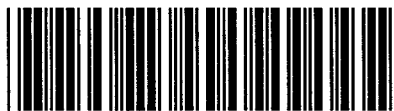




Control Number: 30168



Item Number: 292

Addendum StartPage: 0

RECEIVED

PUC DOCKET NO. 30168
SOAH DOCKET NO. 473-05-2135

05 MAR 25 AM 9:04

APPLICATION OF TXU ELECTRIC §
DELIVERY COMPANY TO AMEND §
A CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR A §
TRANSMISSION LINE IN JACK, §
JACK, WISE, AND DENTON §
COUNTIES, TEXAS §

BEFORE THE

PUBLIC UTILITY COMMISSION
FILING CLERK

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**FIRST BISCUIT, LTD.'S REPLY TO TXU ELECTRIC DELIVERY COMPANY'S
OBJECTIONS TO PREFILED DIRECT TESTIMONY**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

First Biscuit, Ltd. hereby files this reply to the Objections of TXU Electric Delivery Company to the Prefiled Direct Testimony of Intervenors. TXU Electric Delivery Company ("TXU") objects to certain portions of Mark W. Lewis's testimony as irrelevant and outside the scope of this proceeding. The testimony in question is not being offered solely to show the amount of compensation that First Biscuit, Ltd. should receive for right-of-way or condemnation of property in the event that TXU's application is granted. Section 25.101(b)(3)(B) of the Public Utility Commission's rules provides that a new electric transmission "line shall be routed to the extent reasonable to moderate the impact on the affected community and landowners" The testimony in question illustrates that the routing proposed by TXU, rather than moderating the impact on First Biscuit, Ltd. as a landowner, will in fact interfere significantly with First Biscuit, Ltd.'s intended use of its property. Therefore, the testimony should be admitted for that limited purpose.

Further, even if some of Mr. Lewis's testimony is deemed inadmissible as beyond the scope of this proceeding, TXU has requested that a portion of the testimony be stricken even

though it does not relate in any way to property values. TXU requests that the testimony on page 4, lines 14-19 of Mr. Lewis's testimony be stricken. That testimony is as follows:

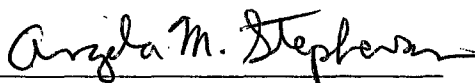
This buffer would result in another 10.5 acres and at least 10 additional lots that could not be developed, causing First Biscuit, Ltd. to incur an additional loss of at least \$150,000. Taken together with the lots that would be eliminated by the easement itself, First Biscuit, Ltd. would be unable to develop at least 28 (approximately 25%) of its remaining planned lots and would incur a loss of at least \$420,000.

(Emphasis added.)

The portions of the testimony underlined above relate only to the unreasonable impact that the proposed transmission line will have on First Biscuit, Ltd.'s use of its property and do not address property values. Therefore, these portions of the testimony are clearly admissible.

For the reasons set out above, First Biscuit, Ltd. respectfully requests that TXU's objections to the direct testimony of Mark W. Lewis be overruled.

Respectfully submitted,

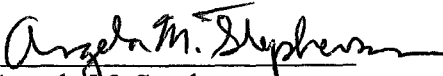


Angela M. Stepherson
State Bar No. 19169070
Law Offices of Clay E. Crawford, P.C.
3100 McKinnon Street, Suite 950
Dallas, Texas 75201
Telephone: (214) 981-9090
Fax: (214) 981-9071

ATTORNEYS FOR FIRST BISCUIT, LTD.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2005, a true and correct copy of First Biscuit, Ltd.'s Reply to TXU Electric Delivery Company's Objections to Prefiled Direct Testimony was sent by first class mail to each party of record.


Angela M. Stepherson