

FOR IMMEDIATE RELEASE

July 31, 2026

**JOINT STATEMENT OF TEXAS LANDOWNER COUNSEL
On the Public Utility Commission's Certificate of Convenience and Necessity
Process for 765-kV Transmission Lines**

AUSTIN, Texas. We are attorneys who, together, have represented hundreds of landowners in transmission line proceedings before the Public Utility Commission of Texas. **Chairman Schwertner's July 31 statement recognizes that the CCN process requires a complete overhaul. Whatever the Commission decides about the pending applications, we urge that genuine reform of the CCN process, and reimbursement of the costs landowners have already borne, accompany any refiling.**

On July 29 several of us drew on our experience and shared observations about the transmission line approval process and submitted joint written testimony to the Senate Committee on Business & Commerce. We described a Certificate of Convenience and Necessity (CCN) process that had broken down under the weight of recent transmission line cases. The system is not working well for anyone. We also provided ten recommendations for the Committee to consider. We thank Chairman Schwertner and the members of the Committee for the fifteen-hour hearing and for the time they gave to landowner testimony, and we write in response to the Chairman's July 31 statement.

The Chairman's statement identifies three failures our clients lived through: lack of proper notice from the utilities, Commission timelines too short for cases of this size and complexity, and due process problems at the State Office of Administrative Hearings. That record was built by hundreds of landowners at their own expense, and we are grateful that it was heard.

We offer three points.

First, reform must precede refiling. Denial alone is a reset, not a repair. If the pending applications are denied and refiled under the existing rules, the same deficiencies will reproduce themselves: the same notice gaps, the same 180-day clock, the same inability to develop a record at SOAH. Reform should come first. Our July 29 testimony (attached) sets out the specifics, including restoring the one-year review deadline or adopting objective triggers that extend the schedule in the largest cases, open houses in each affected county, advance notice when links are added to or removed from a study area, pre-hearing conferences set after the intervention deadline, active participation by the Texas Parks and Wildlife Department, and filing systems that a landowner can actually navigate.

Second, landowners should be reimbursed for what this process has already cost them. Hundreds of landowners have paid out of pocket, for attorneys, routing and environmental experts, and travel, to participate in a proceeding Chairman Schwertner has now described as requiring a complete overhaul. If these applications are denied and refiled, those families will have funded litigation that produced nothing, and they likely will be asked to fund it again. The utilities recover their costs of participation through rates. Landowners have no comparable mechanism. We urge the Legislature and the Commission to establish a mechanism to reimburse landowners for reasonable, documented participation costs, including attorneys' fees and expert costs, incurred in CCN dockets litigated under the current process. Cost recovery of this kind is a concrete, fair measure, and it will be part of a reform bill only if it is on the table now.

Third, we do not speak with one voice on the fate of the pending applications, and we do not need to. Our clients are in different postures. Some seek a full rehearing of these routes; others would prefer finality to another round of litigation. This statement takes no position on that question. It is limited to process reform, due process, and cost recovery, and each of us remains free to speak further on behalf of our own clients.

We appreciate the Committee's attention to these issues and stand ready to serve as resources to the Legislature and to the Commission as CCN reform is developed.

The undersigned collectively bring over 100 years of experience representing landowners in Texas transmission line proceedings.

Bradford W. Bayliff, Bayliff Law Firm PLLC, Blanco
Zachary S. Brady, Brady & Hamilton LLP, Lubbock
Carly Barton and Patrick L. Reznik, Braun & Gresham, PLLC, Dripping Springs
David F. Brown, Ewell Brown Blanke & Knight LLP, Austin
Joe Will Ross, Joe William Ross, P.C., San Angelo
Paul Tough, McElroy, Sullivan, Miller & Weber, LLP, Austin
Jim Spivey and Soledad Valenciano, Spivey Valenciano PLLC, San Antonio
Anson B. Howard, Uhl Fitzsimons PLLC, San Antonio
Jason Fenton and J. Lindsey Rusler, The Underwood Law Firm, P.C., Amarillo

###

Media contact:

Bradford W. Bayliff, Bayliff Law Firm PLLC, 512.225.0027, brad@bayliff.law

July 29, 2026

The Honorable Charles Schwertner, Chair
Members of the Senate Committee on Business & Commerce
Texas State Senate
Austin, Texas

Re: Written Testimony for the July 29, 2026 Interim Hearing – Concerns and Recommendations Regarding the PUC’s CCN Process for 765-kV Transmission Lines

Dear Chairman Schwertner and Members of the Committee:

We appreciate the opportunity to submit written testimony in connection with the Committee’s July 29 interim hearing. We are a group of attorneys who, together, have represented hundreds of landowners in Texas transmission line proceedings. That is why we write jointly: the concerns below are not the position of any single interest or our clients, but shared observations about a process that, at present, is not working well for anyone.

Over the last six months, the Public Utility Commission’s process for approving Certificates of Convenience and Necessity (CCNs) broke down under the weight of an unprecedented volume of large 765-kV cases. The system was not prepared for the number and size of these filings, and the compressed timeline made it difficult for landowners, applicants, PUC Staff, the State Office of Administrative Hearings (SOAH), and the Commission alike to do their work well. We believe the process can be repaired, and we offer the following observations and recommendations in a constructive spirit.

What broke down.

The single most consequential change was the reduction of the review deadline from one year to 180 days. In practice, that window collapses quickly. SOAH requires roughly 60 days to prepare a Proposal for Decision, and the Commission requires roughly 35 days to consider it, leaving landowners only about 85 days from the initial CCN filing to intervene, conduct discovery, prepare for and participate in a hearing, and brief their cases. When the Commission later extends the schedule, it does so for its own benefit—not for landowners, not for PUC Staff, not for the ALJs—after all parties already have absorbed the compressed timeline. Complex, high-mileage routing cases cannot be decided fairly on that schedule.

The process also depends on institutions that were not resourced for this volume. PUC Staff and its attorneys are charged with advocating for the public interest, but like every other participant in these proceedings, they have been asked to carry a volume of large, contested cases that outpaced the resources available to them. The absence of the Texas Parks and Wildlife Department (TPWD) from these proceedings leaves environmental and land-use questions under-examined. SOAH ALJs were, candidly, overwhelmed by cases that were too large and too numerous, even for Texas. The time pressures at the

hearings and the lack of ability to adequately cross-examine witnesses are significant issues.

These pressures have produced genuine due-process concerns. Taking public comment at oral argument after the Proposal for Decision, and considering non-party, extra-record comments before a decision, has drawn objection, and constitutional challenges are being discussed. A process that cannot absorb its caseload without cutting procedural corners invites exactly this kind of risk.

Finally, the volume of unrepresented (pro se) intervenors, understandable given how deeply these lines affect homes and communities, created additional challenges for the ALJs and was itself time intensive, since in most cases those parties were confused by the procedures. For example, many unrepresented parties struggle with where and how to file, because initial filings go in the PUC Interchange, the SOAH record in Kiteworks, and the hearing record on the utilities' fileshare, and with what counts as record evidence and the consequences of missed deadlines. That burdens the parties and the tribunals alike.

Recommendations.

Drawing on our experience across all sides of these cases, we respectfully urge the Committee to consider the following:

1. Reinstate the one-year review deadline in place of the current 180 days. If the 180-day limit is retained, adopt objective triggers that automatically extend the schedule for the largest cases, for example, more than 200 intervenors, more than 700 landowners noticed, or routes longer than 50 miles.
2. Offer Open Houses in more locations, preferably one in each impacted county, staggered over a two-week period at a minimum, with capability for Zoom or other video participation. Provide clearer information at Open Houses on the study area, including notice that links may be added or deleted during the review process.
3. Require notice at least 60 days before filing the initial CCN Application when links are added to or deleted from the study area during preparation of the final CCN Application.
4. Require potential Applicants to file a Docket Placeholder for Comments about a potential project on the PUC website, contemporaneously with the initial open houses in all potential CCN applications, so comments can be filed.
5. Pre-Hearing Conferences, where initial scheduling and other important rulings are addressed, are routinely held before the intervention deadlines in these dockets. Require instead that such pivotal hearings be held no earlier than a set number of business days after the Intervention Deadline so all parties can participate.
6. Secure active participation by the Texas Parks and Wildlife Department in all routing cases.
7. Improve the PUC Interchange and the Commission's website, including consolidated filing instructions, real-time case databases (parties, witness lists, cross-examination lists, and public comments), and clearer public access to route and link detail.
8. Stagger new filings (phasing large CCNs in at roughly one per month), require route, GIS/KMZ, and cost-model data at the time of filing an application, standardize procedural schedules, increase notice distances for 765-kV projects, and provide an

ombudsman and plain-language guidance for unrepresented parties such as checklists and short instructional videos.

9. Emphasize explicit restrictions on post-exception commentary, particularly direct attempts to communicate with the Commissioners, and require that the filer and other parties be notified with language such as: “The evidentiary record is closed. This filing will not be shared with the Commissioners.”
10. Improve the process to ensure parties are able to identify the links that affect intervenors’ properties.

We further suggest a short moratorium on new filings until these fixes are in place, paired with reaffirmation through ERCOT of the need for the remaining projects, so that the system is not asked to absorb new cases before it can handle them.

We offer these observations as practitioners who want a better Texas and a process that is fair to landowners, workable for the agencies, and defensible for the utilities that need to build these lines. We would welcome the opportunity to serve as a resource to the Committee, to answer questions, or to provide additional detail on any point. Thank you for your attention to these issues and for holding this important hearing.

The undersigned collectively bring over 100 years of experience representing landowners in Texas transmission line proceedings.

Respectfully submitted,

Bradford W. Bayliff, Bayliff Law Firm PLLC, Blanco
Zachary S. Brady, Brady & Hamilton LLP, Lubbock
Carly Barton, Braun & Gresham, PLLC, Dripping Springs
David F. Brown, Ewell Brown Blanke & Knight LLP, Austin
Patricia Long-Weaver, Field, Manning, Stone, Hawthorne & Aycock, P.C., Midland
Joe Will Ross, Joe William Ross, P.C., San Angelo
Paul Tough, McElroy, Sullivan, Miller & Weber, LLP, Austin
Jim Spivey and Soledad Valenciano, Spivey Valenciano PLLC, San Antonio
Anson B. Howard, Uhl Fitzsimons PLLC, San Antonio
Jason Fenton and J. Lindsey Rusler, The Underwood Law Firm, P.C., Amarillo