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STATE REPRESENTATIVE • DISTRICT 73
BANDERA • COMAL • GILLESPIE • KENDALL

DISTRICT
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September 7, 2010

Re: PUC Docket No. 38354 - Application of LCRA TSC to Amend its Certificate of Convenience and Necessity for the Proposed McCamey D to Kendall to Gillespie 345-kV CREZ Transmission Line in Schleicher, Sutton, Menard, Kimble, Mason, Gillespie, Kerr and Kendall Counties

Dear Chairman Smitherman:

I appreciate your action requesting that ERCOT perform an analysis on whether there is a need for the McCamey D to Kendall to Gillespie CREZ line. I am writing to you today on an important and closely related matter.

My letter today concerns whether the contested proceeding before the State Office of Administrative Hearings (SOAH) regarding the routing of the McCamey D to Kendall to Gillespie CREZ line should be dismissed, suspended, or abated, pending the receipt of the requested ERCOT study on the need for that line. I understand that this question has been certified to you by the Administrative Law Judges assigned to the routing proceeding and will be considered by you at your Open Meeting on September 15, 2010. I urge you to dismiss, suspend, or abate the PUC routing proceeding in question.

I understand that approximately one thousand people, including private landowners, businesses, local governmental entities, and state agencies, have intervened in this SOAH proceeding. A look at the PUC interchange website shows that over 1800 documents have been filed to date and I believe it has not even yet begun in earnest.

To force the interested parties to go forward with the routing proceeding before SOAH while the analysis of need for the subject CREZ line is simultaneously being performed represents a potentially enormous waste of time and expense. The interested parties, which include many of my constituents, will be forced to conduct discovery, hire and task technical consultants as expert witnesses, work on and pay attorneys to prepare and file expert and other testimony and statements of position, object to testimony, respond to objections, and attend several days of a hearing on the merits, file closing arguments, etc., all in connection with a proceeding that may be for naught.

The question of the need for the McCamey D to Kendall to Gillespie CREZ line is complicated and involves technical and economic considerations. I appreciate the hard work that has and will be done to address that question. I also appreciate the work and focus that you and Commissioners Nelson and Anderson have devoted to the implementation of the CREZ mandates in a reasonable and cost effective manner. However, I believe that your duties to fulfill those mandates include acting to protect my constituents, as well as other citizens in the Texas Hill Country, from the requirement to go forward at this time with a routing proceeding before SOAH that may ultimately prove to be unnecessary. It is for these reasons that I ask you to order that the proceeding to determine the route of the McCamey D to Kendall to Gillespie CREZ line (PUC Docket No. 38354) be dismissed, suspended, or abated.

Sincerely,

A handwritten signature in black ink that reads "Doug Miller". The signature is written in a cursive, flowing style.

Doug Miller
State Representative
District 73

cc: Thomas G. Mason - LCRA General Manager
Commissioner Kenneth W. Anderson, Jr.
Commissioner Donna L. Nelson
W. Lane Lanford, PUC Executive Director