

**PUC DOCKET NO. 38517
SOAH DOCKET NO. 473-10-5923**

**APPLICATION OF ONCOR ELECTRIC
DELIVERY COMPANY LLC TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE CLEAR CROSSING TO WILLOW
CREEK CREZ 345-KV TRANSMISSION
LINE IN HASKELL, JONES,
THROCKMORTON, SHACKELFORD,
YOUNG, STEPHENS, JACK, PALO
PINTO, WISE, AND PARKER
COUNTIES**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

ORDER

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This Order addresses the application of Oncor Electric Delivery Company LLC to amend its certificate for convenience and necessity (CCN) for the new Clear Crossing-to-Willow Creek double-circuit 345-kV CREZ transmission line. At the hearing on the merits, four parties—McKnight Ranch, Everett Ranches, Glen and Elizabeth Cooper, and Darla Richards—jointly stipulated to support any route that crossed their property (links D1, R1, and W1) if certain modifications were made.¹ These stipulating parties supported route 1091 on the condition that an existing 138-kV transmission line be under built on the Clear Crossing-to-Willow Creek transmission line, this new line use monopole towers across their properties, and the existing wood structures be removed.² On January 5, 2011, the State Office of Administrative Hearings' (SOAH) administrative law judges (ALJs) issued a proposal for decision in which the judge recommended granting Oncor's application. The ALJs recommended that the Commission adopt route 1091 as modified by the joint stipulation because this route best meets the considerations set forth in the preliminary order in this docket. The Commission generally agrees with the ALJs' recommendations with respect to routing, but concludes that additional modifications to this route are necessary. Accordingly, the Commission adopts in part, and modifies in part, the

¹ Joint Ex. 1, Stipulation and Motion for Approval Thereof (not filed).

² Proposal for Decision at 6-7 (Jan. 5, 2011).

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proposal for decision issued by the ALJs in this proceeding, including findings of fact and conclusions of law.

I. Discussion

The Commission notes that Oncor's application proposes to build the Clear Crossing-to-Willow Creek transmission line on double-circuit lattice steel towers.³ While the Commission concurs generally in this proposal, the Commission finds that the use of monopoles in special circumstances unique to modified route 1091 is reasonable.

The Commission finds that locating the new Clear Crossing-to-Willow Creek 345-kV line parallel to Oncor's existing Paint Creek-to-Graham 138-kV and Tonkawa-to-Graham 345-kV lines, resulting in three separate, parallel transmission rights-of-way for substantial distances, creates an unusual burden on the property owned by the stipulating parties. The Commission further finds that the co-location of the existing Paint Creek-to-Graham 138-kV line with the proposed Clear Crossing-to-Willow Creek double-circuit 345-kV line and the use of monopole towers as set forth in the joint stipulation serves to mitigate adverse impacts to the stipulating parties and is reasonable. The Commission concludes, however, that co-location in this area should be undertaken by Oncor only if the stipulating parties donate the rights-of-way necessary for the construction of the Clear Crossing-to-Willow Creek double-circuit 345-kV line across their property. Consistent with the foregoing discussion, the Commission adopts new findings of fact 32A, 32B and 32C and new ordering paragraph 17.

In addition, link I3 of modified route 1091 generally parallels Oncor's existing Graham SW-to-Barton SW 138-kV and Parker-to-Graham 345-kV transmission lines. However, as the existing 138-kV and 345-kV lines cross tracts 301, 303, 306 and 306.1, link I3 briefly deviates to the east to avoid existing wind farms, but bisecting tract 304 owned by Intervenor William and Susan Bruck.⁴ The Commission finds that by re-routing link I3 with the use of monopole towers, where it crosses tracts 301, 303, 306 and 306.1, to a location parallel to and abutting Oncor's existing Graham SW-to-Barton SW 138-kV and Parker-to-Graham 345-kV transmission rights-of-way, the adverse impact to the Bruck property can be mitigated, the re-routing is reasonable

³ Application at 4-5.

⁴ Id. at figure 6-143, sheet 3 of 3.

and should be undertaken by Oncor. Consistent with the foregoing discussion, the Commission adopts new findings of fact 38A, 38B, 38C, and 38D.

II. Other Modifications

The Commission makes the following additional changes for the reasons stated. It modifies findings of fact 66, 113, 118, and 119 to substitute the term “it is appropriate” or “it is proper” for shall, which are more consistent with findings of fact. The Commission also modifies findings of fact 108 and 109 because as proposed these findings are not adequately supported by the evidence. Finding of fact 108 is revised to reflect an estimated cost using ERCOT’s original per-mile cost, and finding of fact 109 is revised to remove the specific difference in costs between the original and the modified route. The Commission further modifies finding of fact 77 to correctly reflect the name of the project. Finding of fact 128A was added to reflect the Commission’s decisions regarding recommendations and comments made by the Texas Parks and Wildlife Department.

The Commission adopts the following findings of fact and conclusions of law:

III. Findings of Fact

Procedural history and general project description

1. Oncor Electric Delivery Company LLC is an investor-owned electric utility providing service under CCN No. 30158.
2. On August 18, 2010, Oncor filed an application to amend its CCN for the Clear Crossing-to-Willow Creek 345-kilovolt (kV) competitive-renewable-energy-zone (CREZ) transmission line project in Haskell, Jones, Throckmorton, Shackelford, Young, Stephens, Jack, Palo Pinto, Wise, and Parker Counties.
3. The proposed project consists of construction of a new 345-kV double-circuit transmission line that extends from the new Electric Transmission Texas (ETT) Clear Crossing switching station located in southeastern Haskell County, to the existing Oncor Willow Creek switching station in southwestern Wise County.

4. On August 18, 2010, Oncor (1) mailed written notice of the application, including a map, to each municipality within five miles of the requested facilities; (2) either hand-delivered or mailed written notice of the application, including a map, to each county in which the requested facilities will be located; (3) provided notice of the application to each neighboring utility providing the same utility service within five miles of the requested facilities; and (4) mailed written notice by first class mail of the application, including a map, to each landowner as stated on current county tax rolls that will be directly affected if the requested certificate amendment is granted.
5. On August 20, 2010, the Public Utility Commission referred the application to SOAH.
6. On August 24, 2010, Oncor filed an affidavit attesting to the provision of a copy of the environmental assessment and alternative route analysis (environmental assessment) to the Texas Parks and Wildlife Department (TPWD).
7. Oncor published notice of its application in newspapers having general circulation in the counties where the requested CCN is being requested, including the *Jacksboro Gazette-News* on August 24, 2010; the *Breckenridge American*, *Graham Leader*, and *Springtown Epigraph* on August 25, 2010; the *Albany News*, *Bridgeport Index*, *Haskell Free Press*, and *Throckmorton Tribune* on August 26, 2010; and the *Lake Country Sun*, *Jack County Herald*, and *Stanford Star* on August 27, 2010.
8. On August 26, 2010, Order No. 1 suspended the traditional service requirements.
9. Order No. 2, which was issued on August 26, 2010, provided specific procedures to follow in this proceeding and provided general information to the parties.
10. On September 1, 2010, Commission Staff recommended that Oncor's application be found sufficient.
11. On September 8, 2010, Oncor filed its affidavit attesting to the provision of notice to cities, counties, neighboring utilities, and landowners.
12. On September 9, 2010, Commission Staff recommended that Oncor's notice be found sufficient. However, Commission Staff also noted that one newspaper failed to publish portions of the notice map and that Oncor committed to filing a supplemental affidavit

- upon receipt of the publisher's affidavit stating that the newspaper has successfully republished the notice.
13. On September 9, 2010, the *Throckmorton Tribune* republished the entire notice due to the fact that portions of the notice maps were inadvertently omitted the first time the newspaper published notice.
 14. On September 24, 2010, Commission Staff filed a supplement to its recommendation regarding notice.
 15. On September 27, 2010, the Commission issued a supplemental preliminary order in this docket, which identified a number of issues regarding paralleling transmission lines and grid reliability that should be addressed in this proceeding.
 16. In Order No. 3, which issued on October 4, 2010, the ALJs granted a number of late-filed motions to intervene, established a procedural schedule, and gave notice of the location for the hearing on the merits.
 17. In Order No. 4, which issued on October 15, 2010, the ALJ granted a number of late-filed motions to intervene.
 18. In Order No. 5, which also issued on October 15, 2010, the ALJ adopted the standard protective order for this docket.
 19. On October 18, 2010, TPWD filed a letter in this proceeding with various comments and recommendations regarding the proposed project (TPWD comment letter).
 20. On October 28, 2010, Order No. 6 dismissed a number of intervenors for failure to file either direct testimony or a statement of position.
 21. On October 28, 2010, Order No. 7 ruled on Oncor's objections to certain portions of prefiled intervenor direct testimony.
 22. The hearing on the merits convened on November 8, 2010, and concluded on November 10, 2010. The record closed on December 6, 2010, with the filing of reply briefs.

Project description

23. The proposed transmission-line project consists of a new 345-kV double-circuit transmission line that extends from ETT's Clear Crossing switching station located in southeastern Haskell County, to the existing Oncor Willow Creek switching station in southwestern Wise County.
24. Oncor's preferred route 232 is approximately 106.8 miles in length.
25. Modified route 1091 is 110 miles long.
26. The proposed transmission line project is a CREZ subsequent project.

Routes

Routing of the project

27. To assist Oncor in its route selection process, Oncor retained POWER Engineers, Inc. (Power Engineers), to prepare an environmental assessment.
28. The proposed transmission line project will accomplish the intended results for the CREZ subsequent project designated in the CREZ transmission optimization study (CTO) and ordered by the Commission in *Remand of Docket No. 35665 (Commission Staff's Petition for Selection of Entities Responsible for Transmission Improvements Necessary to Deliver Renewable Energy From Competitive Renewable-Energy Zones, Docket No. 37902, Order on rehearing at 55, ordering paragraph 1 (Mar. 30, 2010), and Proceeding to Sequence Certificate of Convenience and Necessity Applications for the Subsequent Projects for the Competitive Renewable Energy Zones, Docket No. 36802, Order Setting Revised Schedule at 2 (Jun. 8, 2010)*.
29. In *Commission Staff's Petition for Designation of Competitive Renewable Energy Zones, Docket No. 33672, Order on rehearing at 49, Ordering paragraph 2 (Oct. 7, 2008)*, the Commission determined that the transmission facilities identified in its final order were necessary to deliver renewable energy that was generated in the CREZ to customers. The Clear Crossing-to-Willow Creek 345-kV transmission line project was specifically identified in this order as a necessary facility. In Docket No. 37902, the Commission ordered Oncor to build the project.

30. Oncor filed one preferred route (route 232) and 93 alternative routes.
31. Oncor considered and submitted a sufficient number of geographically diverse routes for the project.
32. Modified route 1091 is Staff's preferred route with the underbuild of Oncor's existing 138-kV transmission line along links D1, W1, and R1 on the McKnight Ranch, Everett Ranches, the Cooper's property, and the Richards' property.
 - 32A. The use of monopoles in special circumstances unique to modified route 1091 is reasonable.
 - 32B. To the extent that the Clear Crossing-to-Willow Creek 345-kV transmission line can be co-located with another transmission line on common towers, under-building serves the purpose of avoiding three abutting rights-of-way traversing substantial distances across a single landowners property.
 - 32C. The Commission finds that the co-location of the existing Paint Creek-to-Graham 138-kV transmission line on monopole towers with the proposed Clear Crossing-to-Willow Creek double-circuit 345-kV transmission line for the portion of the line along links D1, W1 or R1 that coincides with property owned by the stipulating parties; McKnight Ranch, Everett Ranches, the Cooper's property, and the Richards' ranch, serves to mitigate adverse impacts to these landowners, is reasonable and should be undertaken by Oncor, if these stipulating parties donate the rights-of-way necessary for Oncor to construct the Clear Crossing-to-Willow Creek double-circuit 345-kV line across their property.
33. Oncor would remove the existing wood structures of the existing 138-kV transmission line and underbuild on the new proposed 345-kV transmission line.
34. Oncor will place the existing 138-kV transmission line and the new 345-kV transmission line on steel monopoles.
35. Oncor will use the existing 138-kV right-of-way across the Everett, Cooper, and Richards properties.
36. Oncor will abandon the existing 138-kV easement across the McKnight property and instead use the proposed new 345-kV right-of-way.

37. Modified route 1091 does not significantly impact community values, recreational and park areas, historical and aesthetic values, or the environmental integrity of the area traversed by the proposed transmission line project.
38. Modified route 1091 addresses most of the concerns of the active intervenors.
- 38A. Generally, link I3 of modified route 1091 parallels Oncor's existing Graham SW-Barton SW 138-kV and Parker-Graham 345-kV transmission lines. However, in the area where these existing 138-kV and 345-kV lines cross tracts 301, 303, 306 and 306.1 link I3 briefly deviates to the east avoiding existing wind farms, but bisecting tract 304 owned by Intervenor William and Susan Bruck.
- 38B. The Commission finds that the deviation of the I3 right-of-way away from the existing transmission right-of-way crossing tracts 301, 303, 306 and 306.1 creates an adverse impact on the William and Susan Bruck property.
- 38C. The Commission finds that the portion of modified route 1091 along link I3 that crosses Intervenor Bruck's property can be re-routed using monopole towers across tracts 301, 303, 306 and 306.1 to parallel and abut Oncor's existing Graham SW-Barton SW 138-kV and Parker-Graham 345-kV transmission lines.
- 38D. The use of monopoles along link I3 as it traverses tracts 301, 303, 306 and 306.1, for approximately two miles, serves to mitigate adverse impacts to the William and Susan Bruck property, is reasonable and should be undertaken by Oncor.
39. Modified route 1091 gives the strongest consideration to paralleling existing compatible corridors, most notably existing transmission lines.
40. Modified route 1091 does not significantly impact communication facilities, airports, cropland irrigated by traveling irrigation systems, or known cultural resource sites.
41. Modified route 1091 is the most desirable route because it minimizes the negative impact to the landowners in this area and best meets the considerations set forth in the Commission's preliminary order in this docket.
42. As compared to modified route 1091, there are no alternative routes or facility configurations that would have a less negative impact on landowners.

43. No other utilities will be affected by or involved in the construction of the project.
44. Modified route 1091 is the best alternative when all routing factors are considered.

Community values

45. Oncor held three public open house meetings. The first meeting was held on January 25, 2010, at the Perrin-Whitt Cons ISD High School in Perrin, Texas. The January 26th meeting was held at the Graham High School located in Graham, Texas. The third meeting was held on January 27th at the Woodson ISD located in Woodson, Texas.
46. Based on information received by Power Engineers from the public involvement program, the locations of portions of 55 existing route links were modified, 24 new route links were added, and 38 route links were removed.
47. Information received from the public open-house meetings and from local, state and federal agencies was considered and incorporated into the selection by Oncor of preferred and alternative routes.
48. Modified route 1091 does not significantly impact community values, recreational and park areas, historical and aesthetic values, or the environmental integrity of the area.

Recreation and park areas

49. Modified route 1091 will not significantly impact the use or enjoyment of park and recreational facilities.
50. Modified route 1091 does not cross any parks or recreational areas.
51. Modified route 1091 has only one recreational or park area within 1,000 feet of its centerline, Graham Country Club Golf Course.
52. No adverse visual impacts are to be expected at the golf course because there is already an existing transmission line located between the proposed transmission line and the golf course.

Historical values

53. No significant impacts to archaeological or historical resources are anticipated as a result of the construction of modified route 1091.

54. Modified route 1091 does not cross any cultural resource sites.
55. There are three recorded cultural resource sites within 1,000 feet of the centerline of the modified route 1091.
56. Approximately 8,073 feet of modified route 1091 passes across areas of high archaeological or historical site potential.

Aesthetic values

57. Approximately 1,796 feet of modified route 1091 lie within the foreground visual zone of parks and recreational areas and approximately 39,057 feet lie within the foreground visual zone of State or U.S. highways.
58. Aesthetic impacts of modified route 1091 are minimal, and modified route 1091 is superior to the other proposed routes from an aesthetic standpoint.

Environmental integrity

59. The environmental assessment prepared by Power Engineers analyzed the possible impacts of the proposed transmission line project on numerous different environmental factors.
60. Construction of the proposed transmission line project on modified route 1091 will have no significant effects on the physiographic or geologic features of the area.
61. Construction of the proposed transmission line project on modified route 1091 should have little adverse impact on the surface or ground water resources of the area.
62. No known occurrences of any federal or state listed threatened or endangered plant species or designated critical habitat areas were indicated during review of the study area.
63. Oncor and Power Engineers appropriately performed an evaluation of the impacts of the proposed transmission line project on endangered and threatened species.
64. No significant impacts to land use, ecological, geological, hydrological, or wetland resources are anticipated as a result of the construction on modified route 1091.
65. Oncor plans to develop and implement a storm-water pollution-prevention plan to reduce possible erosion.

66. It is appropriate that Oncor span all surface waters to minimize impacts to aquatic species.
 67. Construction of the modified route 1091 will not have significant impact to prime farmland.
 68. Any stream that would be crossed by modified route 1091 would be spanned by the transmission line, and the supporting structures will not be placed in any streambed.
 69. Any short-term effects associated with the construction of modified route 1019 or any of the routes will be minor as a result of the relatively small area to be disturbed at any particular time, the short duration of the construction activities, preservation of stream-side vegetation where practical, Oncor's efforts to manage runoff from construction areas, and implementation of the storm-water pollution-prevention plan.
 70. Construction of modified route 1091 has the potential to have minor impacts on plant and animal species in the area.
 71. Construction of modified route 1091 could have minor impact on local wildlife. The clearing of brush and rangeland habitat in the right-of-way along with the increased noise and activity levels can impact some wildlife, particularly during construction.
 72. Modified route 1091 does not pose any significant risk of impact to endangered plant species.
 73. Modified route 1091 minimizes most of the environmental concerns associated with placing the transmission line.
 74. Because much of modified route 1091 parallels existing transmission lines, many of the environmental concerns have already been addressed during the construction of the existing transmission lines.
- Goal for renewable energy*
75. The proposed transmission line project will accomplish the intended results for the CREZ subsequent project designated in the CTO and ordered by the Commission in Docket Nos. 37902 and 36802.

76. In Docket No. 33672, the Commission determined that the transmission facilities identified in its final order were necessary to deliver renewable energy that was generated in the CREZ to customers.
77. The Clear Crossing-to-Willow Creek 345-kV transmission line project was specifically identified in this order as a necessary facility.
78. In Docket No. 37902, the Commission ordered Oncor to build the project.
79. The proposed transmission line project, specifically modified route 1091, will accomplish this task.
80. Oncor is proposing a few minor modifications to the work envisioned in the CTO but, as recommended by ERCOT, these modifications are cost effective, consistent with the intent of the CTO, and will not prevent Oncor from completing the task contemplated in the CTO.

Compatible corridors

81. Modified route 1091 is the preferable route although it is 3.2 miles longer than Oncor's preferred route 232.
82. Modified route 1091 parallels transmission lines for 55 miles, more than any other route.
83. Modified route 1091 parallels transmission lines for a greater length than route 232 by 15 miles.
84. Modified route 1091 parallels existing corridors (including apparent property boundaries) for 81.9 miles of its 110 mile length, which is 4.5 miles more than Oncor's preferred route 232.
85. The Commission favors transmission lines that parallel existing transmission lines and other corridors, such as roadways, to mitigate the impact on private landowners. Modified route 1091 best meets that objective.

Prudent avoidance

86. Modified route 1091 does a better job of complying with the policy of prudent avoidance than route 232.

87. Most of the 42 habitable structures along modified route 1091 will not be significantly affected by the project.
88. Four of the structures are more than 500 feet from modified route 1091.
89. Seventeen of the habitable structures along modified route 1091 (40% of the total) are located in a fairly compact stretch of link H3 along U.S. Highway 380 and are already impacted by the highway and two existing transmission lines. The highway, an existing 138-kV line, and an existing 345-kV line lie between 16 of the habitable structures and link H3. The impact of modified route 1091 on these 16 structures would be minimal.
90. Existing 138-kV and 345-kV transmission lines lie between the 17th structure and link H3 on modified route 1091.
91. Two of the habitable structures along modified route 1091 are recreational vehicles.
92. Another 14 are located along link Z5 and already lie close to a pre-existing 345-kV line.

Engineering constraints

93. Modified route 1091 does not present any engineering constraints that cannot be resolved with additional consideration during the design and construction phase of the proposed transmission line project.

Alternative options to the project

94. Modified route 1091 has the least negative impact to landowners of the routes considered in this docket.
95. Oncor should cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the transmission line project, provided that such minor deviations only directly affect landowners who received notice of the transmission line in accordance with P.U.C. PROC. Rule 22.52(a)(3), and directly affect only those landowners that have agreed to the minor deviation.
96. No intervenor entered testimony indicating that they have offered to offset any additional costs associated with any requested accommodations due to landowner preferences.

Financial commitments

97. Pursuant to P.U.C. SUBST. R. 25.174(d)(10), the level of financial commitment by generators is sufficient under Public Utility Regulatory Act (PURA) § 39.904(g)(3) to approve Oncor's application for the proposed transmission line project.

Proposed modifications to the scope of work contained in the CTO Study

98. Oncor has proposed modifications to the transmission improvements described in the CTO for this project.
99. The CTO proposed constructing the line using bundled 1433.6 kcmil ACSS/TW. Because of numerous operational efficiencies, Oncor proposes using bundled 1926.9 kcmil ACSS/TW.
100. Oncor submitted information regarding the modification to ERCOT, and ERCOT concluded that Oncor's modification to the CTO was both cost-effective and consistent with the intent of the CTO.
101. The CTO estimated the length of the Central B to Willow Creek project to be 168 miles. Oncor's portion of this transmission line project, the proposed transmission line project which extends from Willow Creek to Clear Crossing, was estimated to be 100 miles long. Modified route 1091 is approximately 110 miles.
102. The CTO Study estimated distance using only straight-line lengths.
103. Oncor's proposed changes are cost-effective, consistent with the CTO, and will have numerous implementation advantages.

Estimated costs

104. The total estimated cost for the proposed transmission line project on modified route 1091 is \$173,594,000.
105. The CTO does not contain a specific cost estimate for the Clear Crossing-to-Willow Creek project. Instead, the CTO contains a cost estimate for the Central B to Willow Creek project, of which the Clear Crossing-to-Willow Creek project is a part. Oncor was only awarded the Clear Crossing-to-Willow Creek portion of this project.
106. The CTO estimate for the Central B-to-Willow Creek project was \$315,840,000.

107. ERCOT calculated its cost estimates using a cost of \$1.88 million a mile for construction of the project.
108. Using ERCOT's estimate for Oncor's portion of the Central B to Willow Creek project, and extrapolating to the 110-mile route length of modified route 1091, yields an estimated cost of \$206,800,000.
109. Modified route 1091 is less than the CTO cost estimate for this project.

Need for the proposed transmission line

110. The proposed transmission line project was specifically identified as a necessary facility in Docket No. 33672.
111. In Docket No. 37902, Oncor was ordered to build the proposed project.

TPWD's written comments and recommendations

112. TPWD filed a comment letter on October 18, 2010.
113. It is appropriate that Oncor comply with all environmental laws and regulations governing endangered and threatened species.
114. Power Engineers took into account the comments and concerns of TPWD.
115. Because of Oncor's and Power Engineers' inability to access private properties to conduct on-the-ground surveys during development of the environmental assessment, Power Engineers relied on habitat descriptions from various sources, including the TXNDD data and other sources provided by TPWD, along with observations from field reconnaissance to make the determination regarding the likelihood of habitat presence and species occurrence in the study area.
116. After a transmission line route has been selected and approved by the Commission, qualified individuals conduct a field assessment of the entire length of the chosen route to identify water resources, potential migratory bird issues, and threatened or endangered species habitat that may be impacted as a result of the proposed transmission line project.
117. Oncor uses permitted biological monitors to ensure compliance with the federal Endangered Species Act and other applicable regulatory requirements. Additionally,

- Oncor conducts assessments to determine if federally-listed threatened and endangered species habitat is present.
118. It is appropriate that Oncor identify potential stopover locations of the whooping crane and utilize best management practices to avoid, minimize, or mitigate potential impacts to this federally-listed species.
 119. It is appropriate that Oncor utilize best management practices to avoid, minimize, or mitigate potential impact to threatened and endangered federally-listed animal species, including the golden-cheeked warbler and the black-capped vireo, and their habitat.
 120. Oncor's current best management practices are sufficient and thus no additional permitted biological monitor is necessary during clearing and construction activities to monitor for state-listed plant and animal species.
 121. It is impractical and unnecessary to undertake a comprehensive biological assessment of a study area before a final order identifying a route is issued by the Commission.
 122. Oncor currently complies with all aspects of the Migratory Bird Treaty Act.
 123. An absolute restriction on vegetation clearing activities from March to August is neither reasonable nor operationally practical.
 124. If Oncor were prohibited from conducting clearing activities for five months out of the year, it would cause an extensive and unreasonable delay in the construction of the project.
 125. Mitigation measures are determined after a route is approved by the Commission and on-the-ground surveys are completed for the route. Should construction impact federally-listed species or their habitat or impact waters under the supervision of the U.S. Army Corps of Engineers (USACE), Oncor will coordinate with the USFWS or USACE respectively to coordinate permitting and any required mitigation.
 126. Oncor's current method of clearing right-of-way has been used for years and is necessary to ensure the safety and reliability of the line.

127. Oncor re-vegetates the right-of-way either with native grasses or in accordance with landowner's preference. If the landowner prefers re-vegetation of the right-of-way with native grasses, then Oncor will do so.
128. The standard mitigation requirements, coupled with Oncor's current practices and the ordering paragraphs in this Order, are reasonable measures for a utility to undertake when constructing a transmission line.
- 128A. This order addresses only those TPWD recommendations and comments for which there is record evidence.

Paralleling 345-kV transmission lines

129. P.U.C. SUBST. R. 25.101 requires a utility to consider grid reliability and security in the routing process.
130. When Oncor filed its application, it suggested that potentially severe grid reliability and security issues could arise from paralleling existing 345-kV transmission lines and therefore suggested that certain corridors should be avoided.
131. After filing the application, Oncor commissioned ABB to conduct a dynamic stability analysis to determine how the grid would respond if the proposed transmission line project was constructed parallel to one of the existing 345-kV transmission lines in the study area.
132. ABB studied a number of separate outage scenarios and found that all outages still resulted in a stable CREZ system.
133. None of Oncor's filed links create sufficient grid reliability or security concerns to justify not utilizing any particular link.

IV. Conclusions of Law

1. Oncor is an electric utility as defined in PURA §§ 11.004 and 31.002(6).
2. The Commission has jurisdiction over this matter pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.

3. Oncor provided proper notice of the application in compliance with PURA § 37.054 and P.U.C. PROC. R. 22.52(a).
4. Oncor's application is sufficient, and Oncor's notice was adequate.
5. SOAH exercised jurisdiction over this docket pursuant to PURA § 14.053 and TEX. GOV'T CODE ANN. § 2003.049.
6. This docket was processed in accordance with the requirements of PURA and the Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001.
7. Oncor is entitled to approval of the application, as described in the findings of fact, using modified route 1091, taking into consideration the factors set out in PURA § 37.056 and P.U.C. SUBST. R. 25.101.
8. Modified route 1091 complies with all aspects of PURA § 37.056 and P.U.C. SUBST. R. 25.101, including the Commission's policy of prudent avoidance.
9. The proposed transmission line, as a CREZ transmission project identified in Docket Nos. 33672 and 37902, is exempt under PURA §§ 39.203(e) and 39.904(h) and P.U.C. SUBST. R. 25.174(d)(2) from the requirement of proving that the construction ordered is necessary for the service, accommodation, convenience, or safety of the public and need not address the adequacy of existing service, the need for additional service, the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area, and the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted.
10. Modified route 1091 satisfies a goal for renewable energy established in section 39.904(a) of PURA.
11. The project is consistent with and in furtherance of the goals and mandates of section 39.904 of PURA.
12. Pursuant to P.U.C. SUBST. R. 25.174(d)(10), the level of financial commitment by generators is sufficient under PURA § 39.904(g)(3) to grant Oncor's application for a CCN in this docket.

V. Ordering Paragraphs

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

1. Oncor's CCN No. 30158 is amended and Oncor's application to build a new double-circuit 345-kV transmission line that extends from the new ETT Clear Crossing switching station located in southeastern Haskell County to the existing Oncor Willow Creek switching station in southwestern Wise County is approved. The proposed transmission line project will follow route 1091 as described in the environmental assessment and modified as described in Joint Exhibit 1 (Stipulation and Motion in Support Thereof) and as modified in this Order.
2. Oncor shall implement erosion control measures as appropriate and return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowners or landowners' representatives. Oncor shall not be required to 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.
3. In the event Oncor or its contractors encounter any archaeological artifacts or other cultural resources during construction of the project, Oncor shall cease work immediately in the vicinity of the resource and report the discovery to the Texas Historical Commission (THC) and take action as directed by the THC.
4. Oncor shall follow the procedures outlined in the following publications for protecting raptors: *Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006*, Avian Power Line Interaction Committee (APLIC) (2006) and the *Avian Protection Plan Guidelines* published by APLIC in April 2005.
5. Oncor shall minimize the amount of flora and fauna disturbed during construction of the project, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. Oncor shall re-vegetate using native species considering landowner preferences and to the maximum extent practical avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and USFWS.

6. Oncor shall exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides for controlling vegetation within the right-of-way and that such herbicide use comply with rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with the Texas Department of Agriculture's regulations.
7. Oncor shall span all surface waters to minimize impacts to aquatic species.
8. Oncor shall use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
9. Oncor shall comply with the requirements of the Migratory Bird Treaty Act in connection with construction and maintenance of the project.
10. Once a route is selected, Oncor shall perform a survey of the area, and if permits are necessary, apply for and comply with all permit conditions. Oncor shall account for the location of endangered or threatened species on individual landowners' property or additional known occupied habitat by routing adjustments, construction procedures and techniques, and mitigation. Oncor shall consult with the USFWS for known occupied or potential habitat for endangered animal species.
11. Oncor shall undertake mitigation projects to protect the habitats of warblers, vireos and other species, and shall institute avoidance and mitigation efforts to minimize impact on these species.
12. Oncor shall comply with all applicable environmental laws and regulations governing erosion control, endangered species, storm water prevention, and all other environmental concerns.
13. In the event Oncor or its contractors encounter any archaeological artifacts or other cultural resources during construction of the project, Oncor shall cease work immediately in the vicinity of the resource and report the discovery to the THC and take action as directed by the THC.
14. Oncor shall be permitted to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, but only if the following two conditions


are met. First, Oncor shall receive consent from all landowners who would be affected by the deviation, regardless of whether the affected landowner received notice of or participated in this proceeding. Second, the deviation shall result in a reasonably direct path towards the terminus of the line and not cause an unreasonable increase in cost or delay the project. Unless these two conditions are met, this paragraph does not authorize Oncor to deviate from the approved route except as allowed by the other ordering paragraphs in this Order.

15. Oncor shall cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the proposed transmission line project. Any minor deviations in the approved route shall only directly affect landowners who were sent notice of the transmission line in accordance with P.U.C. PROC. R. 22.52(a)(3) and shall directly affect only those landowners that have agreed to the minor deviation, excluding public rights-of-ways. Any agreed minor deviations shall not delay the project beyond its Commission-required completion date, nor shall any minor deviation add any significant cost to the project.
16. Oncor shall endeavor to use the monopole structures in situations where the right-of-way is extremely constrained, the right-of-way could disproportionately affect a particular landowner, or the cost of the right-of-way acquisition is extremely high. In addition, Oncor shall be permitted to monopole if it is more cost effective.
17. If the stipulating parties, McKnight Ranch, Everett Ranches, the Cooper's property, and the Richards' ranch, donate the rights-of-way necessary for Oncor's construction of the Clear Crossing-to-Willow Creek double-circuit 345-kV line across their property, Oncor shall co-locate the existing Paint Creek-to-Graham 138-kV transmission line on monopole towers with the new Clear Crossing-to-Willow Creek double-circuit 345-kV transmission line for the portion of the line along links D1, W1 or R1 that coincides with property owned by these stipulating parties.
18. Oncor shall re-route, using monopole towers, the portion of modified route 1091 along link I3 that crosses tracts 301, 303, 306 and 306.1 to abut and parallel Oncor's existing Graham SW-Barton SW 138-kV and Parker-Graham 345-kV transmission lines.

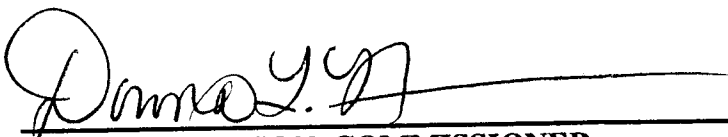
19. Oncor shall update the reporting of this project on their monthly construction progress report prior to the start of construction to reflect final estimated cost and schedule in accordance with P.U.C. SUBST. R. 25.83(b). In addition, Oncor shall provide final construction costs, with any necessary explanation for cost variance, after completion of construction and when all charges have been identified, and Oncor shall file in project 37858 information pursuant to P.U.C. SUBST. R. 25.216(f) and the order of rehearing in Docket 37902.
20. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted, are denied.

SIGNED AT AUSTIN, TEXAS the 10th day of February 2011.

PUBLIC UTILITY COMMISSION OF TEXAS



BARRY T. SMITHERMAN, CHAIRMAN



DONNA L. NELSON, COMMISSIONER



KENNETH W. ANDERSON, JR., COMMISSIONER