

**PUC DOCKET NO. 38597
SOAH DOCKET NO. 473-11-0072**

**APPLICATION OF ONCOR ELECTRIC
DELIVERY COMPANY LLC TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE KRUM WEST TO ANNA 345-KV
CREZ TRANSMISSION LINE IN
COLLIN, COOKE, DENTON, AND
GRAYSON COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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ORDER

This Order addresses the application of Oncor Electric Delivery Company, LLC to amend its Certificate of Convenience and Necessity (CCN) No. 30160 to construct a new 345-kV competitive-renewable-energy-zone (CREZ) transmission line extending from Oncor's new Krum West switching station in Denton County to Oncor's existing Anna switching station in Collin county. The administrative law judges (ALJs) at the State Office of Administrative Hearings (SOAH) issued a proposal for decision (PFD) on February 9, 2011. The ALJs recommended that the Commission approve Oncor's application using route 42, with certain modifications. The Commission adopts the PFD, including finding of fact and conclusions of law, with minor modifications.

Finding of fact 82A is added to address the use of monopoles across approximately 2500 feet of Walton Entities' property located on tract 1208 of link W1. Finding of fact 82B, 82C, 82D, 82E and 82F are added to memorialize Oncor's commitment to address any electromagnetic interference its transmission line causes that is disruptive to the radio telescope manufacturing business located on route 42, link A2, tract 624.1. Finding of fact 101A is added to reflect that the comments and recommendations of the Texas Parks and Wildlife Department (TWPD) are addressed only to the extent that there is record evidence to support it.

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

I. Findings of Fact

Procedural History

1. Oncor Electric Delivery Company LLC is an investor-owned electric utility providing service under Certificate of Convenience and Necessity No. 30160.
2. On September 8, 2010, Oncor filed an application to amend its certificate of convenience and necessity for the Krum West-to-Anna 345-kV CREZ transmission line (proposed transmission-line project or proposed project) in Collin, Cooke, Denton, and Grayson counties. In the application, Oncor requested approval to construct a new 345-kilovolt (kV) double-circuit transmission line that extends from Oncor's new Krum West switching station, located in Denton County, Texas, to the existing Anna switching station, located in Collin County, Texas. The new 345-kV double-circuit line will be between 51 and 96 miles in length.
3. On September 8, 2010, Oncor: (1) mailed written notice of the application, including a map, to each municipality within five miles of the requested facilities, including the municipalities of: Anna, Aubrey, Callisburg, Celina, Collinsville, Corinth, Cross Roads, Denton, Dorchester, Frisco, Gainesville, Gunter, Hackberry, Howe, Krugerville, Krum, Lincoln Park, Lindsay, Little Elm, McKinney, Melissa, Oak Point, Oak Ridge, Pilot Point, Prosper, Sadler, Sanger, Shady Shores, Sherman, Southmayd, Tioga, Valley View, Van Alstyne, Weston, and Whitesboro; (2) mailed written notice of the application, including a map, to each county in which the requested facilities will be located, including Collin, Cooke, Denton and Grayson counties; (3) provided notice of the application to each neighboring utility providing the same utility service within five miles of the requested facilities, including CoServ Electric; Tri-County Electric Cooperative, Inc.; Cooke County Electrical Cooperative; Wise Electric Cooperative; Grayson-Collin Electric Cooperative, Inc.; Brazos Electric Power Cooperative, Inc.; Denton Municipal Electric; Sanger Electric Utilities; Texas-New Mexico Power Company; Texas Municipal Power Agency; and Whitesboro Electric Utilities; 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.

4. On September 10, 2010, this proceeding was referred to SOAH. The order of referral identified a number of issues to be addressed in this proceeding.
5. On September 15, 2010, Oncor filed an affidavit attesting to the provision of a copy of the environmental assessment and alternative route analysis (environmental assessment) to TPWD.
6. On September 15, 2010, Oncor published notice of its application in the following newspapers having general circulation in the counties where the requested certificate of convenience and necessity is being requested: *Denton Record-Chronicle*, *Gainesville Daily Register*, *McKinney Courier-Gazette*, and the *Sherman Herald Democrat*.
7. On September 22, 2010, an intervenor in this proceeding, the Walton Entities, filed a motion seeking a determination that the application was materially deficient and requesting a route adequacy hearing.
8. On September 23, 2010, SOAH Order No. 1 was issued, requiring, among other things, information from Oncor regarding notice and a recommendation from the Staff of the Public Utility Commission of Texas (Commission Staff) regarding the sufficiency of the application.
9. On September 29, 2010, Oncor filed its affidavit attesting to the provision of notice to cities, counties, neighboring utilities, and landowners.
10. On October 1, 2010, Commission Staff recommended that Oncor's notice be found sufficient. In its recommendation, Commission Staff noted two non-material errors in Oncor's notice, and recommended that Oncor be required to supplement its application to address these non-material errors.
11. On October 4, 2010, the Commission issued a supplemental preliminary order in this docket, which identified a number of additional issues regarding paralleling transmission lines and grid reliability that should be addressed in this proceeding.

12. In SOAH Order No. 3, issued on October 6, 2010, the ALJs denied the Walton Entities' motion to find the application materially deficient and for a route adequacy hearing.
13. In SOAH Order No. 4, issued on October 8, 2010, the ALJs found Oncor's application materially sufficient.
14. On October 11, 2010, Oncor filed its first supplement to its application to correct the two non-material errors noted by Commission Staff.
15. On October 14, 2010, the Walton Entities appealed SOAH Orders Nos. 3 and 4 to the Commission.
16. On November 4, 2010, TPWD filed a letter in this proceeding with various comments and recommendations regarding the proposed project.
17. At the Commission's November 10, 2010 open meeting, the Commissioners denied the Walton Entities' appeal of SOAH Order Nos. 3 and 4 on route adequacy and affirmed the ALJ's decisions in SOAH Order Nos. 3 and 4.
18. In SOAH Order No. 8, issued on December 1, 2010, the ALJs granted one late-filed motion to intervene, denied all other late-filed motions to intervene, and dismissed all intervenors who failed to file direct testimony or a statement of position. Any motions to intervene not specifically granted or otherwise ruled upon, were deemed denied as a matter of law—including those subsequently filed.
19. On December 3, 2010, Oncor filed its second supplement to its application to correct a few minor errors in the environmental assessment as well as in Attachment 4 to the application.
20. The hearing on the merits convened on December 13, 2010 and concluded on December 16, 2010. The record closed on January 24, 2011.

Project Description

21. The proposed transmission-line project consists of a new 345-kV double-circuit transmission line that extends from the new Oncor Krum West switching station, to be located in Denton County, Texas to the existing Oncor Anna switching station, located in Collin County, Texas. The new 345-kV double-circuit line will be between 51 and 96

miles in length and will primarily be constructed on lattice towers or double circuit steel monopoles with both circuits in place.

22. Oncor filed one preferred route (route 2288) and 95 alternative routes.
23. The proposed transmission-line project is a CREZ project as described in the Commission's order in *Commission Staff's Petition for Designation of Competitive Renewable-Energy Zones*, Docket No. 33672 (Oct. 7, 2008) and in the orders in *Proceeding to Sequence Certificate of Convenience and Necessity Applications for the Subsequent Projects for the Competitive Renewable Energy Zones (CREZ)*, Docket No. 36802 (Apr. 5, 2010) and 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 (Mar. 30, 2010).

Routing of the Proposed Transmission-Line Project

24. Oncor retained Half Associates, Inc., to identify and evaluate routes and to prepare an environmental assessment.
25. 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 Docket Nos. 37902 and 36802.
26. In *Commission Staff's Petition for Designation of Competitive Renewable-Energy Zones*, Docket No. 33672 (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 West Krum-to-Anna 345-kV transmission-line project was specifically identified in that order as a necessary facility. In Docket No. 37902, the Commission ordered Oncor to build the project.
27. The proposed transmission-line project should be constructed on alternative route 42.
28. The proposed transmission-line project will be constructed using either lattice towers or steel monopoles capable of supporting two 345-kV circuits.

29. Routes 41, 42, 576, 83, and 2288 all comply with all aspects of Section § 37.056 of the Public Utility Regulatory Act (PURA), TEX. UTIL. CODE ANN. §§ 11.001-66.107, et seq., and Commission Substantive Rule 25.101.
30. Route 42 is the best alternative when all routing factors are considered.

Community Values

31. There has been active community participation in this case from the outset. At the close of the intervention deadline, there were approximately 700 intervenors. Thousands of pages of testimony or statements of position were filed prior to the hearing on the merits. At the hearing on the merits, there were nearly 30 different parties represented by counsel as well as many *pro se* intervenors.
32. Before filing its application, Oncor held four public open house meetings in accordance with P.U.C. PROC. R. 22.52. The first meeting was held on June 14, 2010 at the Gainesville High School cafeteria in Gainesville, Texas. The second meeting was held on June 15, 2010 at the Aubrey High School cafeteria in Aubrey, Texas. The third meeting was held on June 16, 2010 at the Celina Middle School cafeteria in Celina, Texas. The fourth meeting was held on June 17, 2010 at the Whitesboro High School cafeteria in Whitesboro, Texas.
33. A total of 568 people signed in at the public participation meetings.
34. Based on information received by Halff from the public involvement program, the locations of portions of 44 existing route links were modified, 22 new route links were added, and 1 route link was removed.
35. Information received from the public open-house meetings and from local, state, and federal agencies was considered and incorporated into the selection of preferred and alternate routes by Oncor.
36. Link Z8, which crosses a greenbelt controlled by the United States Army Corps of Engineers (Corps), was added after the public meetings.
37. All alternative routes to the south of Lake Ray Roberts will cross the greenbelt.

38. The greenbelt is a 20 mile multi-use trail system (12 miles for equestrian use and 10 miles for hike and bike use) that begins at the Lake Ray Roberts dam adjacent to the Isle du Bois Unit and terminates at the north end of Lake Lewisville. This trail corridor meanders along the heavily wooded banks of the Elm Fork Trinity River. Equestrians, hikers, bikers, canoeists, birdwatchers, anglers, and other outdoor enthusiasts can access the trail at one of two trailheads within the study area, located at FM 455 and FM 428, and canoe and kayak rentals are also available to the public.
39. On certain tracts of land adjacent to the greenbelt, the Corps has purchased conservation easements to prevent use or development of the property that would conflict with preservation of the property in its scenic, natural condition. The greenbelt and conservation easements in combination provide a continuous north to south crossing between Ray Roberts Lake and the Lewisville Lake.
40. The greenbelt is an area of significant community importance, and numerous cities, school districts, landowners, and other groups have opposed any transmission line crossing the greenbelt.
41. All routes that use link Z8 will significantly impact community values, recreational and park areas, historical and aesthetic values, or the environmental integrity of the area traversed, because of their crossing of the greenbelt.
42. Consideration of community values supports using a route that goes to the north of Lake Ray Roberts and avoids crossing the greenbelt.
43. It is appropriate that Oncor cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the proposed transmission-line project.

Recreational and Park Areas

44. The proposed transmission-line project, using route 42, will not significantly impact the use or enjoyment of park and recreational facilities.
45. The Corps has determined that link Z8, which uses an existing Oncor 138-kV transmission-line easement, would have the least environmental impact to federal lands

when compared to the other alternative paths crossing the greenbelt between Lake Ray Roberts and Lake Lewisville. The Corps therefore discontinued consideration of other proposed links that crossed the greenbelt.

46. Link Z8 would use an existing transmission-line right-of-way (ROW) corridor across the greenbelt and would rebuild the existing 138-kV transmission line on new transmission structures that would accommodate the existing 138-kV circuit, the 345-kV circuits contemplated in this proposed project, and a future planned 138-kV circuit.
47. Route 42 and all other northern routes (*i.e.*, those that go north of Lake Ray Roberts) will avoid link Z8 and, thus, will have no significant impact to existing wildlife, wildlife habitat, riparian areas, or other water resources existing within the greenbelt.
48. Of all alternative routes, route 42 has the most general support (or lack of opposition) from parties participating in the hearing and among experts that testified in this proceeding.

Historical Values

49. No significant impacts to archaeological or historical resources are anticipated as a result of the construction of the proposed transmission-line project.
50. There is only one recorded cultural resource site crossed by route 42.
51. There are three recorded cultural resource sites within 1,000 feet of the centerline of route 42.
52. Approximately 53% of route 42 passes through areas of high archaeological or historical site potential.
53. It is appropriate that, if Oncor or its contractors encounter any archeological artifacts or other cultural resources during project construction, work shall cease immediately in the vicinity of the resource and the discovery shall be reported to the Texas Historical Commission (THC). The utility will take action as directed by the THC.

Aesthetic Values

54. Aesthetic impacts of the proposed transmission-line project have been considered and minimized to the extent possible.

55. Route 42 lies within the foreground visual zone of state and federal highways for approximately 3.3 miles, or less than 5% of its entire length.
56. Route 42 has approximately 5.8 miles, or approximately 8% of its entire length within the foreground visual zone of a park or recreational area.
57. Route 42 is not expected to have a significant negative impact on aesthetic values.

Environmental Integrity

58. The environmental assessment prepared by Halff analyzed the possible impacts of the proposed transmission-line project on numerous, different environmental factors.
59. Construction of the proposed transmission-line project on route 42 will have no significant effects on the physiographic or geologic features of the area.
60. Construction of the proposed transmission-line project on route 42 should have little adverse impact on the surface or ground water resources of the area.
61. Route 42 does not cross any known locations of threatened or endangered plant species.
62. Route 42 crosses approximately 2.5 miles of riparian woodlands, approximately 6 miles of upland woodlands, and no environmentally-sensitive areas such as the greenbelt.
63. There is no designated critical habitat for any federally listed threatened or endangered species within the study area.
64. Although federally listed threatened or endangered wildlife species may occur within the study area, it is unlikely that any federally listed fish or wildlife species would be affected by the proposed transmission-line project.
65. Should construction impact federally listed species or their habitat or impact water under the supervision of the Corps, Oncor will coordinate with the United States Fish and Wildlife Service (USFWS) or the Corps to coordinate permitting and any required mitigation.
66. Oncor and Halff appropriately performed an evaluation of the impacts of the proposed transmission-line project on endangered and threatened species.

67. To protect raptors and migratory birds, it is appropriate that Oncor follow the procedures outlined in the following publication 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 the APLIC in April, 2005.
68. It is reasonable for Oncor to minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate ROW clearance for the transmission line. In addition, it is appropriate for Oncor to revegetate using native species and consider landowner preferences in doing so. Furthermore, to the maximum extent practicable, it is appropriate that Oncor avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and USFWS.
69. It is proper that Oncor implement erosion control measures as appropriate and return each affected landowner's property to its original contours unless otherwise agreed to by the landowners.
70. It is appropriate that Oncor exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the ROW.

Goal for Renewable Energy

71. The proposed transmission-line project is consistent with and in furtherance of the goals and mandates of PURA § 39.904.

Engineering Constraints

72. Routes 41, 42, 576, 83, and 2288 do not present any engineering constraints that cannot be resolved with additional consideration during the design and construction phase of the proposed transmission-line project.

Compatible Corridors

73. Route 42 uses or parallels existing compatible ROW and apparent property boundaries for approximately 52% of the length of the line.

Prudent Avoidance

74. The proposed transmission-line project complies with the policy of prudent avoidance.
75. Over its approximate 70-mile length, route 42 has 81 habitable structures within 500 feet of its centerline.
76. Route 42 avoids more densely-populated areas within the study area.

Financial Commitments

77. 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 approve Oncor's application for the proposed transmission-line project.

Proposed Modifications to the Scope of Work Contained in the CTO

78. Oncor has proposed modifications to the transmission improvements described in the CTO for this project. Each of these changes has been recommended by Electric Reliability Council of Texas (ERCOT).
79. The CTO proposed constructing the line using bundled 1433.6 kcmil ACSS/TW (1433 conductor). Because of numerous operational efficiencies, Oncor proposes using bundled 1926.9 kcmil ACSS/TW (1926.9 conductor).
80. 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.
81. The CTO estimated the length of the West Krum-to-Anna project to be 43 miles, based only on a straight line distance. The estimated distance for route 42 is approximately 70 miles.
82. Oncor's proposed changes are cost-effective, consistent with the CTO, and will have numerous implementation advantages.
- 82A. Walton Entities requested that Oncor use monopoles for approximately 2500 feet across Walton Entities' property located on tract 1208 on link W1.

- 82B. Audible noise from transmission lines is caused by electromagnetic interference and more specifically corona.
- 82C. A radio telescope is composed of an antenna coupled to a low noise receiver which along with a signal processing system and a computer form the block of a radio telescope system used for radio astronomy.
- 82D. The radio telescopes used by intervenor Jeffrey Lichtman operate at high to very high frequency.
- 82E. Since Oncor's transmission line operates at a 60 Hz, interference is unlikely.
- 83F. Oncor will address, at no cost to Mr. Lichtman, any electromagnetic interference Oncor's proposed transmission line causes to Mr. Lichtman's radio telescope equipment.

Estimated Costs

83. The total estimated cost for the proposed transmission-line project on route 42 using steel lattice towers is \$122,196,000. Oncor also estimates that its cost for the line termination equipment required at Oncor's existing Anna switching station will be approximately \$4,450,000.
84. The CTO estimate for the proposed transmission-line project was \$80.84 million, based upon a total length of 43 miles.
85. Given ERCOT's CTO estimate of \$1.88 million per mile for construction of a double-circuit line with conductor capable of supporting 5,000 amperes, ERCOT's cost estimate for a project of this length (using route 42) would be approximately \$131.6 million.
86. Route 42 is actually estimated to be cheaper than the expected cost, after accounting for its length, using ERCOT's cost of \$1.88 million per mile.

Need for the Proposed Transmission Line

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

89. As a CREZ transmission project identified in Docket Nos. 33672 and 37902, the proposed transmission-line project is exempt under PURA §§ 39.203(e) and 39.904(h) and P.U.C. SUBST. R. 25.174(d)(2) from the requirement to consider the factors in PURA § 37.056(c)(1)-(3) and (4)(E).

TPWD's Written Comments and Recommendations

90. TPWD filed a comment letter on November 4, 2010.
91. Oncor must comply with all environmental laws and regulations governing endangered species.
92. In preparing the environmental assessment, Halff reviewed the TPWD's previous correspondence in this docket along with the TPWD's general comments in Docket No. 35665. These recommendations were taken into account in preparing the environmental assessment.
93. Because of Oncor's and Halff's inability to access private properties to conduct on-the-ground surveys during development of the environmental assessment, Halff relied on habitat descriptions from various sources, including sources provided by TPWD, along with observations from field reconnaissance to make the determination for some species regarding the likelihood of habitat presence in the study area.
94. After a transmission-line route is selected and approved by the Commission, qualified individuals are to conduct a field assessment of the entire length of the chosen route to identify water resources, potential migratory bird issues, and threatened and endangered species habitat that may be impacted as a result of the proposed transmission-line project.
95. Oncor uses permitted biological monitors to ensure compliance with the Endangered Species Act and other applicable regulatory requirements. Additionally, Oncor conducts assessments to determine if federally listed threatened- and endangered-species habitat is present.
96. Oncor will identify potential stopover locations of the whooping crane and use best management practices to avoid, minimize, or mitigate potential impacts to this federally listed species. Oncor will also utilize best-management practices to avoid, minimize, or

mitigate potential impact to other threatened and endangered federally listed animal species, including the black-capped vireo and its habitat. Oncor will comply with the U.S. Bald and Golden Eagle Protection Act using current mitigation measures and appropriate management practices.

97. Oncor complies with all aspects of the Migratory Bird Treaty Act (MBTA).
98. 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, including the Texas horned lizard.
99. An absolute restriction on vegetation clearing activities from March to August is neither reasonable nor operationally practical.
100. 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 water under the supervision of the Corps, Oncor will coordinate with the USFWS or Corps respectively to coordinate permitting and any required mitigation.
101. The standard mitigation requirements, included in the ordering paragraphs in this Order, coupled with Oncor's current practices are reasonable measures for a utility to undertake when constructing a transmission line.
- 101A This Order addresses only those TPWD recommendations and comments for which there is a record of evidence.

Paralleling 345-kV Transmission Lines

102. P.U.C. SUBST. R. 25.101 requires a utility to consider grid reliability and security in the routing process.
103. There are no apparent system reliability concerns from paralleling the proposed transmission-line project with existing 345-kV transmission-line ROW.

II. 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. SOAH has jurisdiction over this proceeding pursuant to PURA § 14.053 and TEX. GOV'T CODE ANN. § 2003.049.
4. Oncor provided proper notice of the application in compliance with PURA § 37.054 and P.U.C. PROC. R. 22.52(a).
5. This docket was processed in accordance with the requirements of PURA and Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001.
6. Oncor is entitled to approval of the application, as described in the findings of fact, utilizing Route 42, taking into consideration the factors set out in § 37.056 of PURA and P.U.C. SUBST. R. 25.101.
7. Routes 41, 42, 576, 83, and 2288 all comply with all aspects of PURA § 37.056 and P.U.C. SUBST. R. 25.101, including the Commission's policy of prudent avoidance.
8. The proposed transmission-line project, 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.
9. 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.

III. Ordering Paragraphs

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


1. Oncor's CCN No. 30160 is amended and Oncor's application to build a new double-circuit 345-kV transmission line that extends from the new Oncor Krum West switching station, located in Denton County, Texas, to the existing Oncor Anna switching station, located in Collin County, Texas, is approved. The proposed transmission-line project will follow alternative route 42 as described in the environmental assessment using Oncor's steel lattice towers (except where steel monopoles are otherwise required, as noted below) capable of supporting two 345-kV circuits.
2. In constructing the proposed transmission-line project, Oncor shall make the following modifications:
 - a. In regard to links A01-A02-B1, Oncor shall install the line parallel to, and south of, the existing 345-kV transmission line on the Anthony Trust property. In regard to Link B1, Oncor shall install the line parallel to, and north of, the existing 345-kV transmission line at the point it crosses the Nobles Family Partners property.
 - b. In regard to tract 698 and link F3, if able to obtain Brazos' consent, Oncor shall:
 - (1) work with Brazos Electric Cooperative, Inc. (Brazos) to move the existing tap/switch structures southward to a new location between the current location and 50-ft inside the southern property line of tract 698 along the existing 138-kV line;
 - (2) work with Brazos Electric to ensure that the existing Brazos easement reverts to the property owners, provided that the property owners donate a new 100-foot easement located 100 feet from the southern property line in an easterly direction (new easement);
 - (3) install steel monopoles on the new easement, and install its 345-kV transmission line and work with Brazos to co-locate the Brazos 138-kV transmission line on these steel monopoles;

- (4) ensure that no structures or lines that are part of the transmission-line project are to traverse Terrapin Hill on tract 698; and,
- (5) in regard to tract 699, which is adjacent to and east of tract 698, Oncor shall continue to install steel monopoles on the new easement and work with Brazos to collocate the existing Brazos 138 kV transmission line on these steel monopoles.
- c. In regard to link A2, as it crosses tract 643 (the Crossen Family property), Oncor shall install the 345-kV transmission line on steel monopoles.
3. Oncor shall use monopoles on Walton Entities' property located on tract 1208 for any route that crosses that property that is associated with this CREZ transmission-line project.
 4. If Oncor or its contractors encounter any archaeological artifacts or other cultural resources during construction of the transmission line, 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.
 5. Oncor shall follow the procedures outlined in the following publication 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.
 6. Oncor shall exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the ROW.
 7. Oncor shall minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate ROW clearance for the transmission line. In addition, 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 the USFWS.
 8. Oncor shall implement erosion control measures as appropriate and return the site to its original contours and grades unless otherwise agreed to by the landowners.

9. Oncor shall cooperate with directly affected landowners to implement minor deviations in route 42 to minimize the impact of the transmission line. Any minor deviations in route 42 shall directly affect only 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.
10. 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.
11. 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. Oncor shall file in Project No. 37858 information pursuant to P.U.C. SUBST. R. 25.216(f) and the order in Docket No. 37902.
12. 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.
13. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted, are denied.

SIGNED AT AUSTIN, TEXAS the 7th day of March 2011.

PUBLIC UTILITY COMMISSION OF TEXAS



BARRY T. SMITHERMAN, CHAIRMAN



DONNA L. NELSON, COMMISSIONER



KENNETH W. ANDERSON, JR., COMMISSIONER