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DOCKET NO. 51016

APPLICATION OF LONE STAR TRANSMISSION, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED SAM SWITCH TO HUBBARD WIND 345 KV TRANSMISSION LINE IN HILL COUNTY

BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

Lone Star Transmission, LLC (Lone Star) hereby files this Joint Motion to Admit Evidence and Proposed Notice of Approval, provided as Attachment 1 to this Motion. The Staff (Staff) of the Public Utility Commission of Texas (Commission) has reviewed and agreed to join this motion and the Proposed Notice of Approval. Under the procedural schedule established in Order No. 3, this Joint Proposed Notice of Approval is timely filed.

I. INTRODUCTION

On July 24, 2020, Lone Star filed an application to amend its Certificate of Convenience and Necessity (CCN) number 30196 for the proposed Sam Switch-to-Hubbard Wind 345-kV Transmission Line in Hill County (Application). This docket was processed in accordance with applicable statutes and the Commission’s rules. Lone Star and Commission Staff are the only parties in this docket, and no party requested a hearing on the merits. Based on Lone Star’s application and Commission Staff’s September 22, 2020 memorandum recommending approval of the application, Lone Star and Commission Staff jointly propose that the attached Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs, be approved.
II. MOTION TO ADMIT EVIDENCE

Lone Star and Commission Staff respectfully request that the following documents be admitted into the record in this proceeding:

(a) Lone Star’s Application and accompanying attachments, filed on July 24, 2020 [AIS Item Nos. 2 and 3];

(b) Lone Star’s supplemental filing providing information from the Application in native Excel format, filed on July 29, 2020 [AIS Item No. 5];

(c) Lone Star’s affidavit of mailed and published notice, filed on July 29, 2020, which attested that notice was provided to officials in Hill County, municipal officials, the Texas Parks and Wildlife Department (TPWD), the Department of Defense Siting Clearinghouse, neighboring utilities, and directly affected landowners; and which provided Lone Star’s proof of publication, including the publisher’s affidavit, attesting to the July 27, 2020 publication of the public notice in The Hillsboro Reporter, a newspaper of general circulation in Hill County. [AIS Item No. 6];

(d) Lone Star’s supplemental information providing a letter from the Department of Defense Siting Clearinghouse, filed on July 31, 2020 [AIS Item No. 9];

(e) Lone Star’s Response to Order No. 1, filed on August 3, 2020 [AIS Item No. 10];

(f) Lone Star’s supplemental filing providing an additional landowner written consent, filed on August 5, 2020 [AIS Item No. 11];

(g) Lone Star’s Response to Commission Staff’s First Request for Information, filed on September 17 and 18, 2020 [AIS Item Nos. 16, 17, and 18];

(h) TPWD’s letter, dated September 10, 2020 and filed on September 21, 2020 [AIS Item No. 19]; and

(i) Commission Staff’s Recommendation on Final Disposition, filed on September 22, 2020 [AIS Item No. 20].
III. PRAYER

WHEREFORE, Lone Star respectfully requests that this Motion to Admit Evidence be granted and that a Notice of Approval containing the findings of fact, conclusions of law, and ordering paragraphs attached to this pleading be approved.

Dated: October 6, 2020

Respectfully submitted,

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Attorneys for Lone Star Transmission, LLC
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding by electronic mail, hand delivery, overnight delivery, facsimile transmission, or U.S. first-class mail on the 6th day of October, 2020.

Evan Johnson
DOCKET NO. 51016
APPLICATION OF LONE STAR TRANSMISSION, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED SAM SWITCH TO HUBBARD WIND 345 KV TRANSMISSION LINE IN HILL COUNTY BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of Lone Star Transmission, LLC (Lone Star) to amend its certificate of convenience and necessity (CCN) for construction of a new 345-kilovolt (kV) single-circuit transmission line in Hill County. The Commission grants the application to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicant

1. Lone Star is a Delaware limited liability corporation.

2. Lone Star is an electric transmission service provider and investor-owned utility providing service within the Electric Reliability Council of Texas (ERCOT) under CCN number 30196.

Application

3. On July 24, 2020, Lone Star filed an application under the Public Utility Regulatory Act (PURA)\(^1\) to amend its CCN number 30196 for authority to construct, own, and operate the

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proposed Sam Switch-to-Hubbard Wind 345-kV Transmission Line (project), a single-circuit 345-kV transmission line in Hill County. The project will interconnect the approximately 300-megawatt (MW) Hubbard Wind generation facility being constructed by Hubbard Wind, LLC (Hubbard Wind), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC.²

4. Lone Star retained POWER Engineers, Inc. (POWER) to prepare an environmental assessment (EA) for the proposed transmission line that was included as part of the application.

5. On July 29, July 31, and August 5, 2020, Lone Star filed supplemental information to provide information from its application in native format, a letter from the Department of Defense Siting Clearinghouse, and an additional landowner consent agreement.

6. In Order No. 3, filed August 24, 2020, the administrative law judge (ALJ) found the application sufficient for further review.

**Description of the Transmission Project**

7. The project is a single-circuit 345-kV transmission line connecting Lone Star’s existing Sam Switch 345-kV Station (Sam Switch Station) to the wind generation facility’s Hubbard Wind collector station.

8. The proposed route is approximately 15.3 miles in length. Of this total 15.3 miles, the first approximately 1.3 miles of the line immediately east of the Sam Switch Station will utilize a vacant line position on Lone Star’s existing West Shackelford-to-Navarro 345-kV transmission line.

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² The Hubbard Wind generation facility is also referred to in certain ERCOT studies as the Aquilla Lake Project.
9. Lone Star has proposed a single route for the project. Written agreement has been obtained from all impacted landowners whose land is crossed by the proposed route.

10. Lone Star will construct the proposed transmission line using primarily concrete monopoles with twin-bundled 1590 kcmil Falcon ACSR conductors with a single 0.530 Optical Guy Wire and 7#/7 overhead shield wire. The right-of-way width for the proposed transmission line will be 150 to 200 feet, and the typical structure for the transmission line will be between approximately 90 and 120 feet in height.

11. The project will connect to Lone Star's existing Sam Switch Station via a bay addition using a double breaker double bus configuration to conform to the existing Sam Switch Station. The point of interconnection will be located at a new Lone Star-owned dead-end structure at the end of the new Lone Star 345-kV transmission line to be installed outside the Hubbard Wind collector station.

**Public Input**

12. Lone Star conducted one public meeting for the project on June 11, 2020, pursuant to the requirements of 16 Texas Administrative Code (TAC) § 22.52(a)(4). Due to the health and safety precautions associated with the COVID-19 virus, and following discussions with Commission Staff, Lone Star hosted the public meeting virtually over the Internet and via telephone.

13. A total of 55 public meeting notice letters were sent to landowners listed on the then-current Hill County tax rolls as an owner of land within 500 feet of the centerline of the project.

14. Lone Star provided notice of the public meeting to local officials and to the Department of Defense Siting Clearinghouse, consistent with 16 TAC § 22.52(a)(4).
15. Twelve individuals attended the public meeting. Lone Star did not receive any project questionnaires following the public meeting.

16. By letter dated July 30, 2020, the Department of Defense Siting Clearinghouse stated that the project would have minimal impact on military operations in the area.

**Notice**

17. On July 29, 2020, Lone Star filed the affidavit of Kelly Wells, Director, Land Strategy and Community Relations for Lone Star, attesting to the provision of notice of the application on July 24, 2020 to: each landowner, as stated on current county tax rolls, who would be directly affected if the requested CCN amendment were granted; neighboring utilities; Hill County and municipal officials; the Office of Public Utility Counsel; and the Department of Defense Siting Clearinghouse. The affidavit of Ms. Wells also attested that Lone Star provided a copy of the routing analysis to the Texas Parks and Wildlife Department (TPWD).

18. The affidavit of Ms. Wells also attested to the publication of notice of the application on July 27, 2020, in *The Hillsboro Reporter* in Hillsboro, Texas, which is a newspaper of general circulation in Hill County.

19. In Order No. 3, filed August 24, 2020, the ALJ found the method of notice sufficient.

**Evidentiary Record**

20. On October 6, 2020, Lone Star and Commission Staff filed a joint motion to admit evidence.

21. In Order No. 4, filed October __, 2020, the ALJ admitted the following evidence into the record: (a) Lone Star’s application and accompanying attachments, filed July 24, 2020; (b) Lone Star’s supplemental information to provide information in native format, filed
July 29, 2020; (c) Lone Star’s affidavit of mailed and published notice, filed July 29, 2020; (d) Lone Star’s supplemental information to provide information from the Department of Defense Siting Clearinghouse, filed July 31, 2020; (e) Lone Star’s response to issues to be addressed in Order No. 1, filed August 3, 2020; (f) Lone Star’s supplemental information to provide an additional landowner consent agreement, filed August 5, 2020; (g) Lone Star’s Response to Commission Staff’s First Request for Information, filed September 17 and 18, 2020; (h) TPWD’s letter dated September 10, 2020 and filed September 21, 2020; and (i) Commission Staff’s Recommendation on Final Disposition, filed September 22, 2020.

Interventions

22. No motions to intervene were filed.

Route Adequacy

23. Lone Star’s application presented one unopposed route for the Commission’s consideration.

24. No party filed testimony or a statement of position 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.

25. The application provided an adequate route to conduct a proper evaluation.

Need for the Proposed Project

26. The project is needed to permanently connect the Hubbard Wind generation facility to the ERCOT electrical grid through Lone Star’s transmission system facilities. The wind generation facility will have an output capacity of approximately 300 MW at the point of interconnection.
27. On June 30, 2020, Lone Star and Hubbard Wind executed the ERCOT Standard Generation Interconnection Agreement for the interconnection of the wind generation facility.

28. Because the interconnecting transmission line is a Tier 4 “Neutral” project under the ERCOT Regional Planning Group Charter and the associated Tier classifications in ERCOT Protocol Section 3.11.4, the project did not require review by the ERCOT Regional Planning Group.

29. Lone Star demonstrated a reasonable need for the project.

**Alternatives to the Project**

30. There are no practical alternatives to the project. Alternative 345-kV termination points would require the construction of longer transmission lines to interconnect the wind generation facility at greater cost than the proposed project cost. The project also allows Lone Star to utilize its existing facilities for a portion of the proposed route.

31. Distribution alternatives would not fulfill the terms of the interconnection agreement and are not a practical engineering solution.

**Probable Improvement of Service or Lowering of Consumer Cost**

32. The project is needed to permanently interconnect the Hubbard Wind generation facility and will provide an additional 300 MW of low-cost renewable generation.

**Effects of Granting the CCN on Other Utilities**

33. The project will not adversely affect service by other utilities in the area and is necessary to connect the Hubbard Wind generation facility to the Lone Star transmission system.

34. The project affects no other utilities.
Estimated Costs

35. The total estimated cost of the project is $22,390,000.
36. The estimated cost of the transmission line facilities is $19,960,000.
37. The estimated cost of the substation facilities at Lone Star’s existing Sam Switch Station is $2,430,000.
38. The cost estimate for the proposed route is reasonable.
39. Lone Star will finance the project through a combination of debt and equity.

Prudent Avoidance

40. Commission rules define prudent avoidance in 16 TAC § 25.101(a)(6) as “[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
41. There are seven habitable structures located within 500 feet of the proposed route’s centerline.
42. The proposed route conforms to the Commission’s policy of prudent avoidance.

Community Values

43. Lone Star’s and POWER’s routing analysis considered and incorporated information received from the public and from local, state, and federal agencies.
44. All of the directly affected landowners whose land is crossed by the proposed route have agreed to the proposed route. No directly affected landowners have opposed the proposed route.
45. The project will have minimal impact on community values.
Using or Paralleling Compatible Rights-of-Way and Property Boundaries

46. The proposed route parallels compatible rights-of-way and property boundaries for approximately 6.6 miles.

47. The proposed route uses or parallels existing compatible corridors and apparent property boundaries to a reasonable extent.

Engineering Constraints

48. Lone Star considered engineering and construction constraints, reliability issues, and estimated costs to evaluate the project as it relates to the requirements of PURA and Commission Rules.

49. Lone Star did not identify any known engineering constraints that would prevent construction of the transmission line along the proposed route.

Other Comparisons of Land Uses and Land Types

a. Radio Towers and Other Electronic Installations

50. There are no commercial AM radio transmitters located within 10,000 feet of the centerline of the proposed route.

51. There are two FM radio transmitters, microwave towers, or other similar electronic installations within 2,000 feet of the centerline of the proposed route.

52. The presence of transmission facilities along the proposed route will not adversely affect any communication operations within the area.
b. **Airstrips, Airports, and Heliports**

53. There are no airports registered with the Federal Aviation Administration (FAA) with at least one runway greater than 3,200 feet in length identified as being located within 20,000 feet of the centerline of the proposed route.

54. There are no airports registered with the FAA with a runway equal or less than 3,200 feet in length identified as being located within 10,000 feet of the centerline of the proposed route.

55. There are no private heliports located within 5,000 feet of the centerline of the proposed route.

56. One private airstrip was identified as being located within 10,000 feet of the centerline of the proposed route.

57. The presence of transmission facilities along the proposed route is not expected to adversely affect any airports, airstrips, or heliports.

**c. Irrigation Systems**

58. The proposed route does not cross pasture or cropland irrigated by traveling irrigation systems (rolling or pivot type).

**Other Route Attributes**

59. The proposed route crosses approximately 1.6 miles of upland woodland or brushland.

60. The proposed route crosses approximately 1.2 miles of bottomland or riparian woodland.

61. The length of the proposed route crossing potential wetland areas, as mapped by the United States Fish and Wildlife Service (USFWS) National Wetland Inventory, is approximately 0.1 mile.
62. The proposed route crosses approximately 17 streams and 0.1 mile of open water (such as lakes or ponds).

63. The project will have minimal impact on ecological attributes.

**Recreational and Park Areas**

64. The proposed route neither crosses nor is within 1,000 feet of any parks or recreational areas.

65. The proposed route will not adversely impact the use or enjoyment of parks and recreational areas.

**Historical and Archaeological Areas**

66. The proposed route crosses two historical or archaeological sites, and four historical or archeological sites are located within 1,000 feet of the centerline of the proposed route. Lone Star will avoid direct impacts to these historical and archeological sites in construction of the project.

67. The presence of transmission line facilities along the proposed route is not expected to have an adverse impact on historical or archeological areas.

**Aesthetic Values**

68. The study area exhibits a moderate degree of aesthetic quality for the region. The study area is primarily rural with little development, and the predominant land use within the study area is rangeland, pasturelands, and croplands. The study area is categorized by mostly flat terrain with little woodland and no significant permanent waterbodies.

69. No outstanding aesthetic resources, designated scenic views, or unique visual elements were identified within the study area.
70. Although residential development is limited to a few residential structures in the study area, the landscape has experienced a high degree of alteration due to transportation corridors, existing electric transmission lines, and agricultural practices.

71. The proposed route has approximately 0.9 miles of right-of-way located within the foreground visual zone of United States or state highways.

72. The proposed route has approximately 7.2 miles of right-of-way located within the foreground visual zone of farm-to-market or ranch-to-market roads.

73. The proposed route is not located within the foreground visual zone of parks or recreational areas.

74. The presence of transmission line facilities along the proposed route will have minimal impact on aesthetic values.

**Environmental Integrity**

75. The area traversed by the transmission line is located within the Blackland Prairies Sub-Province of the Gulf Coastal Plains Physiographic Province. The transmission line is in Hill County. The landscape consists of level to rolling mesquite-covered plains, dissected by a few eroded breaks and streambeds.

76. POWER obtained information from the USFWS and TPWD regarding the possibility of encountering any endangered or threatened species in the area affected by the proposed transmission line.

77. POWER conducted an adequate evaluation of potential environmental impacts of the project in the impacted area.

78. The proposed route does not cross any known habitat of federally listed endangered or threatened species.

80. It is appropriate for Lone Star to use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.

81. It is appropriate for Lone Star to comply with all environmental laws and regulations independent of any language included by the Commission in this Notice of Approval.

82. It is appropriate for Lone Star to minimize the amount of flora and fauna disturbed during construction of the project.

83. It is appropriate for Lone Star to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.

84. It is appropriate for Lone Star to implement erosion-control measures and return each affected landowner’s property to its original contours and grades unless otherwise agreed to by the landowners. It is not appropriate for Lone Star to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line’s structures or the safe operation and maintenance of the transmission lines.
85. It is appropriate for Lone Star to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the 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 Texas Department of Agriculture regulations.

86. The project is not anticipated to have significant impacts to existing land uses or the geological, hydrological, or wetland resources of the area.

87. The Commission does not expect the project to adversely affect the environmental integrity of the area.

**TPWD Comments and Recommendations**

88. Lone Star provided a copy of the EA for the project to TPWD on July 24, 2020.

89. TPWD provided information and recommendations regarding the preliminary study area for the project to POWER by letter dated May 26, 2020. The letter was included in Appendix A of the EA.

90. TPWD recommended certain construction practices as well as protective measures for soil stabilization, migratory birds, the state-listed Texas horned lizard, other rare species tracked by TPWD, and vegetation. TPWD also addressed issues relating to impacts on ecology and the environment.

91. Lone Star and POWER took into consideration the recommendations offered by TPWD.

92. The standard mitigation requirements included in the ordering paragraphs in this Notice of Approval, coupled with Lone Star’s standard construction and mitigation practices, are reasonable measures for Lone Star to undertake to protect natural resources and to reduce adverse construction impacts.
93. This Notice of Approval addresses only those TPWD recommendations and comments for which there is record evidence.

94. The recommendations and comments made by TPWD do not necessitate any modifications to the transmission facilities or the proposed route.

Permits

95. Before beginning construction of the proposed transmission line, it is appropriate for Lone Star to conduct a field assessment of the entire length of the transmission line to identify water resources, cultural resources, potential migratory bird issues, and threatened or endangered-species habitat impacted as a result of the transmission line. As a result of these assessments, Lone Star will identify any additional permits that are necessary, will consult any required agencies, will obtain all necessary environmental permits, and will comply with the relevant permit conditions during construction and operation of the transmission line.

96. Lone Star stated it will obtain floodplain development and road-crossing permits from the county in which the proposed route is located depending on the location of the transmission-line structures.

97. Lone Star stated it will obtain permits from the Texas Historical Commission (THC) for the proposed transmission line right-of-way, as necessary.

98. If a storm-water pollution-prevention plan is required by the Texas Commission on Environmental Quality (TCEQ), Lone Star stated it will submit a Notice of Intent to the TCEQ at least 48 hours before construction begins and will maintain a storm-water pollution-prevention plan on site at the initiation of clearing and construction activities.
99. Lone Star stated it will comply with any FAA requirements to alter the design of the structures or potential requirements to mark or illuminate certain line structures.

100. Lone Star stated it will obtain permits or comply with other requirements from the USFWS, as necessary, related to possible impacts to endangered or threatened species.

101. Lone Star stated that permits or other requirements associated with possible impacts to waters of the United States under the jurisdiction of the United States Army Corps of Engineers (USACE) will be coordinated with the USACE as necessary.

102. Lone Star stated it will obtain a permit from the Texas Department of Transportation for instances in which the proposed transmission line crosses a state-maintained road or highway or if any portion of the transmission line will be accessed from a state-maintained road or highway.

Coastal Management Program

103. No part of the project is located within the boundary of the Texas Coastal Management Program as defined in 31 TAC § 503.1.

Effect on the State's Renewable Energy Goal

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

105. The project is intended to interconnect an additional approximately 300 MW of renewable wind generation capacity to the ERCOT grid.

106. The transmission line cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).
**Limitation of Authority**

107. It is reasonable and appropriate for a CCN Notice of Approval not to be valid indefinitely because it is issued based on the facts known at the time of issuance.

108. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval to construct the transmission line.

**Informal Disposition**

109. More than 15 days have passed since the completion of notice provided in this docket.

110. No person filed a protest or motion to intervene.

111. Lone Star and Commission Staff are the only parties to this proceeding.

112. No party requested a hearing, and no hearing is needed.

113. On September 22, 2020, Commission Staff recommended approval of the application.

114. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law:

1. The Commission has jurisdiction over this application under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.

2. Lone Star is a public utility as defined in PURA § 11.004(1) and an electric utility as defined in PURA §31.002(6).

3. Lone Star must obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using these facilities under PURA § 37.053.

4. The application is sufficient under 16 TAC § 22.75(d).

5. Lone Star’s application complies with the requirements of 16 TAC § 25.101.
6. Lone Star provided notice of the application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).

7. Lone Star provided proper notice of the public meeting in compliance with 16 TAC § 22.52(a)(4).

8. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act, and Commission rules.

9. The transmission line, using the proposed route, is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).

10. The approved route complies with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission’s policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.

11. The Texas Coastal Management Program does not apply to the proposed transmission line, and the requirements of 16 TAC § 25.102 do not apply to the application.

12. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

13. The requirements for administrative approval in 16 TAC § 25.101(b)(3)(C) have been met in this proceeding.

III. Ordering Paragraphs

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

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1. The Commission amends Lone Star’s CCN number 30196 to include the construction of the project, to perform testing and commissioning of the facilities, and to provide service with and operate the transmission line in Hill County using the proposed route.

2. Lone Star must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.

3. Lone Star must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission line. If Lone Star fails to obtain any such permit, license, plan, or permission, Lone Star must notify the Commission immediately.

4. In the event Lone Star or its contractors encounter any archeological artifacts or other cultural resources during project construction, work must cease immediately in the vicinity of the artifact or resource and the discovery must be reported to the THC. In that situation, Lone Star must take action as directed by the THC.

to minimize the impact of construction on migratory birds during the nesting season of the
migratory bird species identified in the area of construction.

6. Before beginning construction, Lone Star must undertake appropriate measures to identify
whether a potential habitat for endangered or threatened species exists and must respond
as required.

7. Lone Star must use best management practices to minimize the potential impact to
migratory birds and threatened or endangered species.

8. Lone Star 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, and
must ensure that such herbicide use complies with the rules and guidelines established in
the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of
Agriculture regulations.

9. Lone Star must minimize the amount of flora and fauna disturbed during construction of
the transmission line, except to the extent necessary to establish appropriate right-of-way
clearance for the transmission line. In addition, Lone Star must revegetate using native
species and must consider landowner preferences and wildlife needs in doing so.
Furthermore, to the maximum extent practicable, Lone Star must avoid adverse
environmental impacts to sensitive plant and animal species and their habitats, as identified
by the TPWD and the USFWS.

10. Lone Star must implement erosion control measures as appropriate. Erosion control
measures may include inspection of the right-of-way before and during construction to
identify erosion areas and implement special precautions as determined reasonable to
minimize the impact of vehicular traffic over the areas. Also, Lone Star must return each
affected landowner’s property to its original contours and grades unless otherwise agreed to by the landowner or landowners’ representatives. Lone Star need not 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.

11. Lone Star must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the transmission line. Any minor deviation to the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and landowners that have agreed to the minor deviation.

12. Lone Star is not authorized to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, without further amending its CCN.

13. If possible, and subject to the other provisions of this Notice of Approval, Lone Star must prudently implement appropriate final design for the transmission line to avoid being subject to the FAA’s notification requirements. If required by federal law, Lone Star must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. Lone Star is not authorized to deviate materially from this Notice of Approval to meet the FAA’s recommendation or requirements. If a material change would be necessary to comply with the FAA’s recommendations or requirements, then Lone Star must file an application to amend its CCN as necessary.

14. Lone Star must identify any additional permits that are necessary, consult any required agencies (such as the USACE and the USFWS), obtain all necessary environmental permits, and comply with the relevant permit conditions during construction and operation of the proposed transmission line.
15. Lone Star must update the reporting of the transmission facilities on its monthly construction progress report before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Lone Star must provide final construction costs, with any necessary explanation for cost variance, after completion of construction and when all charges have been identified.

16. The Commission limits the approval granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed, unless the transmission line is commercially energized before that time.

17. The Commission denies all other motions and any other requests for general or specific relief, that have not been expressly granted.

Signed at Austin, Texas the _______ day of October, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

__________________________
GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE