



Control Number: 51016



Item Number: 23

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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

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Lone Star Transmission, LLC to amend its certificate of convenience and necessity (CCN) for the construction and operation of a 345-kilovolt (kV) transmission line in Hill County. The Commission amends Lone Star’s CCN 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 registered with the Texas secretary of state under filing number 800810714.
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 to amend its CCN number 30196 for authority to construct, own, and operate the 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 Energy Center, a new generation facility being constructed by Hubbard Wind, LLC.<sup>1</sup>

<sup>1</sup> The Hubbard Wind generation facility is also referred to in certain ERCOT studies as the Aquilla Lake Project.

4. Lone Star retained POWER Engineers, Inc. to prepare an environmental assessment for the proposed transmission line that was included as part of the application.
5. On July 29 and 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 on August 24, 2020, the administrative law judge (ALJ) found the application administratively complete.

**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 Hubbard Wind's 345-kV collector station.
8. 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.
9. 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.
10. Lone Star proposed a single route for the project. Written consent was obtained from all impacted landowners whose land is crossed by the proposed route.
11. 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.

**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. Before the public meeting, Lone Star mailed 55 individual written notices of the public meeting to landowners who own land within 500 feet of the proposed route's centerline. Lone Star obtained the landowners' names and addresses from the then-current Hill County tax rolls databases.
14. Before the public meeting, Lone Star sent notice of the public meeting to local officials and to the Department of Defense Siting Clearinghouse. The Department of Defense Siting Clearinghouse responded by letter dated July 30, 2020, and stated that the project would have minimal impact on military operations in the area.
15. Twelve individuals attended the public meeting.
16. Lone Star did not receive any project questionnaires following the public meeting.

**Notice**

17. On July 29, 2020, Lone Star filed the affidavit of Kelly Wells, director of land strategy and community relations for Lone Star, attesting to the provision of notice of the application on July 24, 2020, to: (1) each landowner, as stated on current county tax rolls, who would be directly affected if the requested CCN amendment were granted; (b) neighboring utilities; (c) Hill County and municipal officials; (d) the Office of Public Utility Counsel; and (d) the Department of Defense Siting Clearinghouse.
18. 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).
19. The affidavit of Ms. Wells also attested to the publication of notice of the application on July 27, 2020, in *The Hillsboro Reporter*, a newspaper of general circulation in Hill County.

20. In Order No. 3 filed on August 24, 2020, the ALJ found notice sufficient.

**Evidentiary Record**

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

22. In Order No. 4 filed on October 8, 2020, the ALJ admitted the following evidence into the record: (a) Lone Star's application and accompanying attachments filed on July 24, 2020; (b) Lone Star's supplemental information to provide information in native format filed on July 29, 2020; (c) Lone Star's affidavit of mailed and published notice filed on July 29, 2020; (d) Lone Star's supplemental information to provide information from the Department of Defense Siting Clearinghouse filed on July 31, 2020; (e) Lone Star's response to issues to be addressed in Order No. 1 filed on August 3, 2020; (f) Lone Star's supplemental information to provide an additional landowner consent agreement filed on August 5, 2020; (g) Lone Star's response to Commission Staff's first request for information filed on September 17 and 18, 2020; (h) TPWD's September 10, 2020 letter filed on September 21, 2020; and (i) Commission Staff's recommendation on final disposition filed on September 22, 2020.

**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 and sufficiently delineated route to conduct a proper evaluation.

**Need for the Proposed Project**

26. The project is needed to permanently interconnect 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. The proposed transmission line is considered a Tier 4 neutral project under the ERCOT Nodal Protocols § 3.11.4; therefore, the transmission line 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.

**Estimated Costs**

34. The total estimated cost of the project is \$22,390,000.
35. The estimated cost of the transmission line facilities is \$19,960,000.
36. The estimated cost of the substation facilities at Lone Star's existing Sam Switch Station is \$2,430,000.
37. Lone Star proposes to use a combination of existing cash on hand, existing debt facility, and owner equity to finance the project.

**Prudent Avoidance**

38. Prudent avoidance, as defined in 16 TAC § 25.101(a)(6), is “[t]he limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
39. There are seven habitable structures located within 500 feet of the proposed route’s centerline. The seven habitable structures are on parcels of land owned by six different landowners.
40. Of the six landowners owning habitable structures within 500 feet of the proposed route’s centerline, two of the landowners have granted an easement on their property for the transmission facilities.
41. Of the four remaining landowners owning habitable structures within 500 feet of the proposed route’s centerline, three of these landowners have provided written consent. The last landowner has declined to provide written consent but has not expressed opposition to the proposed transmission line or its location.
42. The construction of transmission facilities along the proposed route complies with the Commission’s policy of prudent avoidance.

**Community Values**

43. Lone Star 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.
45. The proposed route 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 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**

49. There are no commercial AM radio transmitters located within 10,000 feet of the centerline of the proposed route.
50. There are two FM radio transmitters, microwave towers, or other similar electronic installations within 2,000 feet of the centerline of the proposed route.
51. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any communication operations in the proximity of the proposed route.

**b. Airstrips, Airports, and Heliports**

52. There are no airports registered with the Federal Aviation Administration (FAA) with at least one runway greater than 3,200 feet in length within 20,000 feet of the centerline of the proposed route.
53. There are no airports registered with the FAA with runways no greater than 3,200 feet in length within 10,000 feet of the centerline of the proposed route.
54. One private airstrip was identified as being located within 10,000 feet of the centerline of the proposed route.
55. There are no heliports located within 5,000 feet of the centerline of the proposed route.
56. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any airports, airstrips, or heliports.

**c. Irrigation Systems**

57. The proposed route does not cross pasture or cropland with mobile irrigation systems.

**d. Pipelines**

58. One known pipeline is crossed by the proposed route.
59. The proposed route does not parallel any known pipelines.



60. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any crossed pipelines.

**Other Route Attributes**

61. The proposed route crosses approximately 1.6 miles of upland woodland or brushland.
62. The proposed route crosses approximately 1.2 miles of bottomland or riparian woodland.
63. 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.
64. The proposed route crosses approximately 17 streams and 0.1 mile of open water such as lakes or ponds.
65. The project will have minimal impact on these land use attributes.

**Recreational and Park Areas**

66. The proposed route neither crosses nor is within 1,000 feet of any parks or recreational areas.
67. The proposed route will have no adverse impact on parks and recreational areas.

**Historical and Archaeological Areas**

68. The proposed route crosses two known cultural resource sites. Additionally, four previously recorded cultural resource 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 transmission facilities.
69. There are no National Register of Historic Places listed or eligible properties crossed or within 1,000 feet of the proposed route.
70. There is one known cemetery within 1,000 feet of the proposed route.
71. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any historical or archeological areas.

**Aesthetic Values**

72. 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 uses within the study area are rangeland, pastureland, and cropland. The study area is categorized by mostly flat terrain with little woodland and no significant permanent waterbodies.
73. No outstanding aesthetic resources, designated scenic views, or unique visual elements were identified within the study area.
74. 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.
75. The proposed route has approximately 0.9 miles of right-of-way located within the foreground visual zone of United States or state highways.
76. 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.
77. The proposed route is not located within the foreground visual zone of parks or recreational areas.
78. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect aesthetic values.

**Environmental Integrity**

79. The area traversed by the proposed transmission line is located within the Blackland Prairies subprovince of the gulf coastal plains physiographic province. The proposed transmission line is in Hill County. The landscape consists of level to rolling mesquite-covered plains, dissected by a few eroded breaks and streambeds.
80. 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.
81. POWER evaluated the potential impacts of the proposed transmission line on the environment, including endangered and threatened species.

82. POWER evaluated potential impacts to soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
83. No significant impacts to wetland resources, ecological resources, endangered and threatened species, or land use as a result of construction of the proposed transmission facilities are anticipated.
84. The proposed route does not cross any known habitat of federally listed endangered or threatened species.
85. It is appropriate for Lone Star to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C., 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission, Washington D.C. and Sacramento, California, 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and USFWS, April 2005.
86. It is appropriate for Lone Star to use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
87. 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.
88. It is appropriate for Lone Star to minimize the amount of flora and fauna disturbed during construction of the proposed transmission line.
89. 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.
90. It is appropriate for Lone Star to avoid, to the maximum extent reasonably possible, causing adverse environmental impacts to sensitive plant and animal species and their habitats as identified by the TPWD and the USFWS.

91. 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.
92. 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.
93. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the environmental integrity of the surrounding landscape.

**TPWD Comments and Recommendations**

94. 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 environmental assessment.
95. 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.
96. Lone Star provided a copy of the environmental assessment for the project to TPWD on July 24, 2020.
97. On September 21, 2020, TPWD filed a comment letter in response to the environmental assessment.
98. Before beginning construction, it is appropriate for Lone Star to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.

99. 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 a transmission service provider to undertake when constructing a transmission line and sufficiently address the TPWD's comments and recommendations.
100. This Notice of Approval addresses only those TPWD recommendations and comments for which there is record evidence.
101. The recommendations and comments made by the TPWD do not necessitate any modifications to the transmission facilities or the proposed route.

**Permits**

102. 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.
103. 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.
104. Lone Star stated it will obtain permits from the Texas Historical Commission for the proposed transmission line right-of-way, as necessary.
105. 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.
106. Before beginning construction of the transmission facilities approved by this Notice of Approval, Lone Star will obtain a miscellaneous easement from the Texas General Land

Office if the proposed transmission line crosses any state-owned riverbed or navigable stream.

107. 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.
108. 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.
109. 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.
110. 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**

111. 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**

112. The Texas Legislature established a goal in PURA<sup>2</sup> § 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.
113. The project is intended to interconnect an additional approximately 300 MW of renewable wind generation capacity to the ERCOT grid.
114. The transmission line cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

**Limitation of Authority**

115. It is reasonable and appropriate for the construction authority granted by a CCN notice of approval not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
116. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval to construct the transmission facilities.

**Informal Disposition**

117. More than 15 days have passed since the completion of notice provided in this docket.
118. No person filed a protest or motion to intervene.
119. Lone Star and Commission Staff are the only parties to this proceeding.
120. No party requested a hearing, and no hearing is needed.
121. Commission Staff recommended approval of the application.
122. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority 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 and an electric utility as defined in PURA § 31.002(6).
3. Lone Star must obtain the approval of the Commission to construct transmission facilities and provide service to the public using these facilities under PURA § 37.053.
4. Lone Star's application is sufficient under 16 TAC § 22.75(d).
5. Lone Star provided notice of the application that complies with PURA § 37.054 and 16 TAC § 22.52(a).
6. Lone Star provided notice of the public meeting in compliance with 16 TAC § 22.52(a)(4).

7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>3</sup> and Commission rules.
8. The transmission facilities using the proposed route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
9. The proposed 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.
10. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Notice of Approval, and the requirements of 16 TAC § 25.102 do not apply to the application.
11. The requirements for administrative approval in 16 TAC § 25.101(b)(3)(C) have been met in this proceeding.
12. The requirements for informal disposition in 16 TAC § 22.35 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.

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 consult with pipeline owners or operators in the vicinity of the proposed route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the electric transmission facilities approved by this Notice of Approval.

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<sup>3</sup> Tex. Gov't Code §§ 2001.001–.903.



3. Lone Star must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Notice of Approval and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting pipelines being paralleled.
4. 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.
5. 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 Texas Historical Commission. In that situation, Lone Star must take action as directed by the Texas Historical Commission.
6. Lone Star must follow the procedures to protect raptors and migratory birds as outlined in the publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and USFWS, April 2005. Lone Star must take precautions to avoid disturbing occupied nests and take steps to minimize the impact of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
7. 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.
8. Lone Star must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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 facilities.
16. 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.
17. 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.
18. 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 9th day of October 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**