

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

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

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

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

**SOAH DOCKET NO. 473-26-16349
PUC DOCKET NO. 59475**

JOINT APPLICATION OF ONCOR	§	
ELECTRIC DELIVERY COMPANY LLC	§	
AND LCRA TRANSMISSION SERVICE	§	BEFORE THE STATE OFFICE
CORPORATION TO AMEND THEIR	§	
CERTIFICATES OF CONVENIENCE AND	§	
NECESSITY FOR THE BELL COUNTY	§	OF
EAST SWITCH TO BIG HILL	§	
SUBSTATION 765-KV TRANSMISSION	§	
LINE PROJECT IN BELL, BURNET,	§	ADMINISTRATIVE HEARINGS
CONCHO, CORYELL, LAMPASAS,	§	
LLANO, MASON, MCCULLOCH,	§	
MENARD, MILAM, MILLS, SAN SABA,	§	
SCHLEICHER, TOM GREEN, AND	§	
WILLIAMSON COUNTIES	§	

**BRIEF OF CERTAIN TEXAS LEGISLATORS AS AMICI CURIAE
IN SUPPORT OF AMERICAN STEWARDS OF LIBERTY, INC.'S
MOTION TO DEFER DETERMINATION OF NEED**

Certain members of the Texas House of Representatives and Texas Senate file this amicus brief in support of American Stewards of Liberty, Inc.'s pending motion to defer determination of need filed in each of these proceedings on June 5, 2026. Amici do not seek intervention, party status, discovery, presentation of evidence, or any expansion of the issues in these proceedings. They submit this brief to address the substantial public-policy, statutory, ratepayer, and private-property concerns raised by ERCOT's Permian Basin Reliability Plan ("PBRP") and to respectfully request that the Administrative Law Judges defer determinations in these proceedings until completion of PUC Docket No. 59475.

The Texas Public Policy Foundation recently released a report titled An Economic Assessment of the 765-kV Strategic Transmission Expansion Plan and

Alternative Approaches to Enable Cost-Effective Growth. Ex. A. The report, authored by Brent Bennett, Ph.D., Policy Director of TPPF's Life:Powered initiative, concludes that the PBRP's 765-kV transmission facilities are not unavoidably necessary for the provision of reliable electricity. Rather, these proposals are a major policy choice with substantial costs and property-rights consequences for Texans. The report further concludes that feasible alternatives, such as properly sited dispatchable generation, could address reliability concerns at similar or lower cost and with substantially less impact on private property. In other words, the report addresses the common question in each of these proceedings: are the proposed 765-kV transmission facilities needed?

I. BACKGROUND

The amici on this brief are [LIST NAMES]. These members of the Texas House of Representatives and Texas Senate represent the interests of the general public and are committed to keeping Texas energy safe and efficient. These legislators have an institutional interest in the proper implementation of HB 5066 and in ensuring that major statewide transmission policy decisions reflect legislative direction, protect ratepayers, and respect private-property rights.

The Texas Public Policy Foundation is a non-profit, non-partisan research institute whose mission is to promote liberty, personal responsibility, and free enterprise. Life:Powered is a TPPF initiative that informs the national discussion about energy and the environment and advocates policies that promote human health, combat poverty, and improve the quality of life for all people.

II. ARGUMENT

A. ASL's requested deferral is narrow and procedurally appropriate.

ASL's motion seeks limited relief. It does not ask the Commission to halt consideration of route-specific issues, environmental impacts, landowner concerns, or other matters that may vary from docket to docket. Rather, ASL asks only that the Commission defer the common threshold issue of need until Docket No. 59475 is complete and the assumptions underlying the PBRP can be addressed on a more complete record.

The attached report confirms why that limited relief is appropriate. The report does not address any single route. Rather, it addresses the common planning assumptions underlying the 765-kV Strategic Transmission Expansion Plan as a whole, including the premise that long-distance 765-kV transmission facilities are necessary to improve reliability in the Permian Basin and elsewhere in ERCOT. Those assumptions are not unique to any one pending CCN application.

Accordingly, ASL's requested deferral is procedurally modest and substantively sensible. Individual dockets may continue to consider route-specific issues in each proceeding. But the common need determination should not be resolved prematurely or piecemeal when the asserted need for each project rests on the same disputed systemwide assumptions. Deferring that issue until completion of Docket No. 59475 would promote consistency, preserve administrative resources, and allow the Commission to decide the need question on the fullest available record.

B. The PBRP raises questions that warrant waiting for a complete record.

The PBRP and related 765-kV CCN applications would commit Texas ratepayers and landowners to one of the largest transmission buildouts in state history. As the report explains, 765-kV projects that have already been approved include an estimated \$33 billion in capital costs, with projected lifetime costs approaching \$100 billion, including financing, equity returns, maintenance, and taxes. Ex. A at 4. It is Texas ratepayers who will bear these costs. And thousands of Texas landowners will face irreversible property losses needed for new transmission corridors.

These consequences warrant special caution. The Competitive Renewable Energy Zones transmission buildout was expressly created by the Texas Legislature. But the PBRP was approved without comparable legislative authorization. The Legislature directed the Commission and ERCOT to address reliability needs in the Permian Basin. But the resulting plan has expanded into an expensive statewide transmission project that fails to fully and properly consider Texas's energy needs.

Deferring determinations in each proceeding until Docket No. 59475 is complete will allow the Commission to make a coordinated determination in the broader context of these related projects and ensure consistency among these various proceedings.

C. The report identifies serious questions about whether the 765-kV lines will achieve reliability goals.

Transmission lines do not generate electricity. And the report explains that the 765-kV lines will not materially change ERCOT's generation mix or reduce energy

prices. Ex. A at 13. So the PBRP won't solve the problem of providing Texans with more reliable or less-expensive energy.

But siting dispatchable generation in and around the Permian Basin—closer to demand—could help achieve Texas's energy reliability needs with fewer land-use impacts and lower costs to ratepayers. The report explains that adding approximately 4 to 5 GW of natural gas generation in West Texas, combined with strategic generation siting in other ERCOT regions, could reduce or eliminate the need for the 765-kV lines. Ex. A at 3.

The PBRP produces little measurable price benefit, does not materially alter the generation mix, and can be avoided through less intrusive generation alternatives. It is worth pausing to fully consider whether the PBRP is the best path forward.

D. A deferral would allow consideration of alternatives before making irreversible commitments.

Once these proceedings move forward and additional phases of the PBRP are approved, the practical and legal consequences will become increasingly difficult to unwind. Transmission planning of this scale can create momentum toward route selection, land acquisition, eminent-domain proceedings, and ratepayer cost recovery. Those steps impose real burdens even before final construction.

The attached report identifies several alternatives that should be evaluated before Texas commits to the 765-kV STEP, including market reforms to better value reliable generation, incentives to locate dispatchable generation near load, targeted

treatment of large new loads, and other measures to address reliability without defaulting to long-distance transmission expansion.

The Commission and ERCOT should not proceed on the assumption that the PBRP is the only possible solution. A modest deferment to allow for a more complete record would preserve the status quo long enough to test that assumption.

III. CONCLUSION

For these reasons, amici respectfully support American Stewards of Liberty, Inc.'s motion to defer determination. The attached report raises substantial questions about whether the 765-kV transmission facilities are necessary, whether the costs are justified, whether the underlying assumptions remain valid, and whether less expensive and less intrusive alternatives can achieve the same reliability goals.

Amici respectfully request that the Commission grant ASL's motion to defer determination of need for the proposed 765-kV transmission facilities until completion of Docket No. 59475 and accept the attached report for filing and consideration in the docket.

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Respectfully submitted,

/s/

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