

PROJECT NO. 42740

RULEMAKING TO AMEND	§	PUBLIC UTILITY COMMISSION
SUBSTANTIVE RULE 25.101,	§	
RELATING TO CERTIFICATION	§	OF TEXAS
CRITERIA	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.101
AS APPROVED AT THE JANUARY 15, 2015 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §25.101, relating to Certification Criteria. The proposed amendments will remove any presumption that the commission has a preference for transmission line routes to parallel natural gas or other pipelines by identifying types of rights-of-way that the commission considers to be compatible with transmission lines. The list of compatible rights-of-way does not include pipelines. This intentional omission of pipelines from the list of compatible rights-of-way is intended to remove any preference for paralleling or utilizing pipeline rights-of-way while not prohibiting such consideration. Project Number 42740 is assigned to this proceeding.

Kevin Mathis, Engineering Specialist, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Kevin Mathis has determined that for each year of the first five years the proposed amendments are in effect the public benefit anticipated as a result of enforcing the section will be greater regulatory clarity regarding the routing of transmission lines. There will be no adverse economic

effect on small businesses or micro-businesses as a result of enforcing these amendments. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Kevin Mathis has also determined that for each year of the first five years the proposed amendments is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under the Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78711 on March 4, 2015. The request for a public hearing must be received within 30 days after publication.

Comments on the proposed amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments on the proposed amendment are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed amended rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed amendments. The commission will consider the costs and

benefits in deciding whether to adopt the amendments. All comments should refer to Project Number 42740.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2014) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §37.051 that requires an electric utility to obtain certification for electric facilities, and §37.056, which governs the issuance of certificates of convenience and necessity for electric facilities.

Cross Reference to Statutes: Public Utility Regulatory Act §§ 14.002, 37.051, and 37.056.

§25.101. Certification Criteria.

- (a) (No change.)
- (b) **Certificates of convenience and necessity for new service areas and facilities.** Except for certificates granted under subsection (e) of this section, the commission may grant an application and issue a certificate only if it finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public, and complies with the statutory requirements in the Public Utility Regulatory Act (PURA) §37.056. The commission may issue a certificate as applied for, or refuse to issue it, or issue it for the construction of a portion of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege. The commission shall render a decision approving or denying an application for a certificate within one year of the date of filing of a complete application for such a certificate, unless good cause is shown for exceeding that period. A certificate, or certificate amendment, is required for the following:
- (1) - (2) (No change.)
- (3) **New electric transmission line.** All new electric transmission lines shall be reported to the commission in accordance with §25.83 of this title (relating to Transmission Construction Reports).
- (A) (No change.)
- (B) **Routing:** An application for a new transmission line shall address the criteria in PURA §37.056(c) and considering those criteria, engineering

constraints, and costs, the line shall be routed to the extent reasonable to moderate the impact on the affected community and landowners unless grid reliability and security dictate otherwise. The following factors shall be considered in the selection of the utility's alternative routes unless a route is agreed to by the utility, the landowners whose property is crossed by the proposed line, and owners of land that contains a habitable structure within 300 feet of the centerline of a transmission project of 230 kV or less, or within 500 feet of the centerline of a transmission project greater than 230 kV, and otherwise conforms to the criteria in PURA §37.056(c):

- (i) whether the routes parallel or utilize existing compatible rights-of-way for electric facilities, including the use of vacant positions on existing multiple-circuit transmission lines;
- (ii) whether the routes parallel or utilize other existing compatible rights-of-way, including roads, highways, railroads, telephone utility easements, property boundaries, or fence lines;
- (iii) - (iv) (No change.)

(C) – (D) (No change.)

(c) - (h) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 16th DAY OF JANUARY 2015 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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