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DOCKET NO. 50964

APPLICATION OF ELECTRIC  
TRANSMISSION TEXAS, LLC TO  
AMEND ITS CERTIFICATES OF  
CONVENIENCE AND NECESSITY FOR  
THE LOBO-TO-CORAZON SOLAR  
345-KV TRANSMISSION LINE IN  
WEBB COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Electric Transmission Texas, LLC (ETT) to amend its certificates of convenience and necessity (CCN) for the design and construction of a new 345-kilovolt (kV) transmission line in Webb County. The Commission amends ETT’s CCN numbers 30193 and 30194 to include the construction and operation of the 345-kV transmission line in Webb County to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. ETT is a foreign limited liability company registered with the Texas secretary of state under filing number 800757205.
2. ETT is an electric transmission service provider and investor-owned utility providing service within the Electric Reliability Council of Texas (ERCOT) region under CCN numbers 30193 and 30194.

Application

3. On July 24, 2020, ETT filed an application to amend its CCN numbers 30193 and 30194 for a new 345-kV transmission line in Webb County.
4. ETT retained TRC Companies to prepare an environmental assessment and routing analysis.
5. In Order No. 3 filed on August 21, 2020, the administrative law judge (ALJ) found the application administratively complete.

**Description of the Transmission Facilities**

6. The proposed transmission line is a single-circuit 345-kV transmission line that will interconnect a proposed 200-megawatt solar generation facility to the transmission grid. Specifically, the proposed Lobo-to-Corazon Solar 345-kV Transmission Line Project will extend from the existing ETT Lobo 345-kV station to the proposed Corazon Solar solar generation facility point of interconnection.
7. The Corazon Solar facility is being developed by Bay Wa r.e. Solar Projects, LLC (Bay Wa) and will be located in Webb County, approximately 11.5 miles northeast of the city of Laredo, Texas.
8. ETT and TRC Companies evaluated a single routing option for the transmission line. ETT submitted one proposed route in its application. Written consent has been obtained from the sole affected landowner whose property is directly affected by the proposed transmission line.
9. The right-of-way width for the proposed transmission line will be 150 feet. The proposed transmission line will be constructed primarily using self-supporting single-circuit tubular steel monopole structures, with direct-embedded monopoles for some locations and base-plated monopoles on drilled shaft foundations for others.
10. The length of the proposed route is approximately 3.9 miles.

**Public Input**

11. ETT was not required to hold a public participation meeting because there were fewer than 25 directly affected landowners.
12. ETT sent written notice to the Department of Defense Siting Clearinghouse of the planned filing of the application before completion of the environmental assessment.

**Notice of the Application**

13. On August 7, 2020, ETT filed the affidavit of Roy R. Bermea, a regulatory consultant representing ETT, attesting that notice was provided as follows:
  - a. On July 24, 2020, notice of the application was mailed, by first-class mail, to the owners of land as stated on the current county tax rolls in Webb County who would be directly affected or own land within 500 feet of the proposed route. The notice

- sent to landowners included a map and a written description of the routing options, the Commission brochure entitled *Landowners and Transmission Line Cases at the PUC*, and forms for submitting comments or a request to intervene;
- b. On July 24, 2020, ETT mailed notice of the application to Webb County officials. The notice sent to Webb County officials included a map and written description of the proposed route;
  - c. On July 24, 2020, ETT mailed notice of the application to utilities providing similar services within five miles of the proposed route. The notice sent to the utilities included a map and written description of the proposed route;
  - d. On July 24, 2020, ETT mailed notice of the application to the Office of Public Utility Counsel (OPUC). The notice sent to OPUC included a map and written description of the proposed route;
  - e. On July 24, 2020, ETT emailed notice of the application to the Department of Defense Siting Clearinghouse. The notice sent to the Department of Defense Siting Clearinghouse included a map and written description of the proposed route;
  - f. On July 24, 2020, ETT mailed a complete copy of the application, including the environmental assessment and all associated attachments, to the Texas Parks and Wildlife Department by first-class mail; and
  - g. On July 29, 2020, notice of the application was published in the *Laredo Morning Times*, a newspaper of general circulation in Webb County.
14. In Order No. 3 filed on August 21, 2020, the ALJ found notice sufficient.

**Evidentiary Record**

15. On October 5, 2020, ETT and Commission Staff filed a joint motion to admit evidence.
16. In Order No. 6 filed on October 9, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) ETT's application and accompanying attachments filed on July 24, 2020; (b) ETT's affidavit attesting to the provision of direct and published notice filed on August 7, 2020; (c) ETT's supplemental attachment 3 to the application filed on August 18, 2020; (d) Texas Parks and Wildlife Department letter filed on September 21, 2020; and

(e) Commission Staff's recommendation on final disposition and all attachments filed on September 29, 2020.

17. In Order No. 7 filed on October 12, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) ETT's responses to Commission Staff's first request for information filed on September 1, 2020; (b) ETT's responses to Commission Staff's second request for information, filed partially under confidential seal, filed on September 9, 2020; and ETT's supplemental responses to Commission Staff's second request for information filed on September 16, 2020.

**Route Adequacy**

18. ETT's application presented a single route for the Commission's consideration.
19. No party filed testimony or a position statement challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation and no party requested a hearing on route adequacy.
20. The application provided an adequate and sufficiently delineated route to conduct a proper evaluation.

**Need for the Proposed Transmission Line**

21. The proposed transmission line is needed to interconnect the new Corazon Solar facility to the ERCOT electric grid.
22. The Corazon Solar facility is a proposed 200-megawatt solar generating facility and an interconnection agreement has been executed between ETT and the facility owner.
23. Under 16 Texas Administrative Code (TAC) § 25.198(b), a transmission service provider is required to provide service to a transmission customer when certain conditions are met, including execution of an interconnection agreement.
24. Interconnecting the new load is considered a Tier 4 neutral project under ERCOT Nodal Protocols § 3.11.4; therefore, the proposed transmission line did not require review by the ERCOT regional planning group.
25. ETT demonstrated a reasonable need for the transmission facilities.

**Alternatives to the Transmission Line**

26. Because this transmission line entails interconnection of a 200-megawatt solar generation customer directly to the 345-kV transmission network, there are no practical alternatives to the transmission line.

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

27. The transmission line is needed to permanently interconnect the Corazon Solar facility and will improve service for the reasons established in the findings of facts addressing the need for the proposed transmission line.

**Effect of Granting ETT's CCN on Other Utilities**

28. The proposed transmission line will not adversely affect service by other utilities in the area and is necessary to connect the Corazon Solar facility to the ETT transmission system.

**Estimated Costs**

29. The cost estimate for the proposed route and associated facilities is approximately \$14,598,600.
30. The estimated cost for the transmission line is reasonable.
31. The transmission line will be financed through a combination of short-term borrowing and owner equity.

**Prudent Avoidance**

32. Prudent avoidance, as defined in 16 TAC § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
33. There are no habitable structures located within 500 feet of the proposed route’s centerline.
34. The construction of transmission facilities along the proposed route complies with the Commission’s policy of prudent avoidance.

**Community Values**

35. Information regarding community values was received from local, state, and federal agencies and incorporated into the environmental assessment and the proposed transmission line’s route evaluation.

36. The sole directly affected landowner agreed to the proposed route.
37. The transmission line will have minimal effect on community values.

**Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries**

38. The proposed route does not utilize any existing compatible right-of-way
39. The proposed route parallels 3.27 miles of an existing electric transmission line.
40. The proposed route parallels 0.52 miles of property lines or other natural or cultural features.

**Engineering Constraints**

41. ETT did not identify any engineering constraints that would prevent construction of the proposed transmission line along the proposed route.

**Other Comparisons of Land Uses and Land Types**

**a. Radio Towers and Other Electronic Installations**

42. There are no AM radio transmitters located within 10,000 feet of the centerline of the proposed route.
43. There is one FM radio transmitter, microwave tower, or other similar electronic installation within 2,000 feet of the centerline of the proposed route.
44. There is one private communications tower located within the study area to the south side of the Lobo station. This tower is owned by AEP Texas.
45. 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 and Airports**

46. 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.
47. 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.
48. There are no private airstrips within 10,000 feet of the centerline of the proposed route.

49. There are no heliports within 5,000 feet of the centerline of the proposed route.
50. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any airports, airstrips, or heliports.

*c. Irrigation Systems*

51. The proposed route does cross any pasture or cropland with known mobile irrigation systems.
52. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect any pasture or cropland with known mobile irrigation systems.

*d. Pipelines*

53. The proposed route perpendicularly spans one pipeline.
54. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the crossed pipeline.

*Recreational and Park Areas*

55. There are no recreational or park areas within 1,000 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 the use and enjoyment of any recreational or park areas.

*Historical and Archaeological Areas*

57. The proposed route does not cross any cultural resource sites but is within 1,000 feet of two recorded cultural resource sites.
58. There is one listed National Register of Historic Places area crossed by the proposed route, but no others are within 1,000 feet of the proposed route. The one area crossed is the El Camino Real De Los Tejas Historic Trail parallel to United States Highway 59 and will be spanned.
59. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect historical or archeological resources.

*Aesthetic Values*

60. The project area is predominantly brushland or shrubland used for grazing.



61. United States Highway 59 traverses the study area in a southwesterly to northeasterly direction approximately 0.75 miles north of the Lobo station. Temporary effects would include views of the actual construction and clearing of ROW. Permanent aesthetic effects would include the views of the structures and lines as well as the cleared ROW. However, the proposed route of the transmission line would parallel an existing double-circuit-capable 345-kV transmission line for approximately 3.2 miles and parallel a 69-kV transmission line as well for 0.76 miles from the interconnection point to the Lobo station.
62. It is unlikely that the presence of transmission facilities along the proposed route will adversely affect the aesthetic quality of the surrounding landscape.

**Environmental Integrity**

63. The study area is located in a relatively remote region of south Texas.
64. No portion of the route will be constructed within any municipal boundaries. The study area is predominantly undulating rangeland and has experienced a moderate degree of alteration due to ranching operations and support facilities. There are no incorporated cities located within the study area. The area's land-surface elevations range from a high of approximately 750 feet above mean sea level along the western boundary to a low of approximately 642 feet above mean sea level at the south boundary and south of ETT's Lobo station.
65. TRC Companies obtained information from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department regarding the possibility of encountering any endangered or threatened species in the area affected by the proposed transmission line.
66. ETT and TRC Companies evaluated the potential effects of the proposed transmission line on the environment, including endangered and threatened species.
67. TRC Companies evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use in the study area.

68. Based on the environmental assessment and routing analysis, it is unlikely that there will be significant effects on wetland resources, ecological resources, endangered and threatened species, or land use as a result of construction of the proposed transmission line.
69. The proposed route crosses 182 feet of wetlands, 156 feet of open water, and no riparian brushland or shrubland.
70. The proposed route crosses 19,872 feet of brushland or shrubland.
71. The proposed route does not cross any known habitat of a federally listed endangered or threatened species.
72. Based on the environmental assessment and routing analysis, it is unlikely that there will be any significant adverse consequences for populations of any federally listed endangered or threatened species.
73. It is appropriate for ETT to minimize the amount of flora and fauna disturbed during construction of the transmission line.
74. It is appropriate for ETT to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
75. It is appropriate for ETT to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
76. It is appropriate for ETT to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner. It is not appropriate for ETT 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.
77. It is appropriate for ETT 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.

78. It is appropriate for ETT to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.
79. It is appropriate for ETT to use best management practices to minimize the potential harm that the proposed route presents to migratory birds and threatened or endangered species.
80. It is unlikely that the presence of transmission facilities along the agreed route will adversely affect the environmental integrity of the surrounding landscape.

**Texas Parks and Wildlife Department's Comments and Recommendations**

81. In a letter dated September 16, 2020, and filed on September 21, 2020, the Texas Parks and Wildlife Department provided comments and recommendations regarding the proposed transmission line and referenced the recommendations the agency provided to TRC Companies on March 26, 2020.
82. The Texas Parks and Wildlife Department recommended that the prior recommendations be evaluated and that, once a route is approved by the Commission, ETT survey the approved route to determine the potential of the site to support endangered or threatened species or their habitat.
83. The Texas Parks and Wildlife Department's comment letter addressed issues relating to effects on ecology and the environment but did not consider the other factors the Commission and utilities must consider in CCN applications.
84. Before beginning construction, it is appropriate for ETT to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exist and respond as required.

85. ETT will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
86. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, ETT will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and the Texas Commission on Environmental Quality, as appropriate, to coordinate permitting and perform any required mitigation.
87. TRC Companies relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by the Texas Parks and Wildlife Department, and observations from field surveys to determine whether habitats for some species are present in the area surrounding the transmission facilities.
88. The standard mitigation requirements included in the ordering paragraphs in this Notice of Approval, coupled with the ETT construction and mitigation practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address the Texas Parks and Wildlife Department's comments and recommendations.
89. This Notice of Approval addresses only those the Texas Parks and Wildlife Department recommendations and comments for which there is record evidence.
90. No modifications to the proposed route are required as the result of the recommendations and comments made by the Texas Parks and Wildlife Department.

**Permits**

91. ETT stated that it will obtain road-crossing permits from the county in which the approved route is located depending on the location of the proposed transmission line structures, as necessary.
92. ETT stated that it will obtain permits for crossing roads, highways, and other properties owned or maintained by the Texas Department of Transportation, as necessary.
93. ETT stated that it will obtain a miscellaneous easement from the Texas General Land Office for any right-of-way that crosses a state-owned riverbed or navigable stream, as necessary, but that no such permits are anticipated.

94. ETT stated that it will obtain permits from the Texas Historical Commission for the approved transmission line right-of-way, as necessary. However, the Texas Historical Commission reviewed the proposed transmission line plans under the Antiquities Code of Texas and determined that the proposed route will not require a cultural resources survey or permit for consideration by the Historical Commission before initiating any ground disturbance.
95. ETT stated that if a storm-water pollution-prevention plan is required by the Texas Commission on Environmental Quality, ETT will submit a notice of intent to the Texas Commission on Environmental Quality at least 48 hours before construction begins and will have a stormwater pollution-prevention plan on site when clearing and construction activities begin.
96. ETT stated that it will comply with any FAA requirements to alter the design of the structures or potential requirements to mark or illuminate the line, but that the proposed transmission line is not expected to affect aviation operations in the study area and FAA notification is not anticipated.
97. ETT stated that it will obtain permits or comply with other requirements from the United States Fish and Wildlife Service, as necessary, related to possible harm to endangered or threatened species.
98. If protected state species are identified during clearing or construction, coordination with the Texas Parks and Wildlife Department might be necessary to determine the need for any surveys and to avoid or minimize any potential harm to sensitive habitats, threatened or endangered species, and other fish and wildlife resources along the approved route.
99. No part of the proposed route will cross property that is owned by the United States Army Corps of Engineers, and no easements on its property will be necessary. If construction of the proposed transmission line affects waters of the United States under the jurisdiction of the United States Army Corps of Engineers, ETT will cooperate with the United States Army Corps of Engineers, as necessary, to coordinate permitting and perform any required mitigation.

100. Consequences to floodplains located in Webb County, as directed by the Federal Emergency Management Agency, are administered by the Webb County Planning and Physical Development Department. Based on feedback from Webb County, the proposed route has not been evaluated or determined to be within the designated Webb County floodplain and a floodplain permit is not expected to be required to authorize construction of the proposed transmission line.

**Coastal Management Program**

101. Under 16 TAC § 25.102(a), the Commission may grant a certificate for the construction of transmission facilities within the coastal management program boundary only when it finds that the proposed facilities comply with the goals and applicable policies of the Coastal Management Program or that the proposed facilities will not have any direct and significant effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 501.3(b).
102. No part of the proposed transmission line is located in the boundary of the Coastal Management Program as defined in 31 TAC § 503.1(b).

**Effect on the State's Renewable Energy Goal**

103. The Texas Legislature established a goal in PURA<sup>1</sup> § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
104. The presence of transmission facilities along the proposed route cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

**Limitation of Authority**

105. 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.
106. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval to construct the transmission facilities.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66 016 (PURA).

**Informal Disposition**

107. More than 15 days have passed since the completion of notice provided in this docket.
108. No person filed a protest or motion to intervene.
109. ETT and Commission Staff are the only parties to this proceeding.
110. No party requested a hearing and no hearing is needed.
111. Commission Staff recommended approval of the application.
112. 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. ETT is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
3. ETT must obtain the approval of the Commission to construct the transmission facilities and provide service to the public using these facilities under PURA § 37.053.
4. ETT's application is sufficient under 16 TAC § 22.75(d).
5. ETT provided notice of the application that complies with PURA § 37.054 and 16 TAC § 22.52(a).
6. No public meeting on the application was required under 16 TAC § 22.52(a)(4).
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
8. The proposed 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).

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<sup>2</sup> Tex. Gov't Code § 2001.001–.903.

9. The transmission facilities comply with PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the burden on the affected community and landowners.
10. The Texas Coastal Management Program does not apply to the transmission line, and the requirements of 16 TAC § 25.102 do not apply to this 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 ETT's CCN numbers 30193 and 30194 to include the construction and operation of the 345-kV transmission line in Webb County using the proposed route.
2. ETT 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. ETT must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Notice of Approval. If ETT fails to obtain any such permit, license, plan, or permission, ETT must notify the Commission immediately.
4. ETT must identify any additional permits that are necessary, must consult any required agencies (such as the United States Army Corps of Engineers and the United States Fish and Wildlife Service), must obtain all necessary environmental permits, and must comply with the relevant permit conditions during construction and operation of the transmission facilities approved by this Notice of Approval.



5. If ETT or its contractors encounter any archeological artifacts or other cultural resources during construction of the proposed transmission line, work must cease immediately in the vicinity of the artifact or resource, and ETT must report the discovery to, and act as directed by, the Texas Historical Commission.
6. Before beginning construction, ETT must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
7. ETT must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species.
8. ETT 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 Commission, 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 Commission, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Commission and United States Fish and Wildlife Service, April 2005. ETT must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
9. ETT must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with the rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with Texas Department of Agriculture regulations.
10. ETT 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, ETT must re-vegetate using native species and must consider landowner preferences in doing so. Furthermore, to the maximum extent practicable, ETT must avoid adverse environmental effects on sensitive plant and animal

species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.

11. ETT 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 effect of vehicular traffic over the areas. Also, ETT must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. ETT need not restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
12. ETT must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect 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, excluding public rights-of-way.
13. The Commission does not permit ETT 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, ETT 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, ETT must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. ETT is not authorized to deviate materially from this Notice of Approval to meet the FAA's recommendations or requirements. If a material change would be necessary to comply with the FAA's recommendations or requirements, then ETT must file an application to amend its CCN as necessary.
15. ETT must include the transmission facilities approved by this Notice of Approval on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, ETT 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 authority 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 12th day of October 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**