



October 8, 2015

RE: Application of Brazos Electric Power Cooperative, Inc. for a Certificate of Convenience and Necessity for a Proposed Transmission Line in Denton County, Texas
PUBLIC UTILITY COMMISSION OF TEXAS (PUC) DOCKET NO. 45170

Dear Office Holder:

Land in Denton County may be directly affected in this docket. If one of the applicant's routes is approved by the Public Utility Commission of Texas (Commission or PUC), the applicant will have the right to build a facility within this county. This docket will not determine the value of the land or the value of an easement if one is needed by the applicant to build the facility. If you have questions about the transmission line, you may contact Richard Chambers at (254) 750-6369. Detailed routing maps may be reviewed at <http://brazosshare.brazoselectric.com/OakPoint/SitePages/Home.aspx> or at Brazos Electric Power Cooperative, Inc.'s headquarters at 7616 Bagby Avenue, Waco, Texas 76712.

All routes and route segments included in this notice are available for selection and approval by the Public Utility Commission of Texas.

The enclosed brochure entitled "Landowners and Transmission Line Cases at the PUC" provides basic information about how you may participate in this docket, and how you may contact the PUC. Please read this brochure carefully. The brochure contains sample forms for making comments and for making a request to intervene as a party in this docket. ***The only way to fully participate in the PUC's decision on where to locate the transmission line is to intervene in the docket. It is important for an affected person to intervene because the utility is not obligated to keep affected persons informed of the PUC's proceedings and cannot predict which route may or may not be approved by the PUC.***

In addition to the contacts listed in the brochure, you may call the PUC's Customer Assistance Hotline at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the PUC's Customer Assistance Hotline at (512) 936-7136 or toll free at (800) 735-2989. If you wish to participate in this proceeding by becoming an intervenor, the deadline for intervention in the proceeding is November 23, 2015, and the PUC should receive a letter from you requesting intervention by that date. Mail the request for intervention and 10 copies of the request to:

Public Utility Commission of Texas
Attn: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Persons who wish to intervene in the docket must also mail a copy of their request for intervention to all parties in the docket and all persons that have pending motions to intervene, at or before the time the request for intervention is mailed to the PUC. In addition to the intervention deadline, other important deadlines may already exist that affect your participation in this docket. You should review the orders and other filings already made in the docket. The enclosed brochure explains how you can access these filings.



Project Description

Brazos Electric plans to construct approximately 5.5 to 9.8 miles of 138 kV double circuit transmission line with single-pole concrete/steel structures from a new five-acre substation to be sited along or near Farm-to-Market Road (FM) 720 in the vicinity of Oak Point in eastern Denton County and proceeding north to one of four proposed tap points along an existing Brazos Electric 138 kV transmission line located southeast of Krugerville in northeastern Denton County. The transmission line right-of-way would be approximately 70 feet wide. The proposed Oak Point Substation site would be approximately five acres in size. The proposed project will provide for increased capacity and better continuity of service to Brazos Electric's member cooperative, CoServ Electric, and its member customers.

The estimated cost of the proposed project would be approximately \$25,177,063. The proposed project will provide for increased reliability and better continuity of service for Brazos Electric's member cooperatives and its member customers.

Proposed project alternatives include five possible tap locations along the existing Brazos Electric transmission line (Tap 1, Tap 2, Tap 3, Tap 4, and Tap 5), 48 possible route segments (Segments 1-48), and three possible substation locations (Substation 1, Substation 2, and Substation 3). Fifteen (15) end-to-end routes are considered for detailed analysis, each of which represents a viable route from each of the five tap locations to each of the three proposed substation sites. These 15 end-to-end routes provide the PUCT with an adequate number of alternatives to consider for route selection; however, it should be noted that several additional routes can be construction from the same 48 route segments, and that Brazos Electric is prepared to construct any combination that the PUC determines to be acceptable. The following table lists the composition of the 15 end-to-end routes by segment.



End-to-End Routes	
Route #	Route
1	Tap 1 - Segment 1 - Segment 18 - Segment 17 - Segment 31 - Segment 34 - Segment 35 - Segment 39 - Segment 40 - Segment 41 - Substation 1
2	Tap 1 - Segment 1 - Segment 13 - Segment 14 - Segment 15 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 38 - Segment 48 - Substation 2
3	Tap 1 - Segment 1 - Segment 13 - Segment 11 - Segment 10 - Segment 12 - Segment 16 - Segment 21 - Segment 22 - Segment 26 - Segment 27 - Segment 37 - Segment 43 - Segment 45 - Segment 46 - Substation 3
4	Tap 2 - Segment 2 - Segment 9 - Segment 10 - Segment 12 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 39 - Segment 40 - Segment 41 - Substation 1
5	Tap 2 - Segment 2 - Segment 9 - Segment 11 - Segment 14 - Segment 15 - Segment 16 - Segment 21 - Segment 22 - Segment 26 - Segment 28 - Segment 33 - Segment 34 - Segment 35 - Segment 38 - Segment 48 - Substation 2
6	Tap 2 - Segment 2 - Segment 9 - Segment 11 - Segment 13 - Segment 18 - Segment 17 - Segment 30 - Segment 32 - Segment 33 - Segment 34 - Segment 36 - Segment 37 - Segment 42 - Segment 40 - Segment 44 - Segment 45 - Segment 46 - Substation 3
7	Tap 3 - Segment 3 - Segment 6 - Segment 8 - Segment 12 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 36 - Segment 37 - Segment 42 - Segment 41 - Substation 1
8	Tap 3 - Segment 3 - Segment 7 - Segment 9 - Segment 11 - Segment 14 - Segment 24 - Segment 17 - Segment 30 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 38 - Segment 48 - Substation 2
9	Tap 3 - Segment 3 - Segment 7 - Segment 9 - Segment 11 - Segment 14 - Segment 15 - Segment 16 - Segment 19 - Segment 20 - Segment 22 - Segment 26 - Segment 27 - Segment 37 - Segment 43 - Segment 45 - Segment 46 - Substation 3
10	Tap 4 - Segment 4 - Segment 7 - Segment 9 - Segment 11 - Segment 14 - Segment 15 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 39 - Segment 40 - Segment 41 - Substation 1
11	Tap 4 - Segment 4 - Segment 6 - Segment 8 - Segment 12 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 36 - Segment 37 - Segment 42 - Segment 40 - Segment 44 - Segment 45 - Segment 47 - Segment 48 - Substation 2
12	Tap 4 - Segment 4 - Segment 7 - Segment 9 - Segment 10 - Segment 12 - Segment 16 - Segment 19 - Segment 23 - Segment 25 - Segment 26 - Segment 27 - Segment 37 - Segment 43 - Segment 45 - Segment 46 - Substation 3
13	Tap 5 - Segment 5 - Segment 8 - Segment 12 - Segment 16 - Segment 19 - Segment 23 - Segment 29 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 39 - Segment 40 - Segment 41 - Substation 1
14	Tap 5 - Segment 5 - Segment 8 - Segment 10 - Segment 11 - Segment 13 - Segment 18 - Segment 17 - Segment 30 - Segment 32 - Segment 33 - Segment 34 - Segment 35 - Segment 38 - Segment 48 - Substation 2
15	Tap 5 - Segment 5 - Segment 8 - Segment 10 - Segment 11 - Segment 14 - Segment 15 - Segment 16 - Segment 21 - Segment 22 - Segment 26 - Segment 27 - Segment 37 - Segment 43 - Segment 45 - Segment 46 - Substation 3



The following is a description of all of the route segments that make up the 15 end-to-end routes.

Segment 1

Segment 1 begins at Tap 1, located along an existing Brazos transmission line at a point approximately 1,370 feet east of State Highway (SH) 377 and directly south of the Lone Star Boat, RV & Self Storage facility. It extends west for approximately 1,302 feet and then turns south for approximately 1,154 feet along the eastern side of SH 377. It then crosses SH 377 and extends west for approximately 2,047 feet, and then turns south for approximately 1,221 feet where it crosses Arvin Hill Road and continues south for approximately 1,192 feet. It then turns east for approximately 201 feet, then turns south for approximately 1,157 feet, then turns west for approximately 125 feet, then turns south for approximately 1,073 feet where it terminates at its junction with Segments 13 and 18.

Segment 2

Segment 2 begins at Tap 2, located along an existing Brazos transmission line in open land, approximately 3,574 feet east of SH 377 and approximately 3,396 feet north of Liberty Road. It extends south for approximately 2,263 feet, terminating at its junction with Segments 7 and 9.

Segment 3

Segment 3 begins at Tap 3, located along an existing Brazos transmission line in open land, approximately 4,590 feet east of SH 377 and approximately 2,115 feet north of Liberty Road. It extends south across open land for approximately 1,008 feet, terminating at its junction with Segments 4 and 7.

Segment 4

Segment 4 begins at Tap 4, located along an existing Brazos transmission line in open land, approximately 3,715 feet due west from the intersection of Liberty Road and Bailey Lane. It extends west across open land for approximately 1,008 feet, terminating at its junction with Segments 6 and 7.

Segment 5

Segment 5 begins at Tap 5, located along an existing Brazos transmission line in open land directly north of Liberty Road and extends west along the north side of Liberty Road for approximately 2,403 feet. It then continues north along the east side of Liberty Road and open land for approximately 971 feet to its terminus at the junction of Segments 6 and 8.

Segment 6

Segment 6 begins at the junction of Segments 3, 4, and 7 and extends south across open land for approximately 769 feet to its terminus at its junction with Segments 8 and 5.

Segment 7

Segment 7 begins at the junction of Segments 3, 4, and 6 and extends west across open land for approximately 1,094 feet to its terminus at the junction of Segments 2 and 9.



Segment 8

Segment 8 begins at the junction of Segments 5 and 6 and extends west across open land for approximately 2,682 feet, crosses Liberty Road, then terminates at the junction of Segments 10 and 12.

Segment 9

Segment 9 begins at the junction of Segments 2 and 7. It extends west across open land for approximately 1,613 feet, crosses Liberty Road south of the intersection of Liberty Road and Bailey Lane, and then continues south along the west side of Liberty Road for approximately 561 feet to its terminus at the junction of Segments 10 and 11.

Segment 10

Segment 10 begins at the junction of Segments 9 and 11 and extends south along the western side of Liberty Road for approximately 172 feet to its terminus at the junction of Segments 8 and 12.

Segment 11

Segment 11 begins at the junction of Segments 9 and 10 and extends west across open land for approximately 1,880 feet, then turns south along the eastern side of SH 377 approximately 278 feet to its terminus at the junction of Segments 13 and 14.

Segment 12

Segment 12 begins at the junction of Segments 8 and 10 and extends south for approximately 861 feet, then shifts slightly to the southwest for approximately 111 feet, then continues south for approximately 2,211 feet. The line then turns east for approximately 743 feet, then turns south for approximately 1,306 feet and terminates at the junction of Segments 15 and 16.

Segment 13

Segment 13 begins at the junction of Segments 11 and 14 and extends west across SH 377 and open land for approximately 2,065 feet to its terminus at the junction of Segments 1 and 18.

Segment 14

Segment 14 begins at the junction of Segments 11 and 13 and extends south along the eastern side of SH 377 for approximately 1,044 feet where it shifts slightly to the southwest for approximately 334 feet and crosses FM 424. From there, it turns south for approximately 3,250 feet along the western side of FM 424 to its terminus at the junction of Segments 15 and 24.

Segment 15

Segment 15 begins at the junction of Segments 12 and 16 and extends west along the southern side of a parcel boundary for approximately 772 feet, turns south for approximately 142 feet, then turns west again along the



northern side of a parcel boundary for approximately 1,933 feet where it crosses FM 424 and terminates at the junction of Segments 14 and 24.

Segment 16

Segment 16 begins at the junction of Segments 12 and 15 and extends east for approximately 117 feet to its terminus at the junction of Segments 19 and 21.

Segment 17

Segment 17 begins at the junction of Segments 18 and 24. It extends south for approximately 1,209 feet, crosses Fishtrap Road, and then continues south for approximately 1,619 feet. From there it turns west across open land for approximately 1,730 feet, then turns south for approximately 185 feet where it crosses U.S. Highway (US) 380. From there, it continues south for approximately 2,918 feet along the eastern side of South Potter Shop Road, then turns east across dense woodlands and open land for approximately 3,658 feet where it crosses Naylor Road. It then continues east approximately 2,818 feet crossing open land and dense woodlands to its terminus at the junction of Segments 30 and 31.

Segment 18

Segment 18 begins at the junction of Segments 1 and 13 and extends south across open land for approximately 1,339 feet where it crosses Dr Griffin Road. Then, it continues south approximately 793 feet before turning east for approximately 1,397 feet. From there, it turns southwest along the western side of SH 377 for 2,475 feet. It then crosses SH 377 and extends south for approximately 650 feet terminating at its junction with Segments 17 and 24.

Segment 19

Segment 19 begins at the junction of Segments 16 and 21. It extends south across open land for approximately 1,748 feet, then turns east for approximately 1,091 feet through dense woodlands along the northern side of Fishtrap Road to its terminus at the junction of Segments 20 and 23.

Segment 20

Segment 20 begins at the junction of Segments 19 and 23 and extends east along the northern side of Fishtrap Road for approximately 326 feet where it crosses Dr Sanders Road and terminates at the junction of Segments 21 and 22.

Segment 21

Segment 21 begins at the junction of Segments 16 and 19. It extends east for approximately 1,353 feet, turns south along the western side of Dr Sanders Road for approximately 821 feet, then shifts southeast and crosses Dr Sanders Road for approximately 216 feet, then continues south for approximately 775 feet to its terminus at the junction of Segments 20 and 22.



Segment 22

Segment 22 begins at the junction of Segments 20 and 21. It extends east along the northern side of Fishtrap Road for approximately 448 feet where it turns south, crossing Fishtrap Road and continuing south across open land and dense woodlands for approximately 2,354 feet to its terminus at the junction of Segments 25 and 26.

Segment 23

Segment 23 begins at the junction of Segments 19 and 20. It crosses Fish Trap Road and extends south for approximately 2,357 feet along the western side of Oak Grove Lane to its terminus at the junction of Segments 25 and 29.

Segment 24

Segment 24 begins at the junction of Segments 14 and 15. It extends south approximately 75 feet along the western side of FM 424, then turns west across open land for approximately 2,081 feet to its terminus at the junction of Segments 17 and 18.

Segment 25

Segment 25 begins at the junction of Segments 22 and 26 and extends west across dense woodlands for approximately 782 feet where it crosses Oak Grove Lane and terminates at the junction of Segments 23 and 29.

Segment 26

Segment 26 begins at the junction of Segments 22 and 25. It extends east across dense woodlands and open land for approximately 2,659 feet, then turns south along the western side of FM 2931 for approximately 1,975 feet where it crosses US 380 and terminates at the junction of segments 27 and 28.

Segment 27

Segment 27 begins at the junction of Segments 26 and 28. It extends east along the southern side of US 380 for approximately 1,471 feet, then turns south across open land for approximately 2,529 feet. It continues south/southwest across open land for approximately 2,167 feet, and then turns west across dense woodlands for approximately 801 feet before terminating at the junction of Segments 36 and 37.

Segment 28

Segment 28 begins at the junction of Segments 26 and 27. It extends south across open land and along a property boundary for approximately 623 feet, turns west across open land and along the southern side of a property boundary for approximately 1,922 feet, and then continues south across open land and along the eastern side of a property boundary for approximately 448 feet before terminating at the junction of Segments 32 and 33.



Segment 29

Segment 29 begins at the junction of Segments 23 and 25. It extends south along the western side of Oak Grove Lane for approximately 1,322 feet, crosses US 380, and then continues south along the western side of FM 720 for approximately 1,076 feet before terminating at the junction of Segments 30 and 32.

Segment 30

Segment 30 begins at the junction of Segments 29 and 32 and continues west for approximately 1,147 feet before terminating at the junction of Segments 17 and 31.

Segment 31

Segment 31 begins at the junction of Segments 17 and 30. It extends south for approximately 553 feet, then turns west for approximately 233 feet, then turns south for approximately 827 feet, then turns east for approximately 1,384 feet where it crosses FM 720. It continues east across open land for 1,529 feet before terminating at the junction of Segments 33 and 34.

Segment 32

Segment 32 begins at the junction of Segments 29 and 30. It crosses FM 720 and extends southeast for approximately 182 feet, then turns south along the eastern side of FM 720 for approximately 513 feet, after which it turns east across open land for approximately 1,489 feet, before terminating at the junction of Segments 28 and 33.

Segment 33

Segment 33 begins at the junction of Segments 28 and 32 and extends south across open land for approximately 754 feet to its terminus at the junction of Segments 31 and 34.

Segment 34

Segment 34 begins at the junction of Segments 31 and 33. It extends south for approximately 702 feet, then turns southeast across open land for approximately 1,327 feet, and then south for approximately 850 feet to its terminus at the junction of Segments 35 and 36.

Segment 35

Segment 35 begins at the junction of Segments 34 and 36. It extends west for approximately 623 feet, south for approximately 1,689 feet, and then west/southwest along the north side of Lloyds Road for approximately 454 feet. It then crosses Lloyds Road and extends south along the eastern side of property boundaries for approximately 3,092 feet before terminating at the junction of Segments 38 and 39.

Segment 36

Segment 36 begins at the junction of Segments 34 and 35 and extends east for approximately 1,694 feet to its terminus at the junction of Segments 27 and 37.



Segment 37

Segment 37 begins at the junction of Segments 27 and 36 and extends south across dense woodlands and open land for approximately 1,518 feet, crosses Lloyds Road, and continues south along the western side of property boundaries and across open land and dense woodlands for approximately 3,412 feet before terminating at the junction of Segments 42 and 43.

Segment 38

Segment 38 begins at the junction of Segments 35 and 39. It extends west for approximately 433 feet, then turns south for approximately 3,396 feet along the eastern side of FM 720, before crossing Shahan Prairie Road and terminating at the junction of Segments 47 and 48.

Segment 39

Segment 39 begins at the junction of Segments 35 and 38 and extends east for approximately 1,168 feet to its terminus at the junction of Segments 40 and 44.

Segment 40

Segment 40 begins at the junction of Segments 39 and 44 and extends east for approximately 434 feet to its terminus at the junction of Segments 41 and 42.

Segment 41

Segment 41 begins at the junction of Segments 40 and 42 and extends south across open land for approximately 64 feet to its terminus at Substation 1.

Segment 42

Segment 42 begins at the junction of Segments 37 and 43 and extends west for approximately 1,222 feet to its terminus at the junction of Segments 40 and 41.

Segment 43

Segment 43 begins at the junction of Segments 37 and 42. It extends south across dense woodlands and open land for approximately 3,428 feet, then turns west for approximately 1,131 feet before crossing Shahan Prairie Road. It then continues west along the southern side of Shahan Prairie Road for approximately 430 feet to its terminus at the junction of Segments 44 and 45.

Segment 44

Segment 44 begins at the junction of Segments 39 and 40 and extends south across dense woodlands and open land for approximately 3,416 feet where it crosses Shahan Prairie Road and terminates at the junction of Segments 43 and 45.



Segment 45

Segment 45 begins at the junction of Segments 43 and 44 and extends west along the southern side of Shahan Prairie Road for approximately 1,191 feet to its terminus at the junction of Segments 46 and 47.

Segment 46

Segment 46 begins at the junction of Segments 45 and 47 and extends south across open land for approximately 70 feet before terminating at Substation 3.

Segment 47

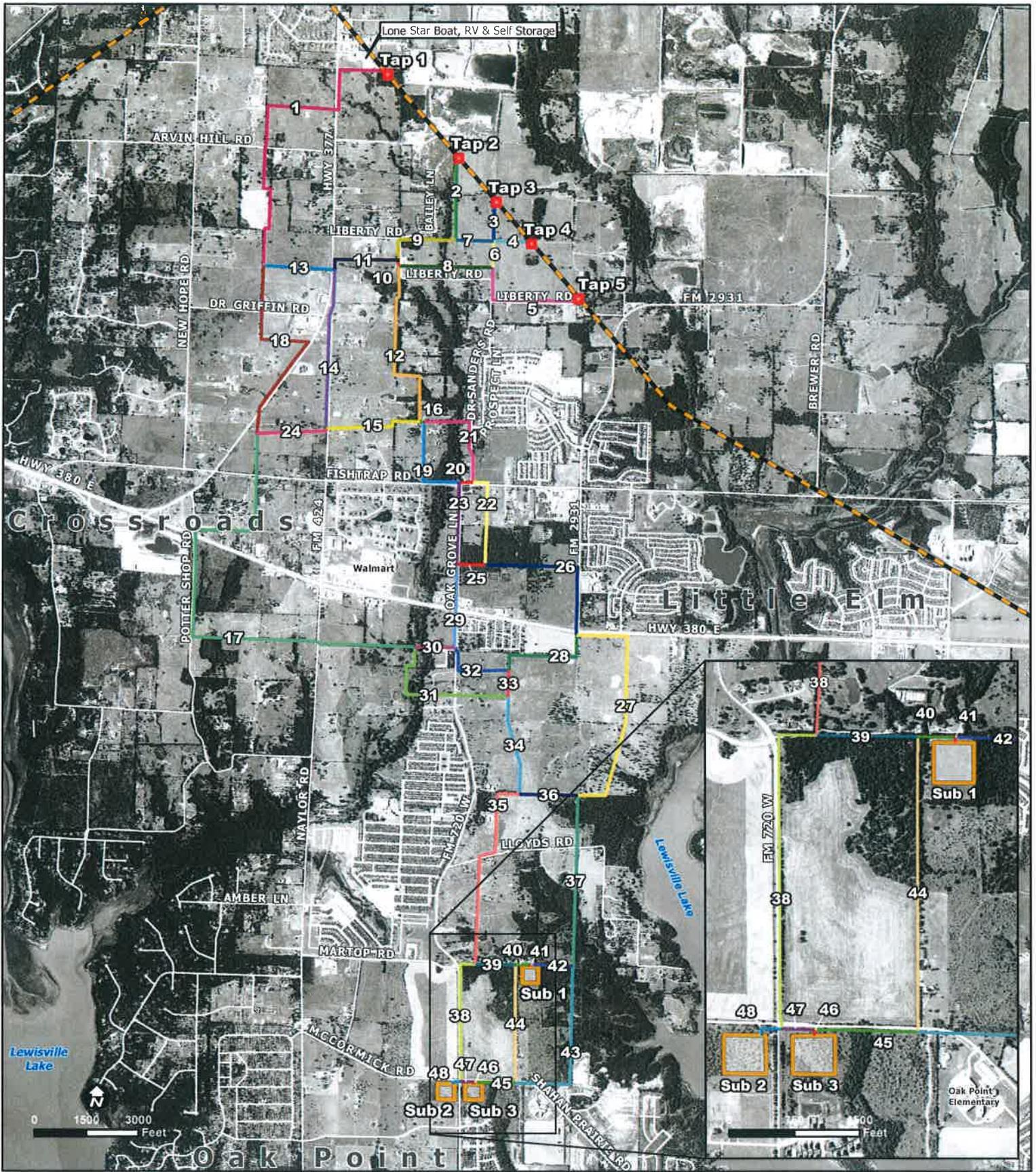
Segment 47 begins at the junction of Segments 38 and 48 and extends east along the southern side of Shahan Prairie Road for approximately 376 feet to its terminus at the junction of Segments 45 and 46.

Segment 48

Segment 48 begins at the junction of Segments 38 and 47. It crosses FM 720 and extends west for approximately 238 feet, then turns south for approximately 78 feet before terminating at Substation 2.

Sincerely,

Christine Polito
Senior Ecologist



-  Existing Transmission Lines
-  Route Segments
-  Proposed Tap Sites
-  Proposed Substations

BRAZOS ELECTRIC COOPERATIVE
OAK POINT TRANSMISSION LINE AND SUBSTATION PROJECT
 TRANSMISSION LINE ALTERNATIVE SEGMENTS

THE SUBSTATIONS, TAPS, AND ROUTE SEGMENTS SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE

Landowners and Transmission Line Cases at the PUC

Public Utility Commission of Texas



1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7261
www.puc.state.tx.us

Effective: June 1, 2011

Purpose of This Brochure

This brochure is intended to provide landowners with information about proposed new transmission lines and the Public Utility Commission's ("PUC" or "Commission") process for evaluating these proposals. At the end of the brochure is a list of sources for additional information.

The following topics are covered in this brochure:

- How the PUC evaluates whether a new transmission line should be built,
- How you can participate in the PUC's evaluation of a line, and
- How utilities acquire the right to build a transmission line on private property.

You are receiving the enclosed formal notice because one or more of the routes for a proposed transmission line may require an easement or other property interest across your property, or the centerline of the proposed project may come within 300 feet of a house or other habitable structure on your property. This distance is expanded to 500 feet if the proposed line is greater than 230 kilovolts (kV). For this reason, your property is considered **directly affected land**. This brochure is being included as part of the formal notice process.

If you have questions about the proposed routes for a transmission line, you may contact the applicant. The applicant also has a more detailed map of the proposed routes for the transmission line and nearby habitable structures. The applicant may help you understand the routing of the project and the application approval process in a transmission line case but cannot provide legal advice or represent you. ***The applicant cannot predict which route may or may not be approved by the PUC. The PUC decides which route to use for the transmission line, and the applicant is not obligated to keep you informed of the PUC's proceedings. The only way to fully participate in the PUC's decision on where to locate the transmission line is to intervene, which is discussed below.***

The PUC is sensitive to the impact that transmission lines have on private property. At the same time, transmission lines deliver electricity to millions of homes and businesses in Texas, and new lines are sometimes needed so that customers can obtain reliable, economical power.

The PUC's job is to decide whether a transmission line application should be approved and on which route the line should be constructed. The PUC values input from landowners and encourages you to participate in this process by intervening in the docket.

PUC Transmission Line Case

Texas law provides that most utilities must file an application with the PUC to obtain or amend a Certificate of Convenience and Necessity (CCN) in order to build a new transmission line in Texas. The law requires the PUC to consider a number of factors in deciding whether to approve a proposed new transmission line.

The PUC may approve an application to obtain or amend a CCN for a transmission line after considering the following factors:

- Adequacy of existing service;
- Need for additional service;
- The effect of approving the application on the applicant and any utility serving the proximate area;
- Whether the route utilizes existing compatible rights-of-way, including the use of vacant positions on existing multiple-circuit transmission lines;
- Whether the route parallels existing compatible rights-of-way;
- Whether the route parallels property lines or other natural or cultural features;
- Whether the route conforms with the policy of prudent avoidance (which is defined as the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort); and
- Other factors such as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in the area.

If the PUC decides an application should be approved, it will grant to the applicant a CCN or CCN amendment to allow for the construction and operation of the new transmission line.

Application to Obtain or Amend a CCN:

An application to obtain or amend a CCN describes the proposed line and includes a statement from the applicant describing the need for the line and the impact of building it. In addition to the routes proposed by the applicant in its application, the possibility exists that additional routes may be developed, during the course of a CCN case, that could affect property in a different manner than the original routes proposed by the applicant.

The PUC conducts a case to evaluate the impact of the proposed line and to decide which route should be approved. Landowners who would be affected by a new line can:

- informally file a protest, or
- formally participate in the case as an intervenor.

Filing a Protest (informal comments):

If you do not wish to intervene and participate in a hearing in a CCN case, you may file **comments**. An individual or business or a group who files only comments for or against any aspect of the transmission line application is considered a “protestor.”

Protestors make a written or verbal statement in support of or in opposition to the utility’s application and give information to the PUC staff that they believe supports their position.

Protestors are **not** parties to the case, however, and ***do not have the right to:***

- Obtain facts about the case from other parties;
- Receive notice of a hearing, or copies of testimony and other documents that are filed in the case;
- Receive notice of the time and place for negotiations;
- File testimony and/or cross-examine witnesses;
- Submit evidence at the hearing; or
- Appeal P.U.C. decisions to the courts.

If you want to make comments, you may either send written comments stating your position, or you may make a statement on the first day of the hearing. If you have not intervened, however, you will not be able to participate as a party in the hearing. Only parties may submit evidence and ***the PUC must base its decision on the evidence.***

Intervening in a Case:

To become an intervenor, you must file a statement with the PUC, no later than the date specified in the notice letter sent to you with this brochure, requesting intervenor status (also referred to as a party). This statement should describe how the proposed transmission line would affect your property. Typically, intervention is granted only to directly affected landowners. However, any landowner may request to intervene and obtain a ruling on his or her specific fact situation and concerns. A sample form for intervention and the filing address are attached to this brochure, and may be used to make your filing. A letter requesting intervention may also be used in lieu of the sample form for intervention.

If you decide to intervene and become a party in a case, you will be required to follow certain procedural rules:

- You are required to timely respond to requests for information from other parties who seek information.
- If you file testimony, you must appear at a hearing to be cross-examined.
- If you file testimony or any letters or other documents in the case, you must send copies of the documents to every party in the case and you must file multiple copies with the PUC.
- If you intend to participate at the hearing and you do not file testimony, you must at least file a statement of position, which is a document that describes your position in the case.
- Failure to comply with these procedural rules may serve as grounds for you to be dismissed as an intervenor in the case.
- If you wish to participate in the proceedings it is very important to attend any prehearing conferences.

Intervenors may represent themselves or have an attorney to represent them in a CCN case. If you intervene in a case, you may want an attorney to help you understand the PUC’s procedures and the laws and rules that the PUC applies in deciding whether to approve a transmission line. The PUC encourages landowners to intervene and become parties.

Stages of a CCN Case:

If there are persons who intervene in the case and oppose the approval of the line, the PUC may refer the case to an administrative law judge (ALJ) at the State Office of Administrative Hearings (SOAH) to conduct a hearing, or the Commission may elect to conduct a hearing itself. The hearing is a formal proceeding, much like a trial, in which testimony is presented. In the event the case is referred to SOAH, the ALJ makes a recommendation to the PUC on whether the application should be approved and where and how the line should be routed.

There are several stages of a CCN case:

- The ALJ holds a prehearing conference (usually in Austin) to set a schedule for the case.
- Parties to the case have the opportunity to conduct discovery; that is, obtain facts about the case from other parties.
- A hearing is held (usually in Austin), and parties have an opportunity to cross-examine the witnesses.
- Parties file written testimony before the date of the hearing. Parties that do not file written testimony or statements of position by the deadline established by the ALJ may not be allowed to participate in the hearing on the merits.
- Parties may file written briefs concerning the evidence presented at the hearing, but are not required to do so.
- In deciding where to locate the transmission line and other issues presented by the application, the ALJ and Commission rely on factual information submitted as evidence at the hearing by the parties in the case. In order to submit factual information as evidence (other than through cross-examination of other parties' witnesses), a party must have intervened in the docket and filed written testimony on or before the deadline set by the ALJ.
- The ALJ makes a recommendation, called a **proposal for decision**, to the Commission regarding the case. Parties who disagree with the ALJ's recommendation may file exceptions.
- The Commissioners discuss the case and decide whether to approve the application. The Commission may approve the ALJ's recommendation, approve it with specified changes, send the case back to the ALJ for further consideration, or deny the application. The written decision rendered by the Commission is called a **final order**. Parties who believe that the Commission's decision is in error may file motions for rehearing, asking the Commission to reconsider the decision.
- After the Commission rule on the motion for rehearing, parties have the right to appeal the decision to district court in Travis County.
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Right to Use Private Property

The Commission is responsible for deciding whether to approve a CCN application for a proposed transmission line. If a transmission line route is approved that impacts your property, the electric utility must obtain the right from you to enter your property and to build, operate, and maintain the transmission line. This right is typically called an easement.

Utilities may buy easements through a negotiated agreement, but they also have the power of eminent domain (condemnation) under Texas law. Local courts, not the PUC, decide issues concerning easements for rights-of-way. The PUC does not determine the value of property.

The PUC final order in a transmission case normally requires a utility to take certain steps to minimize the impact of the new transmission line on landowners' property and on the environment. For example, the order normally requires steps to minimize the possibility of erosion during construction and maintenance activities.

HOW TO OBTAIN MORE INFORMATION

The PUC's online filings interchange on the PUC website provides free access to documents that are filed with the Commission in Central Records. The docket number, also called a control number on the PUC website, of a case is a key piece of information used in locating documents in the case. You may access the Interchange by visiting the PUC's website home page at www.puc.state.tx.us and navigate the website as follows:

- Select "Filings."
- Select "Filings Search."
- Select "Filings Search."
- Enter 5-digit Control (Docket) Number. *No other information is necessary.*
- Select "Search." *All of the filings in the docket will appear in order of date filed.*
- Scroll down to select desired filing.
- Click on a blue "Item" number at left.
- Click on a "Download" icon at left.

Documents may also be purchased from and filed in Central Records. For more information on how to purchase or file documents, call Central Records at the PUC at 512-936-7180.

PUC Substantive Rule 25.101, Certification Criteria, addresses transmission line CCNs and is available on the PUC's website, or you may obtain copies of PUC rules from Central Records.

Always include the docket number on all filings with the PUC. You can find the docket number on the enclosed formal notice. Send documents to the PUC at the following address.

Public Utility Commission of Texas
Central Records
Attn: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

The information contained within this brochure is not intended to provide a comprehensive guide to landowner rights and responsibilities in transmission line cases at the PUC. This brochure should neither be regarded as legal advice nor should it be a substitute for the PUC's rules. However, if you have questions about the process in transmission line cases, you may call the PUC's Legal Division at 512-936-7261. The PUC's Legal Division may help you understand the process in a transmission line case but cannot provide legal advice or represent you in a case. You may choose to hire an attorney to decide whether to intervene in a transmission line case, and an attorney may represent you if you choose to intervene.

Communicating with Decision-Makers

Do not contact the ALJ or the Commissioners by telephone or email. They are not allowed to discuss pending cases with you. They may make their recommendations and decisions only by relying on the evidence, written pleadings, and arguments that are presented in the case.

