

**SOAH DOCKET NO. 473-26-07756
PUC DOCKET NO. 59029**

APPLICATION OF ONCOR ELECTRIC DELIVERY	§	BEFORE THE STATE OFFICE
COMPANY LLC TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR THE	§	
LONGSHORE SWITCH-DRILL HOLE SWITCH 765-	§	OF
KV TRANSMISSION LINE PROJECT IN ANDREWS,	§	
CULBERSON, ECTOR, GLASSCOCK, HOWARD,	§	
LOVING, MARTIN, MIDLAND, REEVES, AND	§	ADMINISTRATIVE HEARINGS
WINKLER COUNTIES	§	
	§	

**SOAH DOCKET NO. 473-26-10397
PUC DOCKET NO. 59182**

JOINT APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY LLC AND LCRA	§	
TRANSMISSION SERVICES CORPORATION TO	§	
AMEND THEIR CERTIFICATES OF CONVENIENCE	§	OF
AND NECESSITY FOR THE BIG HILL SUBSTATION	§	
TO SAND LAKE SWITCH 765-KV TRANSMISSION	§	
LINE PROJECT IN CRANE, CROCKETT, IRION,	§	ADMINISTRATIVE HEARINGS
PECOS, REAGAN, REEVES, SCHLEICHER, TOM	§	
GREEN, UPTON, AND WARD COUNTIES	§	
	§	

**SOAH DOCKET NO. 473-26-13152
PUC DOCKET NO. 59315**

APPLICATION OF ONCOR ELECTRIC DELIVERY	§	BEFORE THE STATE OFFICE
COMPANY LLC TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR THE	§	
DINOSAUR SWITCH-LONGSHORE SWITCH 765-	§	OF
KV TRANSMISSION LINE PROJECT IN BORDEN,	§	
BOSQUE, BROWN, CALLAHAN, COKE,	§	
COLEMAN, COMANCHE, EASTLAND, ERATH,	§	ADMINISTRATIVE HEARINGS
GLASSCOCK, HAMILTON, HOOD, HOWARD,	§	
JONES, MITCHELL, NOLAN, RUNNELS,	§	
SHACKELFORD, SOMERVELL, STEPHENS,	§	
STERLING, AND TAYLOR COUNTIES	§	

**SOAH DOCKET NO. 473-26-14355
PUC DOCKET NO. 59336**

JOINT APPLICATION OF AEP TEXAS INC. AND CITY	§	BEFORE THE STATE OFFICE
OF SAN ANTONIO, ACTING BY AND THROUGH THE	§	
CITY PUBLIC SERVICE BOARD (CPS ENERGY) TO	§	
AMEND THEIR CERTIFICATES OF CONVENIENCE	§	OF
AND NECESSITY FOR THE HOWARD TO SOLSTICE	§	
765-KV SINGLE-CIRCUIT TRANSMISSION LINE	§	
PROJECT IN ATASCOSA, BANDERA, BEXAR,	§	ADMINISTRATIVE HEARINGS
CROCKETT, EDWARDS, KERR, KINNEY, MEDINA,	§	
PECOS, REAL, SUTTON, TERRELL, UVALDE, AND	§	
VAL VERDE COUNTIES	§	

Accordingly, the Commission should defer any final determination regarding the need for the proposed 765-kV transmission facilities until Docket No. 59475 has been completed and the Commission has had an opportunity to fully consider the issues raised therein.

II. ARGUMENT

A. Good Cause Exists to Defer a Need Determination

The asserted need for the proposed 765-kV projects is based upon the premise that the Permian Basin lacks sufficient electrification to support anticipated load growth in the region and therefore requires substantial new transmission infrastructure to import power from other regions of ERCOT. However, that premise and the analyses underlying it remain the subject of extensive briefing and dispute.

Among the issues raised in the various proceedings include:

1. whether the PBRP improperly assumed, rather than evaluated, continued separation between generation resources and Permian Basin load;
2. whether alternatives involving additional local generation were adequately studied before recommending approximately 1,255 miles of new 765-kV transmission facilities;
3. whether the analyses underlying the PBRP effectively embedded the conclusion that long-distance transmission expansion was necessary by assuming that future generation would continue to be sited away from load; and
4. whether the record demonstrates that transmission expansion is the most reasonable, cost-effective, and least burdensome means of addressing reliability concerns.

These issues go directly to the statutory factor of project need that must be considered in all Commission transmission line CCN applications. If the PUC ultimately determines in Docket No. 59475 that the underlying assumptions, methodologies, or conclusions of the PBRP require modification or reconsideration, any prior determination regarding the necessity of the 765-kV projects in the four preceding dockets may likewise require reconsideration.

Moreover, the existence of these unresolved issues constitutes good cause under the Commission's own procedural rules governing expedited review of reliability projects. Under 16 Texas Administrative Code (TAC) § 25.101(b)(3)(D), applications for transmission lines formally designated by a PURA § 39.151 organization as critical to the reliability of the system are subject to an expedited review schedule under which the Commission is to render a decision within 180 days after the filing of a complete application. The rule, however, expressly provides that the 180-day period may be extended upon a showing of good cause.¹

Good cause exists here because the central statutory requirement that applications demonstrate the "need for additional service" under PURA § 37.056 remains intertwined with disputed assumptions and analyses currently being examined in Docket No. 59475. The applicants in each of these dockets rely solely on the conclusions of the PBRP as sufficient to establish need, including the PBRP's assumptions regarding the continued separation of generation and load, the absence of additional local generation resources, and the necessity of importing power over long distances through new 765-kV facilities. Under these circumstances, adherence to the expedited schedule would risk requiring the Commission to make a determination on a statutory element before resolution of issue that bear directly on that element. The good cause provision in § 25.101(b)(3)(D) exists precisely to allow additional time when necessary to ensure a fully informed decision. Accordingly, a need determination made before completion of Docket No. 59475 would be premature, and the unresolved questions concerning the validity of the need outlined in the PBRP constitute good cause to defer or reserve a determination on need.

¹ See 16 TAC § 25.101(b)(3)(D) ("The commission will render a decision . . . within 180 days . . . *unless* good cause is shown for extending that period.") (emphasis added).

B. The Issue of Need is a Common Question Arising From the PBRP

The need determination is particularly suited for coordinated consideration because each of the pending 765-kV CCN applications originates from the same underlying planning process. These applications were filed as a direct result of the PBRP, which was developed pursuant to House Bill 5066 and subsequently approved by the Commission.

Importantly, the PBRP did not evaluate each proposed import path in isolation. Rather, the PBRP identified a comprehensive transmission solution for the Permian Basin and recommended construction of all three 765-kV import paths as components of a single reliability strategy. The recommendation that transmission service providers construct the proposed facilities therefore arises from a common set of assumptions, analyses, and conclusions contained within the PBRP itself.

Because the PBRP is the source of the asserted need for all of the proposed projects, it makes little sense to evaluate the issue of need piecemeal across multiple dockets. A determination regarding whether the underlying assumptions and conclusions of the PBRP support the need for these facilities necessarily affects all of the related CCN applications.

Put differently, if the PBRP's recommendation for the three 765-kV import paths is justified, that conclusion applies across the related proceedings. If the recommendation is not justified, that conclusion likewise affects each of the related proceedings. The issue therefore presents a common threshold question that should be addressed comprehensively rather than through separate determinations in individual dockets.

A coordinated determination will ensure consistency in the Commission's findings, avoid the risk of conflicting conclusions regarding the same planning study, and permit the Commission to evaluate the need for the proposed 765-kV facilities in the broader context in which they were originally recommended.

C. The Requested Deferral is Limited, Reasonable, and Promotes Consistent Decision-Making

ASL recognizes the unprecedented scope of the PBRP and the associated 765-kV transmission line project, as well as the unprecedented effort expended in litigating these various dockets. As a result, ASL is not requesting that the PUC halt or indefinitely delay consideration of routing issues, which are unique to each docket. Rather, the requested relief is narrowly focused on a single statutory factor that is common across the related proceedings: whether the proposed 765-kV transmission facilities are needed.

Routing, environmental impacts, landowner concerns, and other project-specific considerations may differ among the applications. The question of need, however, derives from the same underlying planning study and reliability rationale. Deferring that determination until completion of Docket No. 59475 would allow the Commission to address the issue on the fullest available record while continuing to advance the remaining issues in each proceeding.

Given that the Commission will ultimately be called upon to make a policy determination regarding the necessity of this unprecedented 765-kV buildout, there is substantial value in addressing the common question once, on a complete record, rather than through piecemeal determinations across multiple related 765-kV dockets.

D. The Requested Relief is Consistent with the Procedural Framework of the Proceedings.

In SOAH Order No. 24 in Docket No. 59182, the SOAH ALJs expressly determined that, “[t]he PFD in Docket No. 59182 will not make a recommendation regarding need and will reserve that issue for determination in Docket No. 59475.” This directive reflects recognition that need is not merely a project-specific issue, but rather a common question arising from the broader PBRP. A brief deferral of the need determination would therefore not impede the Commission’s

consideration of these projects. Instead, it would allow the Commission to address a common threshold issue in a coordinated manner.

E. No Prejudice Will Result From a Limited Deferral

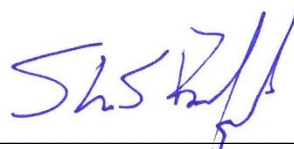
A limited deferral pending completion Docket No. 59475 will not prejudice any party. Rather, it will ensure that all parties and the Commission benefit from a complete examination of the issues before substantial property rights are affected through the approval of new transmission corridors. By contrast, proceeding to a need determination before completion of Docket No. 59475 risks committing the Commission to conclusions that may later be shown to rest upon assumptions or analyses that remain disputed.

Deferring a determination of need until completion of Docket No. 59475 would promote administrative efficiency and conserve Commission resources. The requested relief merely seeks to ensure that the Commission's determination regarding the need for these projects is made after all parties have had an opportunity to fully brief the issues that bear directly upon that question.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, American Stewards of Liberty respectfully requests that the Commission defer any determination regarding the need for the proposed 765-kV transmission facilities until completion of Docket No. 59475 and the Commission has had an opportunity to consider the issues raised therein, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

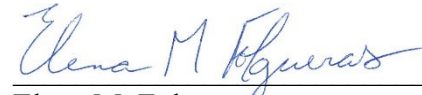
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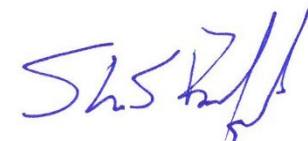
CERTIFICATE OF CONFERENCE

I hereby certify that on June 4-5, 2026, counsel for American Stewards of Liberty conferred with counsel for Applicants in PUC Docket Nos. 59029, 59182, 59315, 59336, and 59475 concerning matters at issue in this Motion.


Elena M. Folgueras

CERTIFICATE OF SERVICE

I hereby CERTIFY that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 5th day of June 2026.


Shan S. Rutherford