



Filing Receipt

Filed Date - 2025-11-21 09:24:11 AM

Control Number - 58264

Item Number - 48

PUC DOCKET NO. 58264
SOAH DOCKET NO. 473-25-22942

APPLICATION OF AEP TEXAS INC.	§	PUBLIC UTILITY COMMISSION
TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF TEXAS
THE ARANSAS PASS-TO-GREGORY	§	
138-KV TRANSMISSION LINE IN SAN	§	
PATRICIO COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of AEP Texas Inc. to amend its certificate of convenience and necessity (CCN) number 30028 to rebuild and relocate an approximately two-mile portion of the existing Aransas Pass-to-Gregory 69-kilovolt (kV) transmission line within and adjacent to the City of Gregory located in San Patricio County. AEP Texas filed a unanimous agreement to replace the existing two-mile portion by constructing and operating a new double-circuit 138-kV transmission line along route B. The Commission approves the agreed route and amends AEP Texas's CCN number 30028 to the extent provided by this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. AEP Texas is a Delaware corporation registered with the Texas secretary of state under filing number 802611352.
2. AEP Texas owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. AEP Texas holds CCN numbers 30028 and 30170 to provide service to the public.

Application

4. On July 2, 2025, AEP Texas filed an application to amend its CCN number 30028 for the proposed rebuild and relocation of an approximately two-mile portion of an existing transmission line.
5. AEP Texas retained POWER Engineers, Inc. to prepare an environmental assessment and routing analysis, which AEP Texas attached to the application.
6. In its application, AEP Texas identified 11 routes comprising 33 segments for the Commission's consideration to address the routing criteria and requirements of PURA¹ and the Commission's rules.
7. On July 7, 2025, AEP Texas filed a corrected version of attachment 3 to its application.
8. On July 29, 2025, AEP Texas filed an updated native version of attachment 1 to the application.
9. On August 15, 2025, AEP Texas filed an updated response to question six of its application.
10. On November 3, 2025, the Commission administrative law judge (ALJ) found the application administratively complete.

Description of the Proposed Transmission Facilities

11. AEP Texas proposes to replace a portion of the existing Aransas Pass-to-Gregory 69-kV transmission line in San Patricio County with a double-circuit capable 138-kV concrete and steel structure transmission line to be operated initially at 69-kV.
12. The proposed transmission line rebuild will extend from one tap point along the existing transmission line in the City of Gregory to the existing AEP Texas Gregory 69/138-kV substation.
13. The starting tap point is located 0.06 miles north-northeast of the intersection of Avenue C/Farm to Market Road 3284 and 9th Street in the City of Gregory, Texas, and the substation is located 0.61 miles south-southwest of the intersection of United States Highway 181 and Farm to Market Road 2986.

¹ Public Utility Regulatory Act, Tex. Util. Cod §§ 11.001–66.017.

14. In this Notice of Approval, the term *transmission facilities* includes the rebuilt and relocated transmission line, up to the AEP Texas Gregory 69/138-kV substation.
15. The new transmission line will require a 100-foot-wide right-of-way. AEP Texas has acquired between zero and 29 percent of the right-of-way, depending on the route selected.
16. AEP Texas plans to construct the transmission line on concrete tangent and galvanized steel monopole structures in select locations only. The typical structure will be between 60 and 120 feet tall, with an estimated maximum height of 175 feet.
17. AEP Texas plans to use 795-kilocircular-mil 26/7 aluminum-conductor-steel-supported conductors, with one optical ground wire, having a continuous summer static current rating of 2,033 amperes and a continuous summer static line capacity of 243 to 316 megavolt-amperes.
18. AEP Texas's estimates, as amended on July 7, 2025, include all the transmission equipment necessary to rebuild and relocate the existing transmission line. The costs of the rebuilt and relocated transmission line will be reported in AEP Texas's monthly transmission construction report.
19. AEP Texas will own 100% of the proposed transmission facilities.

Routing of the Transmission Facilities

20. The application included 11 routes based on 33 links for the Commission's consideration.
21. The routes identified in the application range in length from 1.65 to 1.96 miles.
22. All of the routes presented in the application are viable and constructible.
23. The parties unanimously agreed on route B as the route that best addressed the applicable routing criteria of PURA and the Commission's rules.
24. Route B, the agreed route, consists of the following links: 2-20-22-35-24-26-27.
25. The agreed route and each of its routing segments were included in the application.
26. The agreed route is 1.67 miles in length, making it one of the shortest routes.
27. The route approved in this Notice of Approval is route B.

Schedule

28. AEP Texas estimated that it would acquire all rights-of-way and land by January 2026, finalize engineering and design by February 2026, procure material and equipment by June 2026, complete construction by December 2026, and energize the transmission facilities approved by this Notice of Approval by December 2026.

Public Input

29. To develop information on community values for the transmission facilities, AEP Texas held a public meeting in Gregory, Texas on June 27, 2024.
30. On June 3, 2024, AEP Texas directly mailed 78 individual written notices of the public meeting to landowners who own property located within 300 feet of the preliminary segments' centerlines. The notice included a map of the study area depicting the preliminary route segments and a document with additional information about the proposed transmission facilities.
31. A total of 11 individuals attended the public meeting.
32. Seven individuals commented on the proposed transmission facilities, consisting of five questionnaires and two website responses.
33. POWER Engineers contacted federal, state, and local regulatory agencies, elected officials, and organizations regarding the proposed transmission line. All agency comments, concerns, and information received were taken into consideration by POWER Engineers and AEP Texas in development of the proposed route. Copies of correspondence with the various state and federal regulatory agencies, and local and county officials and departments, are included in appendix A of the routing analysis.
34. Information from the public meeting and from local, state, and federal agencies was evaluated and incorporated into the development of the routes.
35. In response to comments and stakeholder input, link 12 was removed because it impacted a habitable structure and there was no benefit to making a loop using links 9-29-12. Modifications of the preliminary segments resulted in 33 links and 11 routes that were included in the application.

Notice of Application

36. On July 2, 2025, AEP Texas sent written notice of the application by priority mail to the following recipients:
 - a. the mayor of the City of Gregory, Texas;
 - b. the municipal officials of the City of Gregory;
 - c. county officials in San Patricio County;
 - d. each neighboring utility providing similar utility service within five miles of the proposed routes;
 - e. each landowner, as stated on current county tax rolls, who is directly affected by the transmission facilities on any of the proposed routes; and
 - f. the Office of Public Utility Counsel (OPUC).
37. On July 2, 2025, AEP Texas sent written notice of the application by email to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse.
38. On July 2, 2025, AEP Texas sent a copy of the routing analysis by first-class mail to the Texas Parks and Wildlife Department.
39. On July 10, 2025, AEP Texas published notice of the application in *The News of San Patricio* and *Aransas Pass Progress*, newspapers of general circulation in San Patricio County.
40. On July 17, 2025, AEP Texas filed the affidavit of Reese Grayson, a regulatory consultant for AEP Texas, attesting to the provision of notice to counties and municipalities within five miles of the proposed transmission facilities; San Patricio County officials; neighboring utilities within five miles of the proposed transmission facilities; OPUC; the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse; the Texas Parks and Wildlife Department; and directly affected landowners.
41. On November 3, 2025, the Texas General Land Office was added to the service list for this case because proposed routing segments were located within the boundaries of the Coastal Management Program.

42. On November 3, 2025, the Commission administrative law judge (ALJ) found notice sufficient.

Intervenors

43. On July 22, 2025, Cynthia L. Hunter filed a motion to intervene.
44. On August 1, 2025, Juan Galvan, Santos Ramirez, and Linda Ramirez filed requests to intervene.
45. On August 11, 2025, Mario Moreno filed a request to intervene.
46. In State Office of Administrative Hearings (SOAH) Order No. 3 filed on September 9, 2025, the SOAH ALJ denied the following intervenors who did not file either direct testimony or a statement of position by the deadline for such filings: Juan C. Galvan, Santos Ramirez, Mario Moreno, Graciela James, and Linda Ramirez.

Route Adequacy

47. No party contested whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
48. The application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation.

Statements of Position and Testimony

49. On July 2, 2025, AEP Texas filed the direct testimonies of its witnesses: Kathleen Cooney, project manager for POWER Engineers; Larissa R. Lundry, project manager for American Electric Power Service Company (AEPSC); John Solis, planning engineer for AEPSC; and Jack C. Garvin, planning and engineering supervisor for AEPSC.
50. On August 21, 2025, Cynthia L. Hunt filed direct testimony individually and as manager of JWHJ Land Holdings LLC; as manager of Heirs of Joseph F. Green, a Texas general partnership; and as attorney-in-fact for Janet Parks, Hubbard S. Parks, Richard A. Jacoway, Jr., Donna J. Hunt, Mary Jo Parks North, Russell Weir, Richard Weir, Myra K. Friedman, Fay K. Garlick, Lyda R. Harper, Christian L. Harper and Letha R. McClure (Hunt Parties).

51. On August 29, 2025, Commission Staff filed the direct testimony of Eduardo Acosta, an engineer in the Commission's infrastructure division.

Referral to SOAH for Hearing and Remand to the Commission

52. On July 3, 2025, the Commission referred this docket to SOAH and filed a preliminary order specifying issues to be addressed in this proceeding.
53. In SOAH Order No. 2 filed on July 21, 2025, the SOAH ALJ adopted the proposed procedural schedule and provided notice of a hearing on the merits set for September 10, 2025.
54. On September 5, 2025, AEP Texas, Commission Staff, and Hunt Parties filed an agreement to hold a paper hearing, rather than an in-person hearing, and requested cancellation of the scheduled hearing.
55. On September 17, 2025, AEP Texas, Commission Staff, and Hunt Parties filed a unanimous agreement supporting construction of the transmission facilities on Route B.
56. In SOAH Order No. 4 filed on September 23, 2025, the SOAH ALJ canceled the remaining procedural schedule, dismissed the proceeding from SOAH's docket, and remanded it to the Commission.

Evidentiary Record

57. In SOAH Order No. 3 filed on September 9, 2025, the SOAH ALJ admitted the following into the evidentiary record:
- a. AEP Texas's application, and all attachments to the application, filed on July 2, 2025;
 - b. direct testimony of Ms. Cooney and attachments filed on July 2, 2025;
 - c. direct testimony of Mr. Garvin filed on July 2, 2025;
 - d. direct testimony of Ms. Lundry filed on July 2, 2025
 - e. direct testimony of Mr. Solis filed on July 2, 2025;
 - f. corrected attachment 3 to the application filed on July 7, 2025;
 - g. AEP Texas's proof of notice and publication filed on July 17, 2025;

- h. AEP Texas's updated environmental assessment filed on July 29, 2025;
 - i. AEP Texas's errata number 3 filed on August 15, 2025;
 - j. AEP Texas's response to Commission Staff's first request for information (RFI), filed on August 15, 2025;
 - k. direct testimony of Ms. Hunt filed on August 21, 2025;
 - l. direct testimony of Mr. Acosta filed on August 29, 2025; and
 - m. AEP Texas's response to Ms. Hunt's first RFI filed on August 29, 2025.
58. In SOAH Order No. 4 filed on September 23, 2025, the SOAH ALJ admitted the unanimous agreement into the evidentiary record.
59. In Order No. 3 filed on November 21, 2025, the ALJ admitted attachment A to AEP Texas's response filed on November 6, 2025 into the record of this proceeding.

Adequacy of Existing Service and Need for Additional Service

60. AEP Texas's annual transmission planning assessment conducted in 2021 identified thermal overloads on the Aransas Pass-to-Gregory 69-kV transmission line and Gregory-to-Rincon 69-kV transmission line under certain contingency scenarios.
61. The proposed transmission line is part of the Aransas Pass-to-Rincon 69-kV Line Rebuild Project, which is deemed a Tier 2 project by ERCOT and required a formal ERCOT regional planning group submission for ERCOT review.
62. The Aransas Pass-to-Rincon 69-kV Line Rebuild Project was presented to the ERCOT regional planning group in November 2024.
63. ERCOT issued the independent review of the Aransas Pass-to-Rincon 69-kV Line Rebuild Project on May 16, 2025. The independent review document laid out the transmission improvements necessary to address thermal overloads in the South Weather Zone in San Patricio County. In this review document, ERCOT recommended multiple transmission system upgrades, grouped together as option 1, as the preferred option to move forward.
64. On May 16, 2025, the ERCOT Board of Directors endorsed the Aransas Pass-to-Rincon 69-kV Line Rebuild Project.

65. AEP Service Corporation received an endorsement letter from ERCOT on May 29, 2025.
66. The proposed transmission facilities are included as one upgrade identified in option 1 of the Aransas Pass-to-Rincon 69-kV Line Rebuild Project.
67. The proposed transmission facilities will improve the operational performance and reliability of the power line.
68. The proposed transmission facilities will improve the reliability and adequacy of the transmission system in the proposed transmission facilities area to serve the existing electrical loads.
69. The proposed transmission facilities will replace aging infrastructure with modern concrete and steel poles to meet current engineering and operational standards.
70. There are no other practical distribution-only alternatives or a better transmission solution to address the identified need.
71. AEP Texas is not a bundled utility and cannot own or control distributed generation aside from certain emergency mobile power generation equipment.
72. No party challenged the need for the transmission line, and Commission Staff recommended approval of the line.
73. AEP Texas demonstrated a reasonable need for the transmission facilities.

Effect of Granting the Application on Applicant and Other Utilities and Probable Improvement of Service or Lowering of Cost

74. AEP Texas is the only electric utility involved in the construction of the transmission facilities.
75. The proposed transmission facilities do not use existing facilities owned by any other electric utility.
76. The proposed transmission line will not be directly connected with the facilities owned by another electric utility.
77. It is unlikely that the construction of the transmission facilities will adversely affect service by other utilities in the area.

Estimated Costs

78. The estimated construction costs of the 11 filed routes range from \$7,491,479 to \$10,326,390.
79. The estimated cost to construct the agreed route is \$8,347,060.
80. The estimated transmission line cost includes cost of engineering, acquiring right-of-way, procurement of materials and supplies, site preparation, construction, labor and transportation, and administration.
81. The cost of the agreed route is reasonable considering the range of the cost estimates for the routes.
82. The transmission facilities will be financed through a combination of short-term debt and equity.

Prudent Avoidance

83. Prudent avoidance, as defined in 16 Texas Administrative Code (TAC) § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
84. The number of habitable structures within 320 feet of the application routes’ centerlines ranges from one to 112.
85. The agreed route has one habitable structure within 320 feet of its centerline.
86. The construction of transmission facilities along the agreed route complies with the Commission’s policy of prudent avoidance.

Community Values

87. The questionnaire distributed at the public meeting requested a ranking of 13 factors that respondents see as the most important considerations for a transmission line route development. The respondents ranked “maintain distance from residences, businesses, and schools,” “maximize distance from parks and recreational facilities,” “maximize length along property boundary lines” and “minimize visibility of the line” as tied for the most important factors and ranked “minimize impacts on streams and rivers” as the second most important factor.

88. The questionnaire provided space for respondents to include any additional remarks and comments. Additionally, AEP collected comments through its website. Written responses included:
- a. concerns about health;
 - b. concerns about impacts on business;
 - c. concerns about property devaluation;
 - d. concerns about disruption to farming operations;
 - e. concerns about the road and other damage during construction; and
 - f. concerns with access to property during construction.
89. A summary of the comments provided by federal, state, and local officials was provided in the routing analysis, including comments from the Federal Emergency Management Agency, Texas General Land Office, National Resources Conservation Service, San Patricio County, San Patricio County Drainage District, Texas Historical Commission, and United States Army Corps of Engineers.
90. POWER Engineers and AEP Texas evaluated information such as public meeting input and agency coordination and input in developing and evaluating the routes.
91. The agreed route adequately addresses the expressed community values.

Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries

92. When developing routes, POWER Engineers and AEP Texas evaluated the use of existing compatible rights-of-way and paralleling of existing compatible rights-of-way and apparent property boundaries.
93. All routes in the application use or parallel existing compatible rights-of-way or parallel apparent property boundaries for approximately 6% to 89% of the length of the route depending on the route selected.
94. The agreed route uses or parallels existing compatible rights-of-way or parallels apparent property boundaries for approximately 6% of its length.

95. The agreed route uses or parallels existing compatible rights-of-way and apparent property boundaries to a reasonable extent.

Engineering Constraints

96. AEP Texas evaluated engineering and construction constraints when developing routes.
97. AEP Texas did not identify any engineering constraints that would prevent the construction of transmission facilities along the agreed route.

Land Uses and Land Types

98. The area traversed by the routes (study area) for the proposed transmission facilities is predominantly urban and farmland characterized by visually flat topography.
99. The eastern and central portions of the study area are within the boundaries of the City of Gregory, Texas, and primarily consist of residential and commercial development. The western and southwestern portions of the study area are primarily industrial, and cropland is located in the northern portion and the southwestern corner of the study area.
100. The study area lies in the Gulf Coastal Plains physiographic province and the Coastal Prairies physiographic sub-province. The Gulf Coastal Prairies landscape consists of nearly flat prairie comprised of nearly flat strata of deltaic sands and muds. Within the study area, elevations range between 30 and 35 feet above mean sea level.
101. All the proposed segments proposed by AEP Texas in this proceeding can be safely and reliably constructed and operated without significant adverse effects on uses of property.

a. Radio Towers and Other Electronic Installations

102. There is one commercial AM radio transmitter within 10,000 feet of the agreed route's centerline.
103. There is one FM radio transmitter, microwave relay station, or other electronic installation within 2,000 feet of the agreed route's centerline.
104. The agreed route will not have a significant effect on electronic communication facilities or operations in the study area.

b. Airstrips and Airports

- 105. There are no airports registered with the Federal Aviation Administration with a runway longer than 3,200 feet within 20,000 feet of the agreed route's centerline.
- 106. There are no airports registered with the Federal Aviation Administration with a runway 3,200 feet or shorter in length and within 10,000 feet of the agreed route's centerline.
- 107. There is one private airstrip, Magee Private Airstrip, within 10,000 feet of the agreed route.
- 108. There are no heliports within 5,000 feet of the agreed route's centerline.
- 109. It is unlikely that the transmission facilities will adversely affect any airports, airstrips, or heliports.

c. Irrigation Systems

- 110. The agreed route does not cross agricultural lands with known mobile irrigation systems.
- 111. It is unlikely that the transmission facilities will adversely affect any agricultural lands with known mobile irrigation systems.

d. Pipelines

- 112. The study area includes three oil and gas wells and three transmission pipelines.
- 113. The agreed route has one recorded oil and gas well less than 250 feet from the route's centerline.
- 114. The agreed route crosses three existing transmission lines.
- 115. The agreed route does not cross any pipelines transmitting hydrocarbons and does not parallel any pipelines within 500 feet of the centerline.
- 116. It is unlikely that the transmission facilities will adversely affect any pipelines that transport hydrocarbons.

Recreational and Park Areas

- 117. The agreed route does not cross any recreational or park areas.
- 118. There are no recreational or park areas within 1,000 feet of the agreed route's centerline.

119. It is unlikely that the transmission facilities will adversely affect the use and enjoyment of any recreational or park areas.

Historical and Archaeological Values

120. All of the proposed routes cross areas with a high potential for historical or archaeological sites.
121. There are no properties listed on or determined eligible for listing on the National Register of Historic Places crossed by any of the proposed routes' rights-of-way, and no additional properties listed on or determined eligible for listing on the National Register of Historic Places within 1,000 feet of each of the proposed routes' centerlines.
122. There is one recorded historical or archaeological site within 1,000 feet of the agreed route's centerline.
123. There are no recorded cemeteries within 1,000 feet of the agreed route's centerline.
124. It is unlikely that the transmission facilities will adversely affect historical or archaeological resources.

Aesthetic Values

125. The agreed route is located within the foreground visual zone of United States or state highways for 1.51 miles.
126. The agreed route is located within the foreground visual zone of farm-to-market or county roads for 1.67 miles.
127. The agreed route is not within the foreground visual zone of a park or recreational area.
128. No known high-quality aesthetic resources, designated views, or designated scenic roads or highways were identified within the study area.
129. Aesthetic values would be impacted to a minor extent throughout the study area, and these temporary or permanent negative aesthetic effects may occur on any proposed route.

Environmental Integrity

130. The routing analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.

131. POWER Engineers evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.
132. POWER Engineers evaluated potential consequences for physiography and geology, soil, energy, and water resources, the ecosystem (including endangered and threatened vegetation, fish, and wildlife), and land use within the study area.
133. It is unlikely that there will be significant effects on wetland resources, ecological resources, endangered and threatened species, or land use as a result of constructing the transmission line approved by this Notice of Approval.
134. The agreed route does not cross upland woodlands.
135. The agreed route does not cross bottomland or riparian woodlands.
136. The agreed route crosses no wetlands mapped by the National Wetland Inventory.
137. The agreed route does not cross any streams.
138. The agreed route does not cross the known habitat of a federally listed endangered or threatened species of plant or animal.
139. There are 20 federally listed fish and wildlife species in or around the study area and study county, however, only 7 may occur in the study area or study county due to available habitat:
 - a. Birds
 - i. Eastern black rail – threatened. Unlikely to occur in the study area due to the lack of potential suitable habitat
 - ii. Piping plover – threatened. May occur as a non-breeding migratory bird if suitable habitat is available.
 - iii. Rufa red knot – threatened. May occur as a non-breeding migratory bird if suitable habitat is available.
 - iv. Whooping crane – endangered. The study area is within the primary migratory corridor for the whooping crane and the species may occur as a migratory bird if suitable habitat is available.

- b. Insects
 - i. Monarch butterfly – candidate for protective status. The study area is along the spring and fall eastern migratory route and the species is likely to occur in the study area during specific times of the year.
- c. Mammals
 - i. Ocelot – endangered. Unlikely to occur in the study area due to the rarity of the species and lack of habitat but may occur as a rare vagrant within the study area.
 - ii. Tricolored bat – proposed endangered. May occur in the study area.
- 140. It is unlikely there will be any significant adverse consequences for populations of any federally listed endangered or threatened species.
- 141. AEP Texas will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
- 142. There are 15 state listed fish, wildlife, and plant species in or around the study area and study county and 14 may occur in the study area or study county due to available habitat:
 - a. Amphibians
 - i. Black-spotted newt – threatened. Likely to occur within the study area where suitable habitat is present.
 - ii. Sheep frog – threatened. Likely to occur within the study area where suitable habitat is present.
 - iii. South Texas siren (large form) – threatened. May occur in the study area if suitable habitat is present.
 - b. Birds
 - i. Black rail – threatened. Unlikely to occur in the study area due to lack of suitable habitat.

- ii. Reddish egret – threatened. May occur as a post-breeding migratory bird if suitable habitat is available.
 - iii. Swallow-tailed kite – threatened. May occur as a migratory bird if suitable habitat is available.
 - iv. Texas botteri's sparrow – threatened. May occur if suitable habitat is available.
 - v. White-faced ibis – threatened. May occur as a migratory bird if suitable habitat is available.
 - vi. White-tailed hawk – threatened. May occur suitable habitat is available.
 - vii. Wood stork – threatened. May occur as a migratory bird if suitable habitat is available.
- c. Mammals
- d. White-nosed coati – threatened. Unlikely to occur within the study area due to lack of suitable habitat.
- e. Reptiles
- f. Texas horned lizard – threatened. May occur in the study area if suitable habitat is present.
 - g. Texas scarlet snake – threatened. May occur in the study area if suitable habitat is present.
 - h. Texas tortoise – threatened. Unlikely to occur in the study area.
143. Current county listings for federally- and state-listed threatened and endangered species were obtained from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department. Habitat locations designated critical by the United States Fish and Wildlife Service were included in the environmental assessment.
144. No federally determined critical habitat has been designated in the study area for any endangered or threatened species.

145. AEP Texas will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
146. AEP Texas can construct the transmission facilities in an ecologically sensitive manner along the proposed route.
147. AEP Texas will mitigate any effect on federally-listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
148. It is appropriate for AEP Texas to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
149. It is appropriate for AEP Texas to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
150. It is appropriate for AEP Texas to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
151. After approval of the route, field surveys may be performed, if necessary, to identify potential suitable habitat for federally- and state-listed fish and wildlife species and determine the need for any additional species-specific surveys. If potential suitable habitat is identified or federally- or state-listed fish and wildlife species are observed during a field survey of the approved route, AEP Texas will further coordinate with the Texas Parks and Wildlife Department and United States Fish and Wildlife Service to determine avoidance or mitigation strategies.
152. It is appropriate for AEP Texas to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for AEP Texas to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line structures or the safe operation and maintenance of any transmission line.

153. It is appropriate for AEP Texas to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
154. It is appropriate for AEP Texas to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C., 2012; *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission, Washington, D.C. and Sacramento, CA, 2006 and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for AEP Texas to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
155. It is appropriate for AEP Texas to use best management practices to minimize any potential harm that the agreed route presents to migratory birds and threatened or endangered species.
156. It is unlikely that the proposed transmission facilities will adversely affect the environmental integrity of the surrounding landscape.

Permits

157. Before beginning construction of the transmission facilities approved by this Notice of Approval, AEP Texas will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.
158. Before beginning construction of the transmission facilities approved by this Notice of Approval, AEP Texas will obtain a miscellaneous easement from the General Land Office

- if the transmission line crosses any state-owned riverbed, navigable stream, influenced water, or Permanent School Fund lands.
159. Before beginning construction of the transmission facilities approved by this Notice of Approval, AEP Texas will obtain any necessary permits or clearances from federal, state, or local authorities.
160. It is appropriate for AEP Texas, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality (TCEQ). In addition, because more than five acres will be disturbed during construction of the transmission facilities, it is appropriate for AEP Texas, before commencing construction, to prepare the necessary stormwater-pollution-prevention plan, to submit a notice of intent to the TCEQ, and to comply with all other applicable requirements of the general permit.
161. It is appropriate for AEP Texas to conduct a field assessment of the agreed route before beginning construction of the transmission facilities approved by this Notice of Approval to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species habitats disrupted by the transmission line. As a result of these assessments, AEP Texas will identify all necessary permits from San Patricio County and federal and state agencies. AEP Texas will comply with the relevant permit conditions during construction and operation of the transmission facilities along the agreed route.
162. After designing and engineering the alignments, structure locations, and structure heights, AEP Texas will determine the need to notify the Federal Aviation Administration based on the final structure locations and designs. If necessary, AEP Texas will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

Coastal Management Program

163. The transmission facilities approved by this Notice of Approval are located within the Coastal Management Program boundary as defined in 31 TAC § 27.1.

164. Coastal natural resources areas, as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 26.3(a)(8), include waters of the open Gulf of Mexico, waters under tidal influence, submerged lands, coastal wetlands, submerged aquatic vegetation, tidal sand and mud flats, oyster reefs, hard substrate reefs, coastal barriers, coastal shore areas, gulf beaches, critical dune areas, special hazard areas (floodplains, etc.), critical erosion areas, coastal historic areas, and coastal preserves.
165. Coastal barrier resource system units and other areas are identified and generally depicted on the maps on file with the United States secretary of state entitled “Coastal Barrier Resources System,” dated October 24, 1990, as replaced, modified, revised, or corrected under 16 United States Code § 3505.
166. Coastal Natural Resource Areas identified for the proposed route include special hazard areas (Federal Emergency Management Agency floodplains) and coastal wetlands, but may also include waters of the open Gulf of Mexico, waters under tidal influence, submerged lands, submerged aquatic vegetation, tidal sand and mud flats, oyster reefs, hard substrate reefs, coastal barriers, coastal shore areas, gulf beaches, critical dune areas, special hazard areas (floodplains, etc.), critical erosion areas, coastal historic areas, and coastal preserves.
167. AEP Texas will construct transmission facilities in accordance with the Coastal Management Program’s goals under 31 TAC § 26.12 and policies under 31 TAC § 26.16(a). Additionally, AEP Texas will pursue further coordination with Texas General Land Office and Texas Land Commissioner to ensure minimal impacts to coastal natural resource areas are made by any of the routes.
168. Construction of the proposed transmission facilities along the proposed route minimizes adverse effects on coastal natural resource areas by routing adjacent and parallel to existing rights-of-way and in previously disturbed areas where practicable; routing of the proposed route according to best management practices; issuance of notice to the public, directly affected landowners, landowners within 300 feet of the centerline of the proposed route, municipalities, counties, pipeline owners, and state, local and federal agencies; and by

receiving public comment filings, landowner interventions, and input from state, local, and federal agencies.

Limitation of Authority

169. It is not reasonable and appropriate for a CCN order to be valid indefinitely because it is issued based on the facts known at the time of issuance.
170. Seven years is a reasonable and appropriate limit to place on the authority granted in this Notice of Approval to construct the transmission facilities.

Informal Disposition

171. More than 15 days have passed since the completion of notice provided in this docket.
172. AEP Texas, Hunt Parties, and Commission Staff are the only parties to this proceeding.
173. All the parties to this proceeding are signatories to the agreement and support the agreed route.
174. No hearing is needed.
175. Commission Staff recommended approval of the application.
176. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
2. AEP Texas is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
3. AEP Texas is required to obtain the Commission's approval to construct the proposed transmission facilities and to provide service to the public using those facilities under PURA § 37.053.
4. SOAH exercised authority over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.

5. The application is sufficient under 16 TAC § 22.75(d).
6. The application complies with the requirements of 16 TAC § 25.101.
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,² and Commission rules.
8. AEP Texas provided notice of the application in accordance with PURA § 37.054 and 16 TAC § 22.52(a).
9. All route segments in the agreed route were included in the application. Accordingly, additional notice of the approved route is not required under 16 TAC § 22.52(a)(2).
10. AEP Texas held a public meeting and provided notice of the public meeting in compliance with 16 TAC § 22.52(a)(4).
11. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052
12. The transmission facilities using the agreed route are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
13. The construction of the proposed transmission facilities along the agreed route comply with PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B), including the Commission's policy of prudent avoidance, to the extent reasonable to moderate the impact on the affected community and landowners.
14. The proposed transmission facilities will be constructed consistent with the applicable goals and policies of the coastal management program and will not have any direct and significant impact on any coastal natural resource areas consistent in compliance with 16 TAC § 25.102(a).
15. The Texas coastal management program applies to the transmission facilities approved in this Notice of Approval, and the requirements of 16 TAC § 25.102 apply to the application.

² Tex. Gov't Code §§ 2001.001–.903.

16. The Commission has reviewed this proposed action for consistency with the Texas Coastal Management Program goals and policies and has determined that the proposed action is consistent with the applicable goals and policies, in accordance with 31 TAC § 29.30(b)(1).
17. The Commission has reviewed this proposed action for consistency with the Texas Coastal Management Program goals and policies and has determined that the proposed action will not have a direct and significant adverse effect on the coastal natural resource areas identified in the applicable policies, in accordance with 31 TAC § 29.30(b)(2).
18. The proceeding meets the requirements for informal disposition under 16 TAC § 22.35.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves the agreed route and amends AEP Texas's CCN number 30028 to the extent provided in this Notice of Approval.
2. The Commission amends AEP Texas's CCN number 30028 to include relocation, construction, and operation of a new double-circuit 138-kV transmission line along route B (comprised of route segments 2-20-22-35-24-26-27).
3. AEP Texas must consult with any pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines that are paralleled by the electric transmission facilities approved by this Notice of Approval.
4. AEP Texas must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Notice of Approval and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
5. AEP Texas must comply with all applicable local, state, and federal laws, regulations, and permits.

6. AEP Texas must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Notice of Approval, and if AEP Texas fails to obtain any such permit license, plan, or permission, it must notify the Commission immediately.
7. AEP Texas must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Notice of Approval.
8. If AEP Texas encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and AEP Texas must report the discovery to, and act as directed by, the Texas Historical Commission.
9. Before beginning construction, AEP Texas must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
10. AEP Texas must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that are presented by the agreed route.
11. AEP Texas must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005.
12. AEP Texas must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds

- during the nesting season of the migratory bird species identified in the area of construction.
13. AEP Texas must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
 14. AEP Texas must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line.
 15. AEP Texas must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so.
 16. To the maximum extent practicable, AEP Texas must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
 17. AEP Texas must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas.
 18. AEP Texas must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, the Commission does not require AEP Texas to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
 19. AEP Texas must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission line approved by this Notice of Approval. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.

20. The Commission does not permit AEP Texas to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.
21. If possible, and subject to the other provisions of this Notice of Approval, AEP Texas must prudently implement an appropriate final design for the transmission line to avoid being subject to the Federal Aviation Administration's notification requirements. If required by federal law, AEP Texas must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize AEP Texas to deviate materially from this Notice of Approval to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then AEP Texas must file an application to amend its CCN, as necessary.
22. AEP Texas must include the transmission facilities approved by this Notice of Approval on its monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, AEP Texas must provide final construction costs, with any necessary explanation for cost variance, after the completion of construction when AEP Texas identifies all charges.
23. AEP Texas must, to the greatest extent practicable, span any coastal wetlands or submerged aquatic vegetation as defined by 31 TAC § 26.3(b) and Texas Water Code § 11.502.
24. AEP Texas must minimize to the greatest practicable extent any potential adverse effects of the construction of the transmission facilities on coastal natural resource areas, including coastal wetlands or submerged aquatic vegetation, by designing and constructing the transmission facilities according to best management practices.
25. AEP Texas must coordinate with the United States Army Corps of Engineers before clearing and construction to ensure compliance with applicable requirements to avoid, minimize, and mitigate impacts to waters of the United States and Coastal Natural Resource Areas, including associated coastal wetlands and special hazard areas.
26. Entry of this Notice of Approval does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the agreement and must not

be regarded as precedential as to the appropriateness of any principle or methodology underlying the agreement.

27. The Commission limits the authority granted by this Notice of Approval to a period of seven years from the date this Notice of Approval is signed unless the transmission line is commercially energized before that time.
28. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.

Signed at Austin, Texas the 21st day of November 2025.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, reading "Katie Moore Marx". The signature is written in a cursive, flowing style.

KATIE MOORE MARX
ADMINISTRATIVE LAW JUDGE