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May 9, 2014

Chairman Donna L. Nelson
Commissioner Kenneth W. Anderson
Commissioner Brandy D. Marty
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78701

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PUBLIC UTILITY COMMISSION
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Re: Comments in Support of Proposal for Decision - Commission Docket No. 40953, SOAH Docket No. 473-13-2490, *Complaint of Johnny H. and Eloise Vinson Against Oncor Electric Delivery Company LLC*

Cross Texas Transmission, LLC, El Paso Electric Company, LCRA Transmission Services Corporation, Lone Star Transmission, LLC, Sharyland Utilities, L.P., Southwestern Public Service Company, and Texas New Mexico Power Company (collectively, "TSPs") hereby notify the Public Utility Commission of Texas ("Commission") of their support of the Proposal for Decision ("PFD") and the positions advanced by Commission Staff and Oncor Electric Delivery Company LLC ("Oncor") in the aforementioned docket. While the TSPs do not take a position with regard to specific factual circumstances underpinning the dispute between the complainant and Oncor, the TSPs do endorse Staff's and Oncor's positions as they relate to engineering discretion available to electric utilities during the transmission line construction process.

The need for a reasonable level of engineering discretion during construction is necessary for the safe, reliable, and cost-effective development of transmission facilities in Texas. Often, constraints to construction do not reveal themselves to the utility until field surveys of a route can be conducted after an order approving a certificate of convenience and necessity ("CCN") is issued by the Commission. These constraints can be as varied as unknown gas or water pipelines, archaeological sites, abandoned wellheads, family cemeteries, unbuildable soil conditions, and many more. When these kinds of constraints reveal themselves, utilities then must exercise engineering discretion to address the constraints, often resulting in realignment of particular portions of a transmission line. This is not a new concept and reflects the process by which utilities in Texas have been constructing transmission lines for decades. This is also an example of good utility practice, which electric utilities are required to employ under Commission rules.

If the positions set forth by the complainant in this case are endorsed by the Commission, the transmission line development process will change for the worse. For example, field surveys and engineering studies will have to be more detailed and will require access to each and every parcel of property crossed by every route proposed by a utility in an application for a CCN. This is completely impractical and inefficient as studies and engineering will have to be conducted on private property that may never be affected by a transmission line. This would result in considerable additional expenditures of cost and of time in the CCN process, with a corresponding delay in transmission line development and increase of costs to all ratepayers.

The TSPs support the PFD as it reflects real world construction processes and the challenges of transmission line development. For these reasons, the TSPs support the PFD and strongly encourage the Commission to issue an order consistent therewith.

Respectfully submitted,

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cc: All Parties of Record
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