

2013 FEB 14 PM 1:55

APPLICATION OF SOUTHWESTERN §
PUBLIC SERVICE COMPANY TO §
AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR A 115-KV TRANSMISSION LINE §
WITHIN HALE AND SWISHER §
COUNTIES §

PUBLIC UTILITY COMMISSION
OF TEXAS

ORDER

This Order addresses the application of Southwestern Public Service Company (SPS) application to amend a certificate of convenience and necessity (CCN) for a proposed 115-kV transmission line within Hale and Swisher Counties (Application). A unanimous stipulation (Stipulation) was executed that resolves all of the issues in this docket. Consistent with the Stipulation, SPS's Application is approved.

The Public Utility Commission of Texas (Commission) adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History

1. SPS is an investor-owned electric utility providing retail electric service in Texas under CCN No. 30153.
2. On February 6, 2012, under the authority of Chapter 37 of the Public Utility Regulatory Act, TEX. UTIL. CODE ANN. Title 2 (Vernon 2007 & Supp. 2012) (PURA), SPS filed an application for a proposed 115-kV transmission line that begins at the existing Kress Substation located adjacent to and west of County Road (CR) 10 and north of Farm-to-Market Road (FM) 145 in Swisher County and ends at the proposed Kiser Substation located on the southwest corner of the intersection of FM 400 and 24th Street, in Hale County. The proposed transmission line's length would be approximately 23 to 30 miles depending upon the route selected.

126

3. On February 6, 2012, pursuant to P.U.C. PROC. R. 22.52(a), SPS provided, by first class mail, written notice of the Application to: (a) the county governments of Hale and Swisher, the counties in which the proposed facility is located; (b) Golden Spread Electric Cooperative, Inc., Swisher Electric Cooperative, Inc., and Lighthouse Electric Cooperative, Inc., the neighboring utilities within five miles of the proposed facility; (c) the Cities of Plainview and Kress, the municipalities within five miles of the proposed facility; (d) each landowner, as stated on the county tax rolls, that will be directly affected by the requested CCN amendment; and (e) the Office of the Public Utility Counsel (OPUC).
4. On February 6, 2012, SPS provided a copy of the Application and the Environmental Assessment and Alternative Route Analysis (EA) to the Texas Parks and Wildlife Department (TPWD).
5. On February 7, 2012, the Commission's Administrative Law Judge (ALJ) filed Order No. 1, requiring information from SPS and a recommendation from Commission Staff regarding the sufficiency of the Application and notice, and addressing other procedural matters.
6. On February 10, 2012, pursuant to P.U.C. PROC. R. 22.52(a)(1), SPS published notice of the Application in *The Plainview Daily Herald*, a newspaper of general circulation in Hale and Swisher Counties, Texas.
7. On February 13, 2012, SPS filed a response to the issues to be addressed in Order No. 1.
8. On February 15, 2012, SPS filed proof of notice to the affected counties, utilities, municipalities, landowners, and OPUC.
9. On February 17, 2012, Vance Gandy filed a motion to intervene in this proceeding.
10. On February 21, 2012, SPS filed an affidavit attesting to the publication of notice in *The Plainview Daily Herald*.
11. On February 21, 2012, SPS filed an affidavit attesting to the provision of the Application and EA to TPWD.
12. On February 22, 2012, Jeane L. Browning filed a motion to intervene in this proceeding.

13. On February 27, 2012 the Commission's ALJ filed Order No.2, granting the motion to intervene of Vance Gandy.
14. On February 29, 2012, motions to intervene were filed by George Harlan and Jeremy Reed.
15. On March 2, 2012, motions to intervene were filed by Johnie Reed, Debbie Reed, Joe Reed, Jimie Reed, and Jeff Reed.
16. On March 5, 2012, Jorea Dunn filed a motion to intervene in this proceeding.
17. On March 5, 2012, Commission Staff filed a recommendation on the sufficiency of the application and notice. Commission Staff recommended that the Application be deemed sufficient and that notice be approved. Commission Staff also proposed a procedural schedule.
18. On March 6, 2012, Billy Evans filed a motion to intervene in this proceeding.
19. On March 7, 2012, motions to intervene were filed by Barry Evans and Brad Ramsower/Ramsower Farms.
20. On March 8, 2012, Sandra DeLeon filed a motion to intervene in this proceeding.
21. On March 9, 2012, Craig Silverthorne filed a motion to intervene in this proceeding.
22. On March 12, 2012, the Commission's ALJ issued Order No. 3, addressing the sufficiency of the Application, deeming the notice approved, and establishing a procedural schedule.
23. On March 13, 2012, Bryan Michael of Pioneer Hi-Bred International filed a motion to intervene in this proceeding.
24. On March 14, 2012, the Commission's ALJ issued Order No. 4, granting the motions to intervene of Jeane L. Browning, George Harlan, Jeremy Reed, Johnie Reed, Debbie Reed, Joe Reed, Jimie Reed, Jeff Reed, Jorea Dunn, and Billy Evans.
25. On March 19, 2012, motions to intervene were filed by J.W. Hamby and Rachel Gafford.
26. On March 20, 2012, Joe Garrett filed a motion to intervene in this proceeding.

27. On March 21, 2012, Brady Johnston filed a motion to intervene in this proceeding.
28. On March 22, 2012, motions to intervene were filed by Anita Woods for the Estate of Lucille Anderson, Louie Strange, Dwain Strange, Richard and Linda Tye, and United Farm Industries, Inc.
29. On March 22, 2012, the Commission's ALJ issued Order No. 5, granting the motions to intervene of Brad Ramsower/ Ramsower Farms, Barry Evans, Sandra De Leon, Craig B. Silverthorne and Bryan Michael for Pioneer Hi-Bred International.
30. On March 23, 2012, Brook Mickey filed a motion to intervene in this proceeding.
31. On March 26, 2012, a Notice of Representation was filed on behalf of Jeremy Reed, Johnie Reed, Debbie Reed Joe Reed, Jimie Reed and Jeff Reed.
32. On March 26, 2012, a request for a hearing on the merits and for a pre-hearing conference and technical conference was filed by Jeremy Reed, Johnie Reed, Debbie Reed, Joe Reed, Jimie Reed and Jeff Reed.
33. On April 2, 2012, a Notice of Technical Conference was filed by SPS.
34. On April 3, 2012, Commission Staff filed a letter from TPWD containing comments and recommendations regarding the proposed transmission line.
35. On April 3, 2012, the Commission's ALJ issued Order No. 6, granting the motions to intervene of J.W. Hamby, Rachel Gafford, Joe Garrett, Brady Johnston, Anita Woods, Lucille Anderson Estate, Louie Strange, Dwain Strange, Richard and Linda Tye, United Farm Industries, Inc., and Brook Mickey.
36. On April 6, 2012, Commission Staff filed a letter informing the Commission that Staff would not file a recommendation on final disposition because an intervenor had requested a hearing and the case was no longer eligible for informal disposition.
37. On April 11, 2012, the Commission issued the Order of Referral and Preliminary Order.
38. April 20, 2012, the State Office of Administrative Hearings (SOAH) ALJ issued Order No. 1, noticing a prehearing conference.
39. On May 4, 2012, SPS filed errata to the Application.

40. On May 7, 2012, a prehearing conference was held.
41. On May 9, 2012, the SOAH ALJ issued Order No. 2, setting deadlines; scheduling a hearing on the merits; and informing parties of procedural matters.
42. On May 25, 2012, SPS filed a supplement to the Application.
43. On June 8, 2012, SPS filed the direct testimony of four witnesses in support of the Application.
44. On June 22, 2012, SPS filed a notice of settlement conference.
45. On June 29, 2012, a settlement conference was held.
46. On June 29, 2012, SPS filed a motion to abate the procedural schedule.
47. On July 3, 2012, the SOAH ALJ filed Order No. 3, granting SPS's motion to abate the procedural schedule.
48. On August 1, 2012, SPS filed a second motion to abate the procedural schedule.
49. On August 3, 2012 the SOAH ALJ signed Order No. 4, granting SPS's second motion to abate the procedural schedule.
50. On August 16, 2012, SPS filed a third motion to abate the procedural schedule.
51. On August 23, 2012, SPS filed a motion to determine party status.
52. On August 23, 2012, the SOAH ALJ issued Order No. 5, granting SPS's third motion to abate.
53. On September 7, 2012, Bobby Harlan and Jerry Harlan filed a Notice of Appearance in their Capacity of Co-Executors of the Estate of Intervenor George Harlan.
54. On September 7, 2012, SPS filed a fourth motion to abate.
55. On September 7, 2012, the SOAH ALJ issued Order No. 6, establishing a deadline to intervene for the Harlan Estate.
56. On September 28, 2012, SPS filed a motion to end abatement and adopt revised procedural schedule.

57. On October 3, 2012, the SOAH ALJ issued Order No. 7, setting new schedule, including hearing on the merits and granting intervention.
58. On October 25, 2012, statements of position were filed by Jeane L. Browning; Joe Reed, Jimie Reed, Johnie Reed and Jeff Reed; Debbie Reed; Jorea Dunn; and, Sandra DeLeon.
59. On October 25, 2012, Jeremy Reed filed direct testimony.
60. On October 26, 2012, Pioneer Hi-Bred International filed a statement of position.
61. On October 29, 2012, Bobby Harlan and Jerry Harlan filed a statement of position.
62. On October 30, 2012, statements of position were filed by Richard and Linda Tye, Anita Woods, Lucille Anderson Estate, Louie Strange, and Dwain Strange.
63. On November 8, 2012, Jorea Dunn filed a motion to strike parties that had not filed a statement of position or testimony.
64. On November 15, 2012, the SOAH ALJ issued Order No. 8, dismissing the following intervenor landowners due to failure to file a statement of position or testimony by the deadline of October 29, 2012: Vance Gandy; Billy Evans; Ramsower Farms; Barry Evans; Craig Silverthorne; Rachel Gafford; J.W. Hamby; Joe Garrett; Brady Johnston; United Farm Industries, Inc.; and, Brook Mickey.
65. On November 28, 2012, Commission Staff filed the direct testimony of Chris Roelse, P.E.
66. On December 12, 2012, SPS filed the Motion to Remand and the Motion to Admit Evidence, which included the Unanimous Stipulation resolving all issues in this docket.

Description of Agreed Transmission Line and Cost

67. SPS filed 11 alternate routes consisting of a combined 41 segments. Parties have agreed to Settlement Route 12 that is comprised of segments: MB, J, N, P, L3, N2, P2, S2, U2, V2, MS1, MY1, Q1, E3, D2, MA2, and L2. Segments MB, MS1, MY1, and MA2 are modified from the segments SPS originally proposed. The modifications made to those segments directly affect four landowners: Brad Ramsower/Ramsower Farms, Pioneer Hi-Bred International, Gayleen McLean and Severo Perez. Mr. Ramsower/Ramsower Farms, Ms. McLean and Mr. Perez are not parties to the proceeding, but executed

affidavits acknowledging that they received notice of the originally proposed segments, have waived notice of the changed segments, and have agreed to the segments crossing their property as described in the affidavits. A map depicting Settlement Route 12 and the segments is attached to the Stipulation as Attachment D. The length of Settlement Route 12 is approximately 23.4 miles.

68. The proposed transmission line will be built using primarily single-pole steel structures.
69. The cost to construct Settlement Route 12 is approximately \$13,826,123 and the cost to construct the Kiser Substation and perform upgrades of the Kress Rural and Plainview North substations is approximately \$10,102,725. The total estimated cost of the project is approximately \$23,928,848. This is the least expensive route proposed by SPS. The estimated cost of the proposed transmission line and substation facilities is reasonable when compared to similar projects and alternative routes for this project.

Need for the Proposed Transmission Line

70. SPS is a member of, and its entire transmission system is located within, the Southwest Power Pool (SPP). The SPP is a regional transmission organization approved by the Federal Energy Regulatory Commission that meets the requirements of PURA § 39.151 as an independent system operator.
71. The proposed project includes a 115-kV transmission line that would connect the existing Kress Substation located adjacent to and west of CR 10 and north of FM 145 in Swisher County, Texas with the Kiser Substation to be located on the southwest corner of the intersection of FM 400 and 24th Street, in Hale County, Texas. The proposed project would also upgrade the Kress Rural and Plainview North substations to 115-kV. The proposed transmission line was identified by SPP as needed to address overloads and low voltage in the Kress and Plainview areas due to area load growth.
72. The proposed transmission line is the result of the 2009 and 2010 SPP Transmission Expansion Plan (STEP) studies of the SPP Open Access Transmission Tariff, which is part of the Ten-Year Regional Transmission Organization Regional Reliability Assessment (2010-2019).

73. SPS demonstrated a reasonable need for the proposed project in order to provide more adequate and reliable service. The need for the proposed project was not disputed in this docket.

Resolution of Landowner Concerns

74. All parties, Brad Ramsower/Ramsower Farms, Gayleen McLean and Severo Perez have agreed to Settlement Route 12 consisting of segments MB, J, N, P, L3, N2, P2, S2, U2, V2, MS1, MY1, Q1, E3, D2, MA2, and L2.

Project Alternatives

75. SPS did not analyze distribution alternatives, upgrading voltage or bundling of conductors of existing facilities, adding transformers, or distributed generation alternatives because here those alternatives alone would not satisfy the reliability requirements of the STEP study to address transmission system overloads and low voltage violations during contingency outages in the Kress and Plainview service areas.

Routes

76. SPS proposed a sufficient number of geographically diverse routes for the proposed transmission line.
77. Consistent with the Application and the Stipulation, the proposed transmission line to be constructed along Settlement Route 12 is comprised of segments MB, J, N, P, L3, N2, P2, S2, U2, V2, MS1, MY1, Q1, E3, D2, MA2, and L2 as described in Attachment C to the Stipulation. The transmission line will begin at the Kress Substation located adjacent to and west of CR 10 and north of FM 145 in Swisher County, Texas, and end at the new Kiser Substation to be located approximately on the southwest corner of the intersection of FM 400 and 24th Street, in Hale County, Texas.
78. Settlement Route 12 complies with all aspects of PURA § 37.056 and P.U.C. SUBST. R. 25.101 and is the best alternative weighing the factors contained therein.

Community Values

79. Pursuant to P.U.C. PROC. R. 22.52(a)(4), SPS and POWER Engineers, Inc. (POWER) conducted an open-house meeting at which the proposed project was discussed. The meeting was conducted between the hours of 5:30 and 7:30 PM on August 11, 2011, at

the Plainview Independent School District's Education Complex Boardroom in Plainview, Texas.

80. Information received from the public open-house meetings and from local, state, and federal agencies was considered and incorporated into the routing analysis and selection of alternative routes.
81. Commission Staff recommends that SPS cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the proposed transmission line.
82. There are 76 habitable structures located within 300 feet of the proposed transmission line along Settlement Route 12.
83. There is one known AM radio tower within 10,000 feet of the transmission line along Settlement Route 12.
84. There are four known electronic communication towers located within 2,000 feet of the transmission line along Settlement Route 12.
85. There are two known FAA registered airports with runways longer than 3,200 feet within 20,000 feet of the centerline of Settlement Route 12. There are no known heliports within 5,000 feet of Settlement Route 12. There are no private airstrips within 10,000 feet of the centerline of Settlement Route 12.

Park and Recreational Areas

86. There are no parks within 1,000 feet of the proposed centerline of Settlement Route 12 or any of the Alternate Routes.
87. The proposed transmission line will have no adverse impact on parks and recreational areas.

Historical and Archeological Areas

88. Settlement Route 12 does not cross any listed or determined-eligible historical or archeological sites, and there are no such sites within 1,000 feet of the route.
89. Settlement Route 12 does not cross any previously recorded historical or archeological sites, and there is only one known site within 1,000 feet of the route.

Aesthetic Values

90. The aesthetic impacts of the proposed transmission line have been considered and minimized to the extent possible.

Effect of Granting the CCN on Other Utilities

91. The proposed transmission line will not adversely affect service by other utilities in the area and will result in SPS being able to provide more reliable service.

Environmental Impact

92. Construction of the proposed transmission line will have no significant impacts on the geologic or physiographic features of the area.
93. The proposed transmission line will not have a long-term impact on soils. SPS will inspect the right-of-way (ROW) during and after construction to identify erosion areas and will take special precautions to minimize vehicular traffic over areas with shallow soils. SPS will also exercise special care when clearing near waterways.
94. The proposed transmission line will have no significant impacts on prime farmland and will be limited to the physical occupation of small areas at the base of support structures.
95. The construction of the proposed transmission line should have no significant impact on surface water.
96. Settlement Route 12 will cross two streams and will have approximately 3,201 feet of ROW across playa lakes. SPS will span all streams and playa lakes where possible. Lines that cross or are located near drainages and playa lakes will have line markers installed at the crossings or closest points to the drainages.
97. Although it is likely that some transmission line structures will be located within a floodplain, careful siting should minimize the possible impacts and the structures should not significantly affect flooding. SPS will coordinate with the appropriate floodplain administrators for Hale and Swisher Counties as necessary.
98. Construction of the proposed transmission line and substation should have no significant impact on the groundwater resources of the area.

99. The main impact of the transmission line on vegetation will be the removal of woody vegetation along the proposed ROW. When clearing vegetation, SPS will retain native ground cover, where possible, to minimize impacts to local vegetation and will re-seed as required by this Order.
100. The transmission line will have no significant impact on aquatic/hydric habitat.
101. The transmission line will have no significant impact on local wildlife.
102. The transmission line is not located within the Texas Coastal Management Program Boundary.
103. No plants currently listed as threatened or endangered by United States Fish and Wildlife Service (USFWS) and TPWD are known to occur along the proposed transmission line routes or on substation sites. No significant impacts to any federally or state-protected plant species are expected to result from this project.
104. No significant impacts to unique, sensitive, or protected wildlife habitats are anticipated.
105. No impacts to federal or state-listed threatened or endangered species are anticipated. SPS will consult with USFWS should any federally listed threatened species be observed during construction.
106. No significant impacts are expected to non-listed sensitive species that may occur in the study area. SPS will consult USFWS for any required surveys.
107. Any construction activities should avoid burrows, including prairie dog colonies and mammal burrows, to avoid potential impacts to burrowing owls, prairie dogs and the swift fox.
108. SPS has conducted an adequate evaluation of potential environmental impacts of the proposed transmission line in the impacted area.

Prudent Avoidance

109. The proposed transmission line has been routed in accordance with the Commission's policy of prudent avoidance. There are 76 habitable structures within 300 feet of the centerline of Settlement Route 12.

TPWD Written Comments, Recommendations, and Procedures

110. SPS will comply with all environmental laws and regulations independent of any language included by the Commission in this Order.
111. In addition to obtaining a CCN from the Commission, SPS may need additional permits, and where necessary to comply with other federal and state laws, may be required to make additional notifications in order to construct the project.
112. After a transmission line route has been selected and approved by the Commission, qualified individuals will, if necessary, conduct a field assessment of the entire length of the project to identify water resources, cultural resources, potential migratory bird issues, and threatened or endangered species habitat that may be impacted as a result of the project. As a result of these assessments, SPS will identify 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.
113. If appropriate, SPS will utilize permitted biological monitors to ensure compliance with the Endangered Species Act.
114. SPS will implement construction practices that are sufficient to avoid the need for additional permitted biological monitors during clearing and construction activities for state-listed species. SPS will implement TPWD recommendations that state-listed species observed during construction will be allowed to leave the site prior to construction or, where appropriate, be relocated to a suitable nearby area by a permitted individual.
115. SPS will comply with the Migratory Bird Treaty Act.
116. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with SPS's implementation of construction and mitigation practices identified in the findings of facts are reasonable measures that SPS will implement when constructing the transmission line.
117. SPS will use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.

118. To the extent prairie dog towns are in the immediate proximity of the route, SPS will implement the measures described in the letter dated April 3, 2012, from TPWD that is in the record in this docket regarding the Black-Tailed Prairie Dog.
119. This Order addresses only those TPWD recommendations and comments for which there is record evidence.

II. Conclusions of Law

1. SPS is an electric utility as defined in PURA §§ 11.004 and 31.002(6).
2. SPS is not a participant in the retail competition market under PURA, Chapter 39, Subchapter I.
3. The Commission has jurisdiction over this matter pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
4. SPS provided proper notice of the Application in compliance with PURA § 37.054 and P.U.C. PROC. R. 22.52(a).
5. This docket was processed in accordance with the requirements of PURA, the Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2012), and Commission rules.
6. SPS is entitled to approval of the Application described in the findings of fact, utilizing Settlement Route 12, having demonstrated that the proposed transmission line facilities are necessary for the service, accommodation, convenience, and safety of the public within the meaning of PURA § 37.056(c).
7. Settlement Route 12 complies with all aspects of PURA § 37.056 and P.U.C. SUBST. R. 25.101, as well as the Commission's policy of prudent avoidance.
8. This Application does not constitute a major rate proceeding as defined by P.U.C. PROC. R. 22.2.
9. Consistent with the Stipulation, the Application is reasonable, and should be approved.

10. The requirements for informal disposition pursuant to P.U.C. PROC. R. 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 Order:

1. Consistent with the Stipulation, SPS's Application is approved.
2. Consistent with the Stipulation, CCN No. 30153 is amended to include the construction and operation of the transmission line facilities requested in the Application. SPS will use Settlement Route 12, comprised of segments MB, J, N, P, L3, N2, P2, S2, U2, V2, MS1, MY1, Q1, E3, D2, MA2, and L2 as described in Attachment C to the Stipulation. Settlement Route 12 is approximately 23.4 miles in length.
3. Resolution of this docket was the product of negotiation and compromise between the Parties and directly affected landowners, Brad Ramsower/Ramsower Farms, Gayleen McLean and Severo Perez. Entry of this Order does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the Stipulation. Entry of this Order shall not be regarded as binding precedent as to the appropriateness of any principle underlying the Stipulation.
4. In the event SPS or its contractors encounter any artifacts or other cultural resources during project construction, work shall cease immediately in the vicinity of the resource and the discovery shall be reported to the Texas Historical Commission (THC). In that situation, SPS shall take action as directed by the THC.
5. SPS shall implement erosion control measures as appropriate. Also, SPS shall return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or landowners' representatives. SPS shall not be required to 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.

6. SPS shall follow the procedures for raptor protection outlined in the Avian Power Line Interaction Commission (APLIC), *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (2006); and in the APLIC and USFWS *Avian Protection Plan Guidelines* (2005). SPS shall take precautions to avoid disturbing occupied nests and will take steps to minimize the impact of construction on migratory birds, especially during nesting season.
7. SPS shall exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the ROW, and shall ensure that such herbicide use complies with the rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with the Texas Department of Agriculture regulations.
8. SPS shall minimize the amount of flora and fauna disturbed during construction of the transmission line, except to the extent necessary to establish appropriate ROW clearance for the transmission line. Additionally, SPS shall re-vegetate using native species and shall consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, SPS shall avoid adverse environmental impacts to sensitive plant and animal species and their habitats as identified by TPWD and the USFWS.
9. SPS shall use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
10. SPS shall cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the project. Any minor deviations in the approved route shall only directly affect landowners who were sent notice of the transmission line in accordance with P.U.C. PROC. R. 22.52(a)(3) or have waived notice and agreed to accept the transmission line across their property, and shall directly affect only those landowners that have agreed to the minor deviation, excluding public ROWs.
11. SPS shall be permitted to deviate from the approved route in any instance in which the deviation would be more than the minor deviation, but only if the following two conditions are met. First, SPS shall receive consent from all landowners who would be affected by the deviation regardless of whether the affected landowner received notice of

or participated in this proceeding. Second, the deviation shall result in a reasonably direct path towards the terminus of the line and not cause an unreasonable increase in cost or delay the project. Unless these two conditions are met, this paragraph does not authorize SPS to deviate from the approved route except as allowed by the other ordering paragraphs in this Order.

12. SPS shall update the reporting of this project on their monthly construction progress report prior to the start of construction to reflect final estimated cost and schedule in accordance with P.U.C. SUBST. R. 25.83(b).
13. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS the 14th day of February 2013.

PUBLIC UTILITY COMMISSION OF TEXAS



DONNA L. NELSON, CHAIRMAN



KENNETH W. ANDERSON, JR., COMMISSIONER



ROLANDO PABLOS, COMMISSIONER