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APPLICATION OF SAM
HOUSTON ELECTRIC
COOPERATIVE, INC., FOR A
CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) FOR A
PROPOSED TRANSMISSION LINE
IN SAN JACINTO COUNTY, TEXAS

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

PUBLIC UTILITY COMMISSION
FILED CLERK

REBUTTAL TESTIMONY

OF

JARED WENNERMARK

ON BEHALF OF APPLICANT

SAM HOUSTON ELECTRIC COOPERATIVE, INC.

February 14, 2005

1 SOAH DOCKET NO. 463-04-8361
2 PUC DOCKET NO. 29705
3

4 APPLICATION OF SAM §
5 HOUSTON ELECTRIC § BEFORE THE STATE OFFICE
6 COOPERATIVE, INC., FOR A § OF
7 CERTIFICATE OF CONVENIENCE § ADMINISTRATIVE HEARINGS
8 AND NECESSITY (CCN) FOR A §
9 PROPOSED TRANSMISSION LINE §
10 IN SAN JACINTO COUNTY, TEXAS §
11

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13 REBUTTAL TESTIMONY
14 OF
15 JARED WENNERMARK
16 ON BEHALF OF
17 SAM HOUSTON ELECTRIC COOPERATIVE, INC.
18

19 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

20 A. My name is JARED WENNERMARK. My business address is 1501 East Church St.,
21 Livingston, Texas 77351-1121.

22 Q. HAVE YOU PREVIOUSLY FILED DIRECT TESTIMONY IN THIS DOCKET?

23 A. Yes, I have.

24 Q. PLEASE DESCRIBE THE PURPOSE OF YOUR REBUTTAL TESTIMONY.

25 A. The purpose of this testimony is to address certain matters that have been raised in the direct
26 testimony that has been filed by George Russell and other witnesses who have filed
27 testimony on his behalf.

28 Q. PLEASE REFERENCE THE TESTIMONY OF MR. RUSSELL AS IT APPEARS AT
29 PAGE 39, LINE 23, THROUGH PAGE 40, LINE 5. HAS MR. RUSSELL PROVIDED
30 TO SAM HOUSTON THE "OVERLAY" THAT IS REFERRED TO IN THIS
31 TESTIMONY?

32 A. No, he has not. Sam Houston requested through the discovery process a copy of this overlay
33 but was told by Mr. Russell in his response that Mr. Russell had only one copy of the overlay

1 and that that copy had been provided to the Assistant General Counsel assigned to this
2 proceeding.

3 **Q. WHY DID YOU REQUEST A COPY OF THE OVERLAY?**

4 **A.** We had requested a copy of the overlay because we were unable to closely review the
5 materials at the County Commissioner's hearing given the manner in which Mr. Russell
6 presented the overlay to the Commissioner's Court. We were particularly interested in
7 reviewing it given the many statements that Mr. Russell made to the Commissioner's Court
8 about the proposed project and its impact on individuals and the area.

9 **Q. AS PART OF THIS PROCEEDING, DID MR. RUSSELL PROPOSE ANY**
10 **ALTERNATE ROUTE MODIFICATIONS AS CONCERNS HIS FILING**
11 **REGARDING THE ADEQUACY OF ROUTES?**

12 **A.** No, he did not.

13 **Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY SUBMITTED BY SOLLIE**
14 **JACKSON?**

15 **A.** Yes, I have.

16 **Q. AND DO YOU UNDERSTAND THAT MR. JACKSON'S TESTIMONY WAS**
17 **SUBMITTED ON BEHALF OF GEORGE RUSSELL?**

18 **A.** Yes, I do.

19 **Q. DO YOU HAVE ANY COMMENTS OR CRITICISMS AS CONCERNS MR.**
20 **JACKSON'S TESTIMONY?**

21 **A.** Yes, I do.

22 **Q. PLEASE EXPLAIN TO THE COMMISSION YOUR COMMENTS OR CRITICISMS.**

23 **A.** At page 4 of Mr. Jackson's testimony, Mr. Jackson questions why Sam Houston wants to run
24 the proposed power line over the homes of black individuals who reside along Route No. 9.

1 In my opinion, such a statement is both offensive and disgusting, and has no basis in fact
2 whatsoever. To be clear, Sam Houston has not, in this case or any other CCN proceeding,
3 ever considered the race of any individual property owner in making a determination as to
4 the routes that will be proposed. Sam Houston, as part of its transmission line project
5 development, takes steps to ensure that even the names of the property owners in the project
6 area are not considered for routing purposes to ensure objectivity. In fact, such precautions
7 and measures have in the past resulted in the proposal of the preferred route across one of
8 Sam Houston's Board members, who intervened in Sam Houston's CCN proceeding.

9 **Q. DO YOU HAVE ANY FURTHER COMMENTS OR OBSERVATIONS**
10 **CONCERNING THIS TESTIMONY BY MR. JACKSON?**

11 **A.** Yes, I do.

12 **Q. PLEASE EXPLAIN THOSE COMMENTS OR OBSERVATIONS.**

13 **A.** Mr. Jackson's attempt to insert into this proceeding the issue of one's race appears to be part
14 of an organized and consistent plan as concerns other testimony presented in this case, all on
15 behalf of Mr. Russell. Several individuals who have filed testimony in this case were asked
16 verbatim questions regarding whether they were a member of a "minority ethnic group". In
17 each instance, the following individuals answered in the affirmative: John U. Mitchell,
18 Ronessa Hill, Sandra Ann Farris Miller, Mae Dell Stephens, and Sollie Jackson. However,
19 as concerns the other seven individuals who presented testimony in this case on behalf of
20 Mr. Russell, none of those individuals were asked any question regarding their race. In other
21 words, the only testimony submitted on behalf of Mr. Russell, that explicitly questions and
22 identifies the particular witnesses' race, is that testimony of individuals who are ethnic
23 minorities. I would respectfully submit that such a fact is much more than just a
24 coincidence.

1 **Q. HAVE YOU OBSERVED OTHER INCIDENTS WHERE MR. RUSSELL, OR**
2 **OTHER WITNESSES, HAVE REFERENCED RACE AS A FACTOR IN THIS**
3 **PROCEEDING?**

4 **A.** Yes, I have.

5 **Q. PLEASE EXPLAIN THOSE INCIDENTS.**

6 **A.** Attached to Mr. Russell's direct testimony is Exhibit GHR-15, an exhibit used by Mr.
7 Russell to address habitable structures along the preferred route. As to each habitable
8 structure identified on the exhibit, Mr. Russell has made a notation concerning whether or
9 not the individual residing at that structure is "Black."

10 The significance, to Mr. Russell, of one's race in this proceeding is further exemplified in an
11 email authored by Mr. Russell in which he discusses Sollie Jackson's assistance to Mr.
12 Russell. "Sollie Jackson, the Intervenor whose grave site is in jeopardy, will help me in
13 Livingston. He is not only Black and smart, but used to work as a 'legal assistant' for an
14 attorney." (Document 000150, produced by Russell in response to Sam Houston's 2nd RFI).

15 **Q. DID SAM HOUSTON CONSIDER EITHER THE RACE OF THE LANDOWNER,**
16 **OR THE TYPE OF STRUCTURE IN WHICH THEY RESIDED, FOR THE**
17 **PURPOSES OF ROUTING THIS PROJECT?**

18 **A.** Absolutely not.

19 **Q. DID SAM HOUSTON ATTEMPT TO ROUTE THE LINE OVER TRAILER HOMES**
20 **OR MOBILE HOMES, AS OPPOSED TO OTHER HOUSING STRUCTURES?**

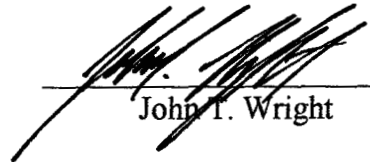
21 **A.** No. Sam Houston has routed the line in an objective manner, treating mobile homes with
22 the same respect as other habitable structures.

23 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

24 **A.** Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, **Rebuttal Testimony of Jared Wennermark on behalf of Sam Houston Electric Cooperative, Inc.**, will be mailed to all parties of record on this 14th day of **February, 2005** by First Class, U.S. Mail, pre-paid postage.



John T. Wright