

**SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023**

APPLICATION OF THE CITY OF SAN ANTONIO TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE SCENIC LOOP 138-KV TRANSMISSION LINE IN BEXAR COUNTY	§ § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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AMENDMENT TO CPS ENERGY’S APPLICATION

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SCENIC LOOP 138-KV TRANSMISSION	§	ADMINISTRATIVE HEARINGS
LINE IN BEXAR COUNTY	§	

**AMENDMENT TO CPS ENERGY’S APPLICATION AND REQUEST FOR APPROVAL
AND ADOPTION OF REVISED PROCEDURAL SCHEDULE**

COMES NOW the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and files this Amendment to its Application to amend its Certificate of Convenience and Necessity (CCN) for the Proposed Scenic Loop 138-kV Transmission Line in Bexar County (Project). CPS Energy requests that this Amendment be found sufficient, consistent with SOAH Order Nos. 4 and 5, and that a revised procedural schedule be adopted in light of this Amendment. In support hereof, CPS Energy respectfully shows:

I. INTRODUCTION

On November 24, 2020, Toutant Ranch, Ltd., ASR Parks, LLC, Pinson Interests Ltd. LLP, and Crighton Development Co. (Developers) filed a Statement on Route Adequacy and Request for Approval of Proposed Agreed Amendments to CPS Energy’s Application. On the same day, CPS Energy filed a response stating its support for the route changes requested by Developers. SOAH Order No. 4 granted Developers’ motion and ordered CPS Energy to amend its application in accordance with the request by December 11, 2020.

At the route adequacy hearing held in this docket on December 10, 2020, CPS Energy announced that an additional amendment to the Application was necessary as a result of recent development occurring in proximity to Segment 26.

SOAH Order No. 5 extended the time period for CPS Energy to file the necessary amendments to the application to December 23, 2020, including changes necessary due to the home being constructed in the right-of-way under Segment 26. This Application Amendment is timely filed before December 23, 2020.

II. RELIEF REQUESTED

A. Sufficiency of Amendment and Adoption of Revised Schedule

CPS Energy files this Application Amendment consistent with SOAH Order Nos. 4 and 5. In making the changes reflected in this Application Amendment, CPS Energy has endeavored to comply with the requirements of the Administrative Law Judges (ALJs) and all applicable rules of the Public Utility Commission of Texas (Commission). CPS Energy has determined that, because (1) the changes to routing on Segments 42, 46, 48, and 49 occur entirely on property owned by the directly affected landowner, with the landowner's consent; and (2) the change to routing on Segment 26 affects only landowners who have previously received notice and/or are currently participating in this case, no additional notice is required beyond that already provided by CPS Energy. In light of this, CPS Energy requests that the ALJs find that the Application Amendment is materially sufficient and that no additional notice is required at this time.

Further, in light of the Application Amendment, CPS Energy has proposed revisions to the procedural schedule and an additional extension of the deadline for the Commission to issue a final order in this case that was filed in this docket on December 18, 2020. CPS Energy has not received any objections to that revised schedule. Therefore, CPS Energy also requests that the ALJs adopt the revised procedural schedule at the same time it finds the Application Amendment and notice sufficient. This will allow this case to proceed to hearing under the newly proposed schedule.

B. Revisions to Prefiled Testimony

Because of the Application Amendment, a limited number of changes are required to be made to the prefiled testimony of CPS Energy's witnesses in this case. The testimony of Ms. Lisa B. Meaux was previously admitted at the route adequacy hearing on December 10, 2020 as CPS Energy Exhibit 2 and, therefore, any revisions to her testimony are being addressed in this filing by submission of supplemental direct testimony (see Attachment 6). For CPS Energy's other witnesses, however, CPS Energy will provide errata to their prefiled testimony, making a small number of changes to the testimony to reflect the revisions contained in the Application Amendment. These changes are minor and will be made in writing prior to offering the testimony into evidence, unless the ALJs order otherwise.

III. DESCRIPTION OF APPLICATION AMENDMENT

A. Segment Modifications

1. Developers' Motion

In accordance with Developers' motion, the following changes to Segments 42, 46, 48, and 49 are reflected in this Application Amendment:

- The northern portion of Segment 42 was modified by shifting it to the north at the request of the landowner. To distinguish this segment from the original alignment of Segment 42 it was renamed as Segment 42a (see Figure 6-20 in Attachment 2; Attachment 4; and Sheet 3 Amended in Attachment 5).
- The eastern portion of Segment 46 was modified by shifting it to the south to better avoid a habitable structure and at the request of the landowner. To distinguish this segment from the original alignment of Segment 46 it was renamed as Segment 46a (see Figure 6-20 in Attachment 2; Attachment 4; and Sheet 3 Amended in Attachment 5).
- The eastern half of Segment 49 was modified by shifting it to the north at the request of the landowner. As a result of shifting Segments 49 and 42, the node between Segments 42, 48, and 49 was moved to the northwest, eliminating the need for Segment 48. To distinguish this segment from the original alignment of Segment 49 it was renamed as Segment 49a. Moving the node to the west also split Segment 46 causing the western portion of the segment to be relabeled as Segment 46b (see Figure 6-20 in Attachment 2; Attachment 4; and Sheet 2 Amended, Sheet 3 Amended, Sheet 5 Amended, and Sheet 6 Amended in Attachment 5).

2. Segment 26

As a result of recent development activities in the area of Segment 26, the following modification is being made to that segment:

- The western portion of Segment 26 was modified (creating Segment 26a) by shifting it to the east on the other side of the property line in order to avoid a habitable structure that was recently constructed in the direct path of the original alignment of Segment 26. As a result of shifting Segment 26, the node between Segments 26, 37, and 38 was moved to

the northeast, decreasing the length of Segment 37 and increasing the length of Segment 38 (see Figure 6-21 in Attachment 2 and Sheet 11 Amended in Attachment 5).¹

The location of the Segments 26a, 42a, 46a, 46b, and 49a, as described above, are presented in Figure 2-3 Amended and Figure 2-4 Amended (included as part of Attachment 2), Attachment 4, and Attachment 5.

B. Newly Identified Habitable Structures

Field reconnaissance performed by POWER Engineers, Inc. (POWER) on December 7, 2020, identified a newly constructed habitable structure directly under the north-south portion where Segment 26 was originally proposed. This habitable structure is labeled as Map ID 198 (see Figure 6-21 in Attachment 2 and Sheet 11 Amended in Attachment 5). As a result of becoming aware of this newly constructed habitable structure, Segment 26 was shifted to the east and is now referred to as Segment 26a (see Figure 6-21 in Attachment 2 and Sheet 11 Amended in Attachment 5). Another newly constructed habitable structure, located to the south of Segment 26, was also identified and is labeled as Map ID 199 (see Figure 6-21 in Attachment 2 and Sheet 11 Amended in Attachment 5). Another existing structure to the east of Segment 26a was also identified as a habitable structure and is labeled as Map ID 197 (see Figure 6-21 in Attachment 2 and Sheet 11 Amended in Attachment 5). Structure 197 is more than 300 feet from Segment 26a, but should have been originally identified in the application due to its location approximately 239 feet from Segment 37.

CPS Energy and POWER were recently provided documentation supporting a determination that the previously identified Anaqua Springs Ranch guard house meets the Commission's definition of a "habitable structure." The Anaqua Springs Ranch guard house is now included in the habitable structure inventory. The guard house is located west of Segment 36 and is labeled as Map ID 200 (see Figure 4-1 Amended in Attachment 2 and Sheet 7 Amended in Attachment 5).

CPS Energy and POWER were recently provided information that a structure, located north of Segment 43, previously determined to be a non-habitable pool house, is an occupied

¹ Note that Segment 26a remains labeled "Segment 26" on Sheet 11 Amended in Attachment 5 to this filing. The location of Segment 26a is accurately depicted on Sheet 11 Amended.

guest house. The guest house is now included in the habitable structure inventory and is labeled as Map ID 201 (see Figure 4-1 Amended in Attachment 2 and Sheet 11 Amended in Attachment 5).

These five additional habitable structures are included in the amended data tables, amended inventory tables, and on amended figures as appropriate in Attachment 2.

C. Other Adjustments

In reviewing the *Scenic Loop 138 kV Transmission Line and Substation Project Environmental Assessment and Alternative Route Analysis Bexar County, Texas* (EA)² for this Application Amendment, the following additional adjustments are reflected in the *Scenic Loop 138 kV Transmission Line and Substation Project Environmental Assessment and Alternative Route Analysis AMENDMENT* (EA Amendment) included as Attachment 2 to this filing:

- Map ID 17 was identified as “Commercial” in the inventory tables. The description for this structure has been changed to “School” to avoid confusion regarding the use of this structure. This adjustment impacts Routes C1 and Y.
- Map ID 67 Single Family Residence was listed as having a distance of 148 feet from Segment 13 but should have been listed as having a distance of 232 feet from Segment 14. This adjustment impacts Routes C1, D1, E, G1, H, I1, J1, K, L, and M1.
- Map ID 105 Single Family Residence was listed as having a distance of 134 feet from Segment 32 but should have been listed as having a distance of 255 feet from Segment 20. This adjustment impacts Routes C1, D1, I1, J1, M1, Y, Z1, and AA1.
- Map ID 134 Single Family Residence was listed as having Segment 43 as the Nearest Alternative Route Segment but should have listed Segment 38. This adjustment impacts Routes L, Q1, and U1.
- Map ID 134 Single Family Residence was listed as having a distance of 269 feet from Segment 37 but should have been listed as having a distance of 218 feet from Segment 43. This adjustment impacts Route CC.

² The EA was included as Attachment 1 to the CPS Energy Application that was admitted into evidence on December 10, 2020, as CPS Energy Exhibit 1.

- Map ID 135 Single Family Residence was listed as having a distance of 171 feet from Segment 25 but should have been listed as having a distance of 260 feet from Segment 37. This adjustment impacts Route CC.
- Map ID 501 CellTex Site Services, Ltd. was listed as having a distance of 279 feet from Segment 32 but should have been listed as having a distance of 482 feet from Segment 36. This adjustment impacts Routes C1, D1, I1, J1, M1, Y, Z1, and AA1.
- Map ID 701 Heidemann Cemetery was listed as having a distance of 593 feet from Segment 36 but should have been listed as having a distance of 736 feet from Segment 31. This adjustment impacts Routes B1 and G1.
- Map ID 901 Heidemann Ranch Historic District was listed as having a distance of 50 feet from Segment 35 but should have been listed as having a distance of 98 feet from Segment 36. This adjustment impacts Routes C1, D1, I1, J1, M1, T1, Y, Z1, and AA1.
- The text and tables in Section 4.5.3 were revised to clarify distances and segments in proximity to some of the archeological sites recorded within 1,000 feet of various alternative routes.

IV. CONTENTS OF APPLICATION AMENDMENT

This filing consists of the following, with the first five attachments encompassing CPS Energy’s amendment to its application in this proceeding, and the sixth attachment consisting of testimony supporting and explaining the amendment:

1. Attachment 1 – Application Amendment, presenting modifications described in Section III, above, to CPS Energy’s application previously filed on July 22, 2020.
2. Attachment 2 – EA Amendment, prepared by POWER to document the changes to the information previously reported by POWER in the EA.
3. Attachment 3 – Application Attachment 3 Amended
4. Attachment 4 – Application Attachment 5 Amended showing the locations of Segments 26a, 42a, 46a, 46b, and 49a.
5. Attachment 5 – Application Attachment 6, Sheet 2 Amended showing the location of Segments 46b, and 49a; Sheet 3 Amended showing the location of Segments 42a and 46a;

Sheet 5 Amended showing the location of Segment 49a, Sheet 6 Amended, Sheet 7 showing habitable structure Map ID 200, and Sheet 11 Amended showing Segment 26a and habitable structures Map IDs 197, 198, 199, and 201.

6. Attachment 6 – Supplemental Direct Testimony of Lisa B. Meaux addressing the changes associated with the Application Amendment.

V. CONCLUSION

In accordance with the requirements of SOAH Order Nos. 4 and 5, CPS Energy respectfully submits this Application Amendment, and requests that the ALJs find it materially sufficient, determine that no additional notice is required, and adopt the revised proposed procedural schedule previously submitted by CPS Energy on December 18, 2020.

Respectfully submitted,

/s/ Kirk D. Rasmussen

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ATTORNEYS FOR CPS ENERGY

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with SOAH Order No. 3.

/s/ Kirk D. Rasmussen

Kirk D. Rasmussen