



Control Number: 23429



Item Number: 501

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Public Utility Commission of Texas

Memorandum

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2004 JAN -7 AM 10: 21
PUBLIC UTILITY COMMISSION
FILING CLERK

TO: Customer Protection Division

FROM: Rosa L. Rohr, Staff Attorney, Legal and Enforcement Division *RLR*

DATE: January 8, 2004

RE: Complaint of River Plantation Community Improvement Association

Attached please find a letter directed to Commissioner Hudson with concerns raised by the River Plantation Community Improvement Association regarding a transmission line project approved for Entergy Gulf States, Inc. in Docket No. 23429.

The letter was filed in Docket No. 23429. Since the Association is raising concerns about this project, Staff believes that it would be appropriate to handle this as an informal complaint.

I would ask that the investigator please provide a copy of Entergy's response and any further communications in this matter to me and to Brian Almon of the Electric Division.

cc: Joe Guerrero, Central Records
Paula Cyr, Entergy Gulf States, Inc.
Brian Almon
Robby Abarca
Bridget Headrick
Evan Rowe

River Plantation Community Improvement Association

612 River Plantation Drive P.O. Box 667 Conroe, TX 77305-0667 Office (936) 273-2002 Fax (936) 273-2039

2003 DEC 29 PM 3:38

LEGAL DIVISION

MISSION

Hy KR

December 17, 2003

Public Utility Commission of Texas
1701 N. Congress Ave.
P.O. Box 13326
Austin TX 78711-3326

Reference: PUC Docket NO. 23429
Entergy Gulf States Inc.
Transmission Line 820

2003 DEC 29 AM 11:48
PUBLIC UTILITY COMMISSION
FILING CLERK

Dear Commissioner Hudson,

Throughout the entire hearing process regarding the above referenced transmission line, our primary concern was for the safety of our residents. We were told on numerous occasions by Entergy's representatives and PUC's representatives that installing this line along railroad right of ways was a common and preferred practice, and that our safety concerns were unfounded.

We have since learned that Union Pacific Railroad (UPRR) is also concerned about the safety of placing this line on their ROW and have brought their concerns to Entergy's attention. Their concerns apparently deal not only with the safety of their railroads employees, but also with the operation of the crossing arms and potential interference with their communications. We say apparently because we are unable to obtain any information regarding the safety concerns expressed by UPRR to Entergy or Entergy's proposed solutions to address these concerns. (Please see the attached letter from the River Plantation Community Improvement Association to Entergy.) This is of a grave concern to us and our residents.

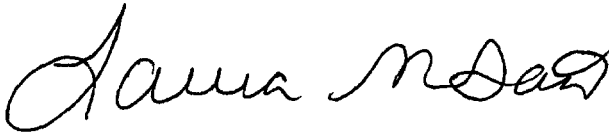
Although we have been told by Entergy that the safety concerns are minor and have been addressed, we wonder why:

- It has taken 2 years for such a simple problem to be resolved?
- In view of their safety concerns, why wasn't UPRR, as the owner of the proposed ROW, included in the review process?
- If inductive interference is even remotely possible, why would Entergy propose this routine and why would the PUC approve it?

- In view of the additional costs involved with two years of engineering and administrative expenses to solve the problem, the additional costs associated with the buried grounding wire, the additional brackets and grounding wire, as well as the insulators that UPRR will need to install along the tracks, why hasn't this project been reopened for review?
- There shouldn't be an open hearing where UPRR, Entergy, and Entergy's consultant can be questioned, under oath, about this issue so that all concerned, and especially the residents of River Plantation and Montgomery County, can be assured that the safety issue have been properly addressed?

As consumers, we depend on the PUC to guard our interests. We believe action on your part is indicated in this case to assure us that we are being treated fairly, that the safety issues are properly addressed and that the final cost of this project are reasonable. We look forward to hearing from you.

Sincerely,



Laura M. Davis
Chairperson-Special Projects Committee
R.P.C.I.A.

Enclosure (1)

cc: Commissioner Parsley
Commissioner Hudson

River Plantation Community Improvement Association



612 River Plantation Drive P.O. Box 667 Conroe, TX 77305-0667 Office (936) 273-2002 Fax (936) 273-2039

December 12, 2003

Mr. Terry Allemand, P.E.
Entergy Customer Service Manager
9425 Pinecroft Drive
The Woodlands, TX 77380

Certified Mail #7003 0500 0003 2927 6125
And Regular Mail

Dear Mr. Allemand,

Thank you for the meetings on September 26, 2003 and December 3, 2003. We appreciate being updated on the activities concerning Line 820. Although we had no serious concern about the additional grounding circuit bracket, we do appreciate Entergy's efforts to minimize their size and appearance.

We must reiterate, however, our ongoing concerns since the beginning of this process is for the safety of our residents. During the SOAH proceedings we were advised by both the PUC and EGSI that installation along existing ROWs was preferred and that these lines are installed along railroads on a routine basis. There was never any mention of inductive interference during the entire review process nor was it mentioned in Entergy's application to the PUC.

Yet it has taken more than two years of design and engineering work to satisfy the concerns that UPRR has regarding safety issues. During our September 26th meeting we requested from EGSI copies of the correspondence between UPRR and EGSI relating only to UPRR's concern about safety issues and EGSI's solutions to correct the problems. This request was made so that we could better understand all of the safety issues UPRR had with the installation of Line 820 and how those issues were to be resolved. EGSI has refused our request.

We also requested an update of the additional costs for these changes since we believe that the cost of this project has increased dramatically with each day that has passed and with each modification/addition to the design that EGSI needs to implement to satisfy the safety issues. We are concerned about these added costs for two reasons.

First, the PUC weighed heavily the cost of construction of the new line during their proceedings. If the costs of the project have substantially increased, the PUC may need to review this project. Secondly, paragraph 8 of our settlement with Entergy states that, "EGSI has represented, and no Party disputes that, the facility configuration accommodations described above will not increase the projected costs of the proposed project above the estimate included in EGSI's application; and the accommodations will not diminish the electric efficiency of the line reliability". It is imperative that EGSI provide the new cost data so we may determine if EGSI is, or will be, in violation of the Settlement Agreement. Again, EGSI has refused to provide the necessary data to satisfy our concerns.

Since we are unable to resolve our concerns through EGSI, we are requesting that the PUC intervene in the process. Since one of the goals of the PUC as stated in their mission statement is "to protect customers", we believe the residents of Montgomery County should be afforded this right through a public review of these issues. In view of the secrecy surrounding the safety issues we feel we have no choice but to take this action since EGSI has not been forthcoming in response to our requests for more information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Davis".

Laura Davis
Special Projects Chairperson
River Plantation Civic Improvement Association