1, L, AP, N2, O, and Q
73. The applicants considered POWER Engineers' recommendations as well as engineering and construction constraints, estimated costs, and agency and landowner concerns.
74. Route 4 is opposed by intervenors GOBAR Brothers, Michael Fitzpatrick, and Manuel and Evelia Duran. GOBAR Brothers and Mr. Fitzpatrick instead support route 5 or, alternatively, route 6.
75. Route 5 is opposed by intervenors Blanca and Luis Chapa, Ernesto Estrada, Martha Reyna, Maria Teresa Guerra Pina, Raul Pina, Sonia Flores, Yolanda Guillen, and Zobeyda Morales, most of whom also expressed opposition to routes 6, 7, and 19. No party recommended route 7 (using links B1, B2, F, G, J, S1, L, AP, N2, O, and Q).
76. Intervenor David Floodman, agent for U R Home Texas, LLC, is opposed to route 2.
77. On the leading alternative routes, the segments that have drawn the parties' objections are segment B2 (used on routes 2 and 7), segments E1 and E2 (used on routes 2 and 4), segment N1 (used on route 5) and segment N2 (used on routes 5, 6, 7, and 19). The objecting intervenors all own property situated on one or more of those segments and are concerned with how the proposed transmission line would affect the future development—or in some cases, present use—of their own properties.

- 77A. For route 4, AEP Texas will own and operate segments A, C, and E1 as well as part of segment E2. Sharyland will own and operate the remainder of segment E2 as well as segments O and Q.
- 77B. The ownership dividing point for route 4 is a dead-end structure that will be located on segment E2 and will be owned by AEP Texas. The structure is approximately 2.4 right-of-way miles east of AEP Texas's La Palma station and 2.52 right-of-way miles west of Sharyland's Kingfisher station. The structure will be located approximately 590 feet northwest of highway 345 at Latitude N 26.149701°, Longitude W 97.618387°.

Community Values

78. To ensure that the decision-making process adequately identified and considered community values, the applicants solicited input from residents, landowners, and other interested persons about the alternative segments through the three public meetings held on March 8 and 9, 2022 and April 12, 2022, as well as through the mailed questionnaires.
79. The public meetings were designed to promote a better understanding of the proposed transmission line, including the purpose and need for the project, the benefits and potential impacts of the new transmission line, and the Commission's regulatory approval process; inform and educate the public about the routing procedure, schedule, and selection process; and identify the values and concerns of the landowners and other interested parties in the study area.
80. The length of a transmission-line route is a primary indicator of the relative magnitude of land-use impacts.
81. Route 4 is 4.92 miles long, the third-shortest of the 19 alternative routes.
82. DELETED.
83. DELETED.
84. Route 4 has 47 habitable structures within 500 feet of its centerline, more than route 2 (44 habitable structures), but fewer than route 5 (54 habitable structures), route 6 (61 habitable structures), route 7 (58 habitable structures), and route 19 (64 habitable structures).

85. Routes 14 through 17, which directly affect fewer habitable structures than routes 2, 4, 5, 6, 7, and 19, are each over ten miles long and are among the longest—and hence most expensive—of the proposed routes.
86. The proposed alternative routes minimize impacts on directly affected landowners. Alternative route configurations might impact different landowners but would not have less impact overall.
87. Route 4 adequately addresses the expressed community values.

Recreation and Park Areas

88. POWER Engineers reviewed federal, state, and local websites and maps and conducted field reconnaissance surveys to identify parks and recreation facilities located within the study area.
89. None of the alternative routes cross any parks or recreation facilities.
90. The number of parks or recreational areas located within 1,000 feet of the centerline of any of the alternative routes ranges from zero to one.
91. Route 4 does not cross any park or recreational areas, nor are there any parks or recreational areas located within 1,000 feet of the centerline of this route.
92. The transmission facilities along any of the alternative routes, including route 4, is unlikely to adversely affect the use or enjoyment of any park or recreational area.

Historical and Aesthetic Values

93. None of the alternative routes cross or are within 1,000 feet of recorded cultural resource sites.
94. None of the alternative routes are located within 1,000 feet of any property listed on the National Register of Historic Places.
95. The number of cemeteries located within 1,000 feet of a proposed route ranges from zero to one. Routes 2, 4, 5, 6, and 19 all have one cemetery (the San Benito City cemetery) located within 1,000 feet of their centerlines.

96. Every alternative route crosses through areas with a high potential for archeological sites, with the length of right-of-way crossing areas with a high potential for archeological sites ranging from a low of 4.35 miles (route 1) to a high of 9.17 miles (route 18).
97. Route 4 crosses areas with a high potential for archeological sites for 4.92 miles of its length, the fourth least of the nineteen alternative routes.
98. It is unlikely that the transmission facilities along any proposed alternative route will adversely affect historical or archeological resources.
99. Construction of the proposed transmission facilities could have both temporary and permanent aesthetic impacts. Temporary impacts would include views of the actual assembly and erection of the tower structures. Where wooded areas are cleared, the brush and wood debris could have an additional negative temporary impact on the local visual environment. Permanent impacts from the transmission facilities would involve the views of the cleared right-of-way, tower structures, and lines.
100. No known high-quality aesthetic resources, designated views, or designated scenic roads or highways were identified within the study area.
101. Since no designated landscapes protected from most forms of development or by legislation exist within the study area, potential aesthetic impacts were evaluated by estimating the length of each alternative route that would fall within the foreground visual zone (i.e., one-half mile with unobstructed views) of major highways, farm-to-market roads, and parks or recreational areas. There are no interstate highways located within the study area.
102. All of the alternative routes have some portion of right-of-way located within the foreground visual zone of United States highways and state highways. Route 5 has the shortest amount of its length of right-of-way within the foreground visual zone of United States highways and state highways, followed closely by route 4, which has approximately 1.83 miles.
103. All of the alternative routes have some portion of right-of-way located within the foreground visual zone of farm-to-market roads, ranging from 2.15 miles (route 1) to

5.77 miles (route 13). Route 4 has the third-least amount of its length within the foreground visual zone of farm-to-market roads at 3.33 miles.

104. None of the alternative routes is located within the visual foreground of any park or recreational area.
105. It is unlikely that the construction of any of the alternative routes will significantly impact the aesthetic quality of the landscape.
106. The relatively shorter length of route 4 within the foreground of United States highways and state highways (1.83 miles) and farm-to-market roads (3.33 miles) as compared to most other routes helps to mitigate those impacts compared to other routes.

Environmental Integrity

107. The environmental assessment and alternative route analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.
108. Review of information from the Texas Natural Diversity Database, the Texas Parks and Wildlife Department, and United States Fish and Wildlife Service indicate there are two federally listed plant species, three state-listed plant species, twelve federally listed animal species, and fifty state-listed animal species in Cameron County, where the line would be located.
109. None of the alternative routes cross any known habitat or designated critical habitat for federally listed threatened or endangered species.
110. It is unlikely that the transmission line approved by this Order will have any significant adverse effects on the physiographic or geologic features and resources of the area.
111. It is unlikely that geologic hazards will be created by the transmission facilities.
112. It is unlikely that the construction, operation, and maintenance of the transmission line will adversely affect groundwater resources within the study area.
113. It is unlikely that construction activities will impede the flow of water within watersheds or floodplains.

114. No future surface water projects were identified as occurring within the study area, and no impacts are anticipated.
115. It is unlikely that construction activities will significantly impede the flow of receding floodwaters within special hazard areas.
116. It is unlikely that the conversion of prime farmland soils will occur because of the transmission facilities.
117. The transmission line is anticipated to have short-term, minimal impacts to soil, water, and ecological resources. Most of the impacts will be during initial construction and will consist of erosion and soil compaction.
118. All the alternative routes cross the Resaca de los Fresnos one time, except for route 1, which crosses the Resaca three times.
119. The number of stream and canal crossings for the routes range from nine (route 1) to 27 (routes 15, 16, and 18). Route 4 has 13 stream and canal crossings, the sixth fewest of the 19 alternative routes.
120. The total length of right-of-way crossing open water ranges from approximately 0.09 miles (routes 2, 5, 6 and 19) to approximately 0.22 miles (route 1). Route 4 crosses open water for 0.1 miles.
121. Length of right-of-way that parallels streams or rivers ranges from approximately 0.31 miles (route 1) to approximately 2.96 miles (route 18). Route 4 parallels streams or rivers for 0.83 miles of its right-of-way, the sixth shortest of the 19 alternative routes.
122. The length of right-of-way across 100-year floodplains ranges from 0.2 miles (route 1) to 2.4 miles (route 17). Route 4 crosses 100-year floodplains for 1.17 miles of its right-of-way length, the second shortest of the 19 alternative routes.
123. The impacts on vegetation would be the result of clearing and maintaining the rights-of-way, and the length of upland woodland or brushland along the rights-of-way of the alternative routes ranges from 1.2 miles (route 13) to 2.92 miles (route 18). Route 4 has 1.42 miles of right-of-way across upland woodlands or brushlands, the fourth shortest of the 19 alternative routes.

124. The length of right-of-way across wetlands for the routes ranges from 0.01 miles (routes 1 and 9) to 0.23 miles (routes 2, 3, and 4). Routes 5, 6, 7, and 19 each have 0.09 miles of their right-of-way length across wetlands—more than ten other routes. However, with use of avoidance and minimization measures, none of the alternative routes would have a significant impact on wetlands.
125. It is appropriate for the applicants to employ erosion control during initial construction. The applicants indicated they would develop a stormwater pollution prevention plan before construction to minimize potential impacts to soils, primarily erosion, compaction, and off-right-of-way sedimentation. The stormwater pollution prevention plan will also identify avoidance measures of potential contamination of water resources and include best management practices to prevent off-right-of-way sedimentation and degradation of potential coastal natural resource areas including potential wetland areas and to minimize potential impacts to aquatic habitats.
126. Review of the 2020 Texas Natural Diversity Database identified one occurrence record for a vegetation community of Texas Ebony-snake-eyes shrubland mapped within the north central portion of the study area. None of the alternative routes cross the area of this occurrence record.
127. After Commission approval of a route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally and state-listed animal species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally or state-listed animal species are observed during a field survey of the Commission-approved route, the applicants may further work with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance or mitigation strategies.
128. It is unlikely that the transmission facilities will have significant adverse impacts on populations of any federally listed endangered or threatened species.
129. The applicants can construct the transmission facilities in an ecologically sensitive manner on any proposed route.

130. The applicants will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
131. It is appropriate for the applicants to 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 the United States Fish and Wildlife Service, April 2005.
132. It is appropriate for the applicants to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
133. It is appropriate for the applicants to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
134. It is appropriate for the applicants to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
135. It is appropriate for the applicants to avoid, to the maximum extent possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
136. It is appropriate for the applicants to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for the applicants to restore original contours and grades where different contours or grades are necessary to ensure the safety or stability of any transmission line.
137. It is appropriate for the applicants to exercise extreme care to avoid affecting nontargeted 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 is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with the Texas Department of Agriculture regulations.

138. It is appropriate for the applicants to use best management practices to minimize potential harm that the approved route presents to any migratory birds and threatened or endangered species.
139. It is unlikely that transmission facilities along any proposed alternative route will adversely affect the environmental integrity of the surrounding landscape.
140. All of the alternative routes, including route 4, are environmentally acceptable.

Engineering Constraints

141. The applicants evaluated engineering and construction constraints when developing routes.
142. There are no significant engineering constraints along any of the alternative routes that cannot be adequately addressed by using design and construction practices and techniques usual and customary in the electric utility industry.
143. All alternative routes are viable, feasible, and reasonable from an engineering perspective.

Costs

144. The estimated construction cost of the 19 alternative routes presented in the application range from \$30,122,000 (route 1) to \$56,238,000 (route 13), not including the estimated substation costs of approximately \$43,709,000 for construction of the new Kingfisher station and approximately \$13,638,000 for construction of the new termination facilities for the existing La Palma substation.
145. No party has challenged the reasonableness of the applicants' cost estimates.
146. Route 4 is estimated to cost \$30,144,000, not including the estimated substation costs. Route 4 is the second-least expensive of the nineteen alternative routes.
147. DELETED.

Use of Existing Corridors

148. None of the alternative routes use existing transmission-line right-of-way, but all of the routes parallel existing right-of-way for some of their length, from 0.39 miles (routes 14 and 17) to 3.12 miles (route 4).
149. The total route lengths paralleling other existing compatible rights-of-way (roadways, railways, irrigation or drainage canals, etc.) ranged from 0.49 miles (route 5) to 5.96 miles (route 14). Route 4 parallels other existing compatible rights-of-way for 0.52 miles.
150. Routes with the greatest length paralleling other compatible rights-of-way are generally longer routes that veer farther to the north and west of the study area. Routes 2, 4, 5, 6, and 19 proceed in a more southwesterly path.
151. All of the alternative routes parallel apparent property boundaries and other natural or cultural features to the extent feasible. The length that parallels apparent property boundaries ranges from 0.1 miles (routes 1 and 2) to 3.51 miles (route 18). Routes using the westernmost segments had some of the longest lengths paralleling these features. Route 4 parallels apparent property boundaries for 0.47 miles.
152. The alternative routes parallel existing transmission-line rights-of-way, other existing compatible rights-of-way, or apparent property boundaries for approximately 65% (route 1) to 89% (routes 7 and 19) of the length of the route.
153. Route 4 parallels or uses existing transmission line rights-of-way or other existing compatible rights-of-way or parallels apparent property boundaries for approximately 4.11 miles (i.e., 84 % of the route).
154. Route 4 uses or parallels existing compatible rights-of-way or apparent property boundaries to a reasonable extent.

Prudent Avoidance

155. Prudent avoidance is the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.

156. All of the alternative routes conform to the Commission's policy of prudent avoidance in that they reflect reasonable investments of money and effort to limit exposure to electric and magnetic fields.
157. The number of habitable structures within 500 feet of the centerline of the proposed alternative routes ranges from 30 (route 17) to 121 (route 8).
158. There are 47 habitable structures within 500 feet of the centerline of route 4.
159. Construction of the transmission facilities along route 4 will comply with the Commission's policy of prudent avoidance.

Additional Routing Concerns

160. There are no AM radio transmitters within 10,000 feet of the centerlines of the alternative routes.
- 160A. There are between zero and two FM radio transmitters or electronic communication towers within 2,000 feet of the centerlines of the alternative routes. There is one on route 2 and none on routes 3 through 6 and 19.
161. None of the alternative routes are expected to have a significant impact on electronic communication facilities or operations.
162. There is one airport registered with the Federal Aviation Administration, the Valley International Airport, with a runway over 3,200 feet located within 20,000 feet of some of the routes (though not in the study area itself), but routes 2, 4 through 6, and 19 are not near that airport.
163. There are no airports registered with the Federal Aviation Administration with runways over 3,200 feet within 10,000 feet of the alternative routes and no public- or private-use heliports within 5,000 feet of any routes.
164. DELETED.

Proposed Alternative Routes or Facilities Configurations

165. No party suggested additional alternative routes or facility configurations beyond the 19 alternative routes set out in the application.

166. The 19 proposed alternative routes minimize adverse impacts on directly affected landowners, and no additional route configurations for the transmission line would have less overall landowner impact.
167. No intervenor offered to make any contributions to offset any additional costs associated with any routing accommodations.
168. No party contended that any requested modifications would diminish the electric efficiency or reliability of the transmission line.

Texas Parks and Wildlife Department (TPWD) Comments

169. TPWD's wildlife habitat assessment program provided information and recommendations regarding the preliminary study area for the transmission line to POWER Engineers on February 3, 2022.
170. On September 9, 2022, a letter from TPWD was filed in this proceeding making various comments and recommendations regarding the proposed transmission facilities.
171. TPWD included comments and recommendations regarding the transmission facilities and potential impacts on sensitive fish and wildlife resources, habitats, or other sensitive natural resources. The letter includes concerns, comments, and recommendations that are often provided by TPWD regarding proposed transmission-line projects. POWER Engineers and the applicants have already taken into consideration several of the recommendations offered by TPWD as the applicants follow many of the recommendations in the TPWD letter relating to use of existing right-of-way, proper use and placement of sediment-control fencing, avoiding impacts to water resources, avoiding potential impacts to endangered species, and re-vegetation of disturbed areas.
172. TPWD's comment letter identified route 19 as the route that best minimizes adverse effects on natural resources. TPWD did not oppose any route.
173. The applicants will implement mitigation measures and best management practices set forth in the environmental assessment and alternative route analysis, those included in the recommendations of the Commission's engineering staff, and those typically included in the Commission's final orders in transmission-line CCN cases. The mitigation measures

and best management practices recommended by Commission Staff, combined with the mitigation practices set out in the application, will minimize the impact of construction on wildlife.

174. Before beginning construction, it is appropriate for the applicants to undertake appropriate measures to identify whether a habitat for potential endangered or threatened species exists and to respond as required.
175. The applicants will use avoidance and mitigation procedures to comply with laws protecting federally listed species.
176. The applicants will re-vegetate the new right-of-way as necessary and according to the applicants' vegetation management practices, the stormwater pollution prevention plan developed for construction of the transmission facilities, and (in many instances) landowner preferences or requests.
177. The applicants' standard vegetation-removal, construction, and maintenance practices adequately mitigate concerns expressed by TPWD.
178. The applicants will use appropriate avian protection procedures.
179. The applicants will comply with all environmental laws and regulations, including those governing threatened and endangered species.
180. The applicants will comply with all applicable regulatory requirements in constructing the transmission facilities approved by this Order, including any applicable requirements under section 404 of the Clean Water Act.
181. The applicants will cooperate with the United States Fish and Wildlife Services and TPWD if threatened or endangered species' habitats are identified during field surveys.
182. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, applicants will cooperate with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, and the Texas Commission on Environmental Quality as appropriate, to coordinate permitting and perform any required mitigation.

183. The standard mitigation requirements included in the ordering paragraphs of this Order, coupled with the applicants' current practices, are reasonable measures for a utility to undertake when constructing a transmission line and sufficiently address TPWD's comments and recommendations.
- 183A. The Commission does not address TPWD's recommendations for which there is not record evidence to provide sufficient justification, adequate rationale, or an analysis of any benefits or costs associated with the recommendation.
- 183B. This Order addresses only those recommendations by TPWD for which there is record evidence.
- 183C. The recommendations and comments made by TPWD do not necessitate any modifications to the transmission facilities.

Permits

184. Before beginning construction of the transmission facilities approved by the Commission, the applicants will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or maintained properties, roads, or highways.
185. Before beginning construction of the transmission facilities approved by this Order, the applicants will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
186. Before beginning construction of the transmission facilities approved by this Order, the applicants will obtain any necessary permits or clearances from federal, state, or local authorities.
187. It is appropriate for the applicants, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality.
188. It is appropriate for the applicants to conduct a field assessment of the approved route before beginning construction of the transmission facilities approved by the Commission

to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these assessments, the applicants will identify all necessary permits from county, state, and federal agencies. The applicants will comply with the relevant permit conditions during construction and operation of the transmission facilities along the approved route.

189. After designing and engineering the alignments, structure locations, and structure heights, the applicants will determine the need to notify the Federal Aviation Administration based on the final structure locations and designs. If necessary, the applicants will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

Coastal Management Program

190. The transmission facilities are not located, either in whole or in part, within the Coastal Management Program boundary as defined in 31 Texas Administrative Code § 27.1.

Seven-Year Time Limit

191. DELETED.
192. 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.
193. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order for the applicants to construct the transmission facilities.

Power Generation and ERCOT Reliability

194. The applicants do not anticipate, and no party contended, that construction of the transmission facilities will preclude or limit a generator from generating or delivering power, or that construction will adversely impact the reliability of the ERCOT system.

Agreements of Parties on Routing

195. The parties reached no agreement as to routing.

Renewable Energy Goal

196. The goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025 has already been met.

197. The transmission facilities along route 4 cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

II. Conclusions of Law

The Commission adopts the following conclusions of law.

1. The applicants are both public utilities as defined in PURA § 11.004(1) and electric utilities as defined in PURA § 31.002(6).
2. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 35.005(b), 37.053, 37.056, and 39.203(e).
3. The applicants are required to obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.
4. In accordance with PURA § 39.203(e), the Commission must issue a final order in this docket by December 26, 2022.
5. SOAH exercised authority over the proceeding under PURA § 14.053 and Texas Government Code §§ 2001.058 and 2003.021 and 2003.049.
6. The application is sufficient under 16 TAC § 22.75(d).
7. The Commission processed this application in accordance with the requirements of PURA, the Administrative Procedure Act,³ and the Commission's rules.
8. The applicants provided notice of their application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
9. The applicants held public meetings and provided notice of the public meetings in compliance with 16 TAC § 22.52(a)(4).
10. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 through 2001.052.
11. Because the applicants were ordered by the Commission under PURA § 39.203(e) to construct the transmission line approved in this Order, the applicants are not required to

³ Tex. Gov't Code §§ 2001.001–.902.

prove that the construction ordered is necessary for the service, accommodation, convenience, or safety of the public in any proceeding brought under chapter 37. The applicants are also not required to address the factors listed in PURA §§ 37.056(c)(1) through (3) and (4)(E) in this proceeding.

12. DELETED.
13. Route 4 best meets the routing criteria set forth in PURA § 37.056 and 16 TAC § 25.101(b)(3)(B).
14. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to the application.

III. Ordering Paragraphs

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

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order.
2. The Commission amends AEP Texas's CCN number 30028 to include station modifications at AEP Texas's existing La Palma station as described in this Order and the construction and operation of a 345-kV single-circuit transmission line on double-circuit-capable structures along segments A, C, E1, and E2 of route 4 up to and including the dead-end structure described in this Order as the dividing point between the applicants' respective portions of the line. The Commission is not certificating a second circuit through this Order.
3. The Commission amends Sharyland's CCN number 30192 to include construction and operation of the new Kingfisher station and of a 345-kV single-circuit transmission line on double-circuit-capable structures along segments E2, O, and Q of route 4 starting from but not including the dead-end structure described in this Order as the dividing point between the applicants' respective portions of the line. The Commission is not certificating a second circuit through this Order.

4. The applicants must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the proposed electric transmission facilities.
5. The applicants must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
6. The applicants must obtain all permits, licenses, plans, and permissions required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if the applicants fail to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.
7. The applicants must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and the United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
8. If the applicants encounter any archeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and the applicants must report the discovery to, and act as directed by, the Texas Historical Commission.
9. Before beginning construction, the applicants must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
10. The applicants must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.

11. The applicants must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: 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. The applicants must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
12. The applicants must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
13. The applicants must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission facilities. In addition, the applicants must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, the applicants must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
14. The applicants must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas. Also, the applicants must return each affected landowner property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, the Commission does not require the applicants to restore original contours and grades where a different

- contour or grade is necessary to ensure the safety or stability of the transmission facilities' structures or the safe operation and maintenance of the transmission facilities.
15. The applicants must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission facilities. Any minor deviations in the approved route must only directly affect the landowners who were sent notice of the transmission facilities in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
 16. The Commission does not permit the applicants to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending its CCN.
 17. If possible, and subject to the other provisions of this Order, the applicants must prudently implement appropriate final design for the transmission facilities to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, the applicants must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize the applicants to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then the applicants must file an application to amend its CCN as necessary.
 18. The applicants must include the transmission facilities approved by this Order on their 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, the applicants must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when the applicants identify all charges.
 19. The Commission limits the authority granted by this Order to a period of seven years from the date the Order is signed unless the transmission facilities are commercially energized before that time.
 20. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 15th day of December 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER



KATHLEEN JACKSON, COMMISSIONER