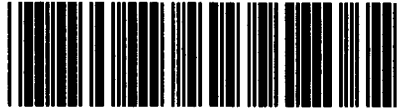




Control Number: 37409



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**PUC DOCKET NO. 37409
SOAH DOCKET NO. 473-10-0400
REBUTTAL TESTIMONY
OF CHARLES T. JASPER, WITNESS FOR
ONCOR ELECTRIC DELIVERY COMPANY LLC**

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1 **REBUTTAL TESTIMONY OF CHARLES T. JASPER**

2 **I. PURPOSE OF REBUTTAL TESTIMONY**

3 Q. ARE YOU THE SAME CHARLES T. JASPER WHO PRESENTED
4 DIRECT TESTIMONY IN DOCKET NO. 37409?

5 A. Yes.

6 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

7 A. The purpose of my rebuttal testimony is to respond to certain aspects of
8 the direct testimony of Regina Ferguson, Audra Von Roeder, Lawson
9 Dennis, and Commission Staff that was filed in this docket regarding the
10 proposed Central B – Central A – Tonkawa 345 kV Transmission Line
11 Project. ("Proposed Transmission Line Project").

12 **II. RESPONSE TO THE DIRECT TESTIMONY OF REGINA FERGUSON**

13 Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY OF REGINA
14 FERGUSON FILED IN THIS DOCKET?

15 A. Yes.

16 Q. ON THE BOTTOM OF PAGE 2 OF HER TESTIMONY, MS. FERGUSON
17 STATES THAT THE PROPOSED ROUTES FOR THE PROPOSED
18 TRANSMISSION LINE PROJECT DO NOT ADHERE TO THE
19 COMMISSION'S POLICY OF PRUDENT AVOIDANCE. DO YOU AGREE
20 WITH MS. FERGUSON'S OPINION?

21 A. No. Ms. Ferguson's statement seems to be based on the fact that there
22 were some habitable structures within 500 feet of the proposed routes,
23 including the Preferred Route from the Central B to Central A portion of
24 the Proposed Transmission Line Project, near which her property is
25 located. As I stated in my direct testimony, compliance with prudent
26 avoidance does not mean avoiding habitable structures at all costs, but
27 rather that reasonable alternatives must be considered. It is nearly
28 impossible to route a transmission line without coming within 500 feet of
29 any habitable structures while also adhering to other requirements of
30 PURA § 37.056 and Commission Substantive Rule 25.101. The routes
31 that Oncor filed with the Commission were selected in part because they

1 come within 500 feet of a smaller number of habitable structures
2 compared to other potential routing options that were not filed. The routes
3 filed by Oncor adhere to the Commission's policy of prudent avoidance
4 because are they are the result of HDR's and Oncor's consideration of
5 routing options that will reasonably avoid population centers and other
6 locations where people gather.

7 **III. RESPONSE TO THE DIRECT TESTIMONY OF AUDRA VON ROEDER**

8 Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY OF AUDRA VON
9 ROEDER?

10 A. Yes.

11 Q. MS. VON ROEDER ATTACHES A SKETCH TO HER TESTIMONY THAT
12 APPEARS TO SUGGEST THAT ONCOR FOLLOW A ROUTE ON THE
13 CENTRAL A TO TONKAWA PORTION OF THE PROPOSED
14 TRANSMISSION LINE PROJECT THAT INCLUDES LINKS A, CC1, EE,
15 Z2, V, AND R, RATHER THAN USING THE PREFERRED ROUTE FOR
16 THAT PORTION OF THE PROJECT. WOULD YOU LIKE TO RESPOND
17 TO MS. VON ROEDER'S SUGGESTED ALTERNATIVE.

18 A. Yes. Oncor included in its Application Alternative Route CA - TO 64,
19 which includes the links suggested by Ms. Von Roeder. As I state in my
20 direct testimony, Route CA - TO 64 complies with the relevant routing
21 criteria. However, that route is approximately \$13.5 million more
22 expensive than the Preferred Route for that portion of the Proposed
23 Transmission Line Project, as described in Attachment No. 4 to Oncor's
24 Application.

25 Q. IN THE SKETCH ATTACHED TO HER TESTIMONY, MS. VON ROEDER
26 ALSO SUGGESTS THAT LONE STAR TRANSMISSION USE ONCOR'S
27 PREFERRED ROUTE ON THE CENTRAL A TO TONKAWA PORTION
28 OF THE PROPOSED TRANSMISSION LINE PROJECT. DO YOU HAVE
29 A RESPONSE TO THIS SUGGESTION?

30 A. Yes. Oncor does not have control over the routes that Lone Star selects
31 for filing with the Commission or the route that may ultimately be selected

1 by the Commission for any future Lone Star transmission line. Lone Star
2 does not yet appear to have filed an application with the Commission for
3 the transmission line that Ms. Von Roeder mentions. Therefore, it is not
4 possible for Oncor to choose to "switch" Preferred Routes with Lone Star
5 in this proceeding.

6 **IV. RESPONSE TO THE DIRECT TESTIMONY OF ARTHUR LAWSON**

7 **DENNIS**

8 Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY OF ARTHUR
9 LAWSON DENNIS THAT WAS FILED IN THIS PROCEEDING?

10 A. Yes.

11 Q. ON PAGE 2 OF HIS TESTIMONY, MR. DENNIS STATES THAT HE
12 WOULD NOT BE ABLE TO IRRIGATE IF THE PROPOSED
13 TRANSMISSION LINE WERE PLACED ON HIS PROPERTY. DO YOU
14 AGREE WITH THIS STATEMENT?

15 A. No. Link E of the Central B to Central A portion of the Proposed
16 Transmission Line Project runs across only the western boundary of Mr.
17 Dennis' property. The location of a transmission line along Mr. Dennis'
18 property boundary should have no impact on Mr. Dennis' ability to irrigate
19 his property, even using center pivot irrigation. If a route including Link E
20 is selected by the Commission, Oncor will work with Mr. Dennis to mitigate
21 any potential impacts on his property, including those associated with
22 irrigation.

23 Q. ON PAGE 2 OF HIS TESTIMONY, MR. DENNIS STATES THAT HIS
24 ABILITY TO AERIALY APPLY INSECTICIDE, HERBICIDE, AND BOLL
25 WEEVIL ERADICATION WOULD BE AFFECTED BY THE PROPOSED
26 TRANSMISSION LINE. DO YOU HAVE A RESPONSE TO MR. DENNIS'
27 CONCERN?

28 A. Yes. The location of any transmission line that would be constructed on
29 Mr. Dennis property would be a factor to be considered when determining
30 the best methods for aerial application of pesticides, but that aerial
31 application would not be precluded by a transmission line on his property.

1 **V. RESPONSE TO THE DIRECT TESTIMONY OF STAFF WITNESS MARK**

2 **SULLIVAN**

3 Q. HAVE YOUR REVIEWED THE DIRECT TESTIMONY OF MARK
4 SULLIVAN THAT WAS FILED IN THIS PROCEEDING?

5 A. Yes.

6 Q. ON PAGE 23, LINES 1 - 3 OF HIS TESTIMONY, MR. SULLIVAN
7 DISAGREES WITH ONCOR'S FINDINGS REGARDING HABITABLE
8 STRUCTURES ALONG THE PREFERRED ROUTE FOR THE CENTRAL
9 B TO CENTRAL A PORTION OF THE PROPOSED TRANSMISSION
10 LINE PROJECT. HE STATES THAT THERE APPEARS TO BE AN
11 ADDITIONAL HABITABLE STRUCTURE LISTED ON PAGE D-14 OF
12 THE ENVIRONMENTAL ASSESSMENT AND ROUTING ANALYSIS
13 ATTACHED AS 1A TO ONCOR'S APPLICATION THAT WAS NOT
14 COUNTED BY ONCOR. DO YOU HAVE A RESPONSE TO THIS
15 DISCREPANCY?

16 A. Yes. Page D-14 of the Environmental Assessment and Routing Analysis
17 attached as Attachment 1A contains a list of habitable structures within
18 510 feet of each alternative route that was studied by HDR. HDR rounded
19 up to 510 feet in order to provide information on habitable structures that
20 were slightly beyond 500 feet of the proposed transmission line. Page D-
21 14 lists 34 habitable structures within 510 feet of the Preferred Route for
22 the Central B to Central A portion of the Proposed Transmission Line
23 Project. Table 2, which is attached to the memorandum that I prepared
24 and that was submitted as Attachment 5 to Oncor's Application, lists 33
25 habitable structures within 500 feet of the Preferred Route for that portion
26 of the Proposed Transmission Line Project. As explained in a footnote to
27 Table 2, the aerial photography on which the habitable structure counts
28 are based have an error margin of +/- 7 feet. Therefore, in Table 2, I
29 included structures that were within 507 feet of any filed route. Page D-14
30 includes one habitable structure, number 164, that is 508 feet from the
31 Preferred Route. Therefore, it appears on Page D-14 of the

1 Environmental Assessment and Routing Analysis, but not in Table 2 of my
2 memorandum.

3 Q. MR. SULLIVAN ALSO STATES ON PAGE 23, LINES 4 – 5, THAT IT
4 APPEARS THAT MANY OF THE STRUCTURES LISTED AS
5 BUSINESSES ALONG ROUTE BA-CA 2 WERE ACTUALLY BARNs OR
6 STORAGE FACILITIES. WHY IS THAT?

7 A. When Oncor identifies structures such as barns or storage facilities for
8 which habitable structure status is possible but not certain, it generally
9 counts those structures as habitable in order to err on the side of including
10 all habitable structures in its analysis. Therefore, those items were
11 identified as habitable structures because they appeared to be potentially
12 occupied workplaces, and were listed as businesses because that is the
13 category within which they most closely fit.

14 Q. ON PAGE 14 OF HIS TESTIMONY, MR. SULLIVAN RECOMMENDS
15 THAT THE COMMISSION APPROVE THE CENTRAL B TO CENTRAL A
16 PORTION OF THE PROPOSED TRANSMISSION LINE PROJECT
17 ALONG ALTERNATIVE BA-CA 2, RATHER THAN ONCOR'S
18 PREFERRED ROUTE. WOULD YOU LIKE TO RESPOND TO THIS
19 RECOMMENDATION?

20 A. Yes. BA-CA 2 is an acceptable alternative to Oncor and complies with all
21 relevant routing criteria. If the Commission selects BA-CA 2 in lieu of the
22 Preferred Route for that portion of the Proposed Transmission Line
23 Project, Oncor will construct the transmission line on that route.

24 **VI. CONCLUSION**

25 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

26 A. Yes.

AFFIDAVIT

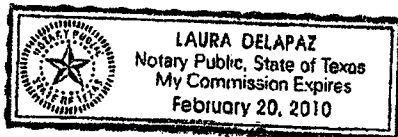
STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Charles T. Jasper who, having been placed under oath by me, did depose as follows:

My name is Charles T. Jasper. I am of legal age and a resident of the State of Texas. The foregoing testimony and exhibit offered by me are true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true and correct.

Charles T. Jasper
Charles T. Jasper

SUBSCRIBED AND SWORN TO BEFORE ME by the said Charles T. Jasper
this 8th day of December, 2009.



Laura Delapaz
Notary Public, State of Texas

My Commission Expires

2-20-2010