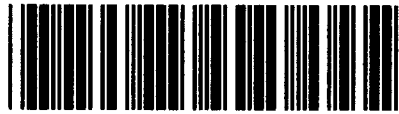


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## OPEN MEETING COVER SHEET

**MEETING DATE:** September 24, 2009

**DATE DELIVERED:** September 24, 2009

**AGENDA ITEM NO.:** 15

**CAPTION:** Docket No. 37015; SOAH Docket No. 473-09-4540 - Application of Oncor Electric Delivery Company to Amend a Certificate of Convenience and Necessity for a Proposed CREZ Transmission Line within Archer, Clay and Jack Counties

**ACTION REQUESTED:** Memo from Commissioner Nelson

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# Public Utility Commission of Texas

## Memorandum

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**TO:** Chairman Barry T. Smitherman  
Commissioner Kenneth W. Anderson, Jr.

**FROM:** Commissioner Donna L. Nelson 

**DATE:** September 24, 2009

**RE:** **Open Meeting Item 15;** Docket No. 37015; SOAH Docket No. 473-09-4540 - Application of Oncor Electric Delivery Company to Amend a Certificate of Convenience and Necessity for a Proposed CREZ Transmission Line within Archer, Clay and Jack Counties; September 24, 2009 Open Meeting

I propose the following modifications to the proposed order in Docket No. 37015:

- Gloria Toney was admitted as an intervenor, but is not mentioned in the proposed order. Ms. Toney has not submitted any opposition to the proposed order. The discussion in the order on page 1 should be modified to include Gloria Toney in the list of landowner intervenors and Finding of Fact 11 should be corrected to include Gloria Toney.
- Finding of Fact 29 and Conclusion of Law 7 should be modified to include all of the applicable statutes relating to exemptions for CREZ transmission projects. I propose the following as replacements to Finding of Fact 29 and Conclusion of Law 7 in the proposed order:
  - Finding of Fact 29:  
As a CREZ transmission project identified in Docket Nos. 33672 and 36146, the Proposed Project is exempt under the Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-11.016 (Vernon 2007 & Supp. 2009), (PURA) §§ 39.203(e) and 39.904(h) and P.U.C. SUBST. R. 25.174(c)(5) from the requirement to consider the factors in PURA § 37.056(c)(1)-(3) and (4)(E).
  - Conclusion of Law 7:  
The Proposed Project, as a CREZ transmission project identified in Docket Nos. 36146 and 33672, is exempt under PURA §§ 39.203(e) and 39.904(h) and P.U.C. SUBST. R. 25.174(c)(5) from the requirement of proving that the construction ordered is necessary for the service, accommodation, convenience, or safety of the public and need not address the adequacy of existing service, the need for additional service, the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area, and the probable

improvement of service or lowering of cost to consumers in the area if the certificate is granted.

- **Minor corrections**
  - Change “address” to “addresses” in the first line on page 1
  - Change “Commission” to “Committee” in Ordering Paragraph 4
  - Add “No.” between “Docket” and “36146” in Finding of Fact 28
  - Other minor corrections and modifications

I look forward to discussing this with you in the open meeting.