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SOAH DOCKET NO. 473-10-1097
PUC DOCKET NO. 37448

APPLICATION OF LCRA §
TRANSMISSION SERVICES §
CORPORATION TO AMEND ITS § BEFORE THE STATE OFFICE
CERTIFICATE OF CONVENIENCE AND §
NECESSITY FOR THE GILLESPIE TO §
NEWTON 345-KV CREZ § OF
TRANSMISSION LINE IN GILLESPIE, §
LLANO, SAN SABA, BURNET, AND §
LAMPASAS COUNTIES, TEXAS § ADMINISTRATIVE HEARINGS

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10/15/10

**POINT PEAK MOUNTAIN RESORT LLC,
BARBARA R. BARRON, AND ALLEN R. PAKSIMA'S EXCEPTIONS TO ALJ'S
PROPOSAL FOR DECISION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

On March 17, 2010 the ALJ issued her Proposal for Decision ("PFD") in this Docket. The PFD recommends that LCRA TSC proposed route GN-6 be utilized. By March 18, 2010 letter the Public Utility Commission of Texas ("PUC") instructed that March 26, 2010 is the deadline for filing Exceptions to the PFD and April 2, 2010 is the deadline for filing Responses to Exceptions. [Item 1082]. The letter also advised that the PFD will be considered by the PUC Commissioners at an open meeting scheduled for 9:30 a.m., April 15, 2010.

In light of these instructions, this Exception is filed by Intervenors, Point Peak Mountain Resort, LLC, Barbara Barron, and Allen Paksima (collectively "Point Peak").¹

Point Peak concurs with the PFD's selection of Route GN-6 for the reasons set forth in Point Peak's Post Hearing Brief [Item 1037], Reply Brief [Item 1053], Draft Findings of Fact, Conclusions of Law, and Ordering Paragraphs [Item 1052], and Objection to LCRA TSC's "Motion to Exceed Page Limit on Reply Brief [Item 1074], all of which are adopted herein.

In its November 2, 2009 Order of Referral and Preliminary Order, the PUC instructed the ALJ to identify "[w]hich proposed transmission line route is the best alternative, weighing the

¹ The PUC also instructed that the Exceptions and Replies "SHALL follow the outline of the" Proposal for Decision. However, parties may include additional sections at the end". Therefore, this document follows the instructed format.

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factors set forth in PURA §37.056(c)(4), excluding (4)(E), and P.U.C. Subst. R. 25.101(b)(3)(B).” The ALJ has properly carried out this duty in selecting route GN-6.

The PFD’s selection of GN-6 results from an *objective* weighing of the factors. It also does no harm to the PUC’s express procedural rules.

However, Point Peak requests that the below items be included in the PFD to ensure that the evidence elicited during the hearing is reflected in the PFD.

EXCEPTIONS

- On PFD page 18, the ALJ discusses “rural residential subdivisions”, but fails to reference the residential subdivision on Link C-16. It was undisputed at the hearing that the proposed Link C-16 would go through the C-16 subdivision. Therefore, the PUC should be made aware of this subdivision.
- PFD Section F 10 (pages 36-39) discusses “Prudent Avoidance”. As part of that discussion, the PFD includes a discussion regarding “habitable structures” and “newly affected habitable structures”. This discussion should be noted as being immaterial.

The only reason why habitable structures, much less newly affected habitable structures, are to be considered in a CREZ proceeding is because of their role in satisfying the Commission’s “Prudent Avoidance” concept and in considering aesthetic values². As correctly pointed out by LCRA TSC’s witness Mr. Rob Reid, Prudent Avoidance is a factor that can be objectively measured. Aesthetics is a subjective concept that cannot be objectively measured.³

ALJ’s and the Commission often consider the existence of “habitable structures” and “newly effected habitable structures” in their Prudent Avoidance analysis.⁴ According to Rob Reid of PBS&J, the reason you even look to habitable structures and newly affected habitable structures is to address Prudent Avoidance by minimizing the effects of electronic and magnetic fields.⁵ However, in this proceeding, Applicant and PUC Staff agree that “Prudent Avoidance” has been satisfied on all proposed routes. Therefore, a consideration of habitable structures or newly effected habitable structures is not necessary.

² Transcript Page 837, Lines 13 - 17

³ Transcript P. 841, Line 6 – 16.

⁴ Transcript, page 836, lines 13-18, by Rob Reid.

⁵ Transcript, page 837, lines 13-17, by Rob Reid.

- If the PFD includes a discussion of “habitable structures” and “newly affected habitable structures”, then the discussion should be corrected to accurately reflect the evidence regarding the numbers of “habitable structures” and “newly affected habitable structures”. So the PUC will have accurate data, the data should be presented by each Link, not just by a summary of data on each Route. The following chart should thus be included in the discussion and as a Finding of Fact:

Link	C1	C2	C3	C4	C5	C6 ⁶	C7	C8	C9	C10	C11	C12	C13	C14	C15
Habitable Structures	4	10	5	10	6	N/A	1	2	3	11	1	0	1	86 ⁷	0
Newly Affected Habitable Structures	3	6	4	10	0	N/A	1	2	0	7	0	0	1	1	0

Links	C16	C17	C18	C19	C20	C21	C22	C23	C24	C25	C26	C27	C28	C29	C30
Habitable Structures	7	18	2	2	0	0	0	4	1	0	0	4	3	30	14
Newly Affected Habitable Structures	7	4	0	2	0	0	0	4	1	0	0	4	3	30	14

Links	C31	C31a
Habitable Structures	5	4
Newly Affected Habitable Structures	5	4

See LCRA Hearing Exhibit ___ at Exhibit RRR-3R lines 6 and 7 and Testimony of Barbara Barron.

- On PFD at page 39, within the discussion regarding the Prudent Avoidance factor, the ALJ finds that the number of habitable structures on Route GN-6 should not be “reduced to account for newly affected habitable structures”. The stated rationale is that “the difference in the size and scope of the lines is too great”. However, this confuses the objective “Prudent Avoidance” factor with a subjective aesthetics analysis.

⁶ Applicant offered no Link numbered C6.

⁷ The only party to have visited the structures on the ground, Barbara Barron, testified that this number is actually

The evidence at the hearing was undisputed that the proposed 345kV line on Route GN-6 satisfies Prudent Avoidance. Thus, as set forth above, “habitable structures” and “newly affected habitable structures” are immaterial. However, if they are to be considered, they should be objectively considered. The EMF data introduced into the hearing without challenge establishes that there is little or no difference between the existing transmission line and the proposed 345kV line. Additionally, the testimony is undisputed that the 69kV line on Link C-14 (part of GN-6) would be removed and replaced with the proposed 345kV line. Even if one assumes, *arguendo*, that a switch from a 69kV line or 138 kV line to a 345 kV line is considered to be of significance, then surely that affect is less than the affect upon those Links and Routes which do not utilize existing transmission line right of way (i.e going from no KV whatsoever to 345kV).

Specifically, Prudent Avoidance” is narrowly and expressly defined as “the limiting of exposures to electric and magnetic fields [“EMF”] that can be avoided with reasonable investments of money and effort”.⁸ The Applicant, its contractor, PBS&J, and the PUC staff all took the position that all of the proposed transmission lines routes in this docket meet the requirement of prudent avoidance.⁹ This will largely be achieved through the use of modern technology consisting of "optimum phasing" and the use of structures (whether lattice, concrete monopole, or steel monopole) that allow the lines to be placed high above the ground. The Applicant's EMF expert, J. Michael Silva, testified that “the company has attempted to apply prudent avoidance in terms of building the line, and specifically the use of optimum phasing to reduce EMF levels was applied in terms of the design of the project.”¹⁰ In addition, Silva testified that “the company has committed to select a phasing that would be optimum for reducing EMF levels. My understanding is that they’re using ground clearance above what’s required by the National Electric Safety Code.”¹¹

The PUC Staff’s witness, Mr. Almon, agreed that these are appropriate methods to satisfy Prudent Avoidance.¹² Generally, a 69kV would be closer to the ground than a 345kV

⁸ P.U.C. Rule 25.101(a)(4).

⁹ Transcript, page 836, lines 6-9 and lines 19-25, by Rob Reid; Page 1013, lines 3-7 by Dennis Palafox; Page 1287, line 22 to Page 1288, line 4; page 260, lines 15-20, by J. Michael Silva; page 456, lines 6-20, by Curtis Symank; direct testimony by Reid, Page 25, lines 1-6; direct testimony by Dennis Palafox, Page 30, lines 11-16.

¹⁰ Transcript, page 260, lines 8-12.

¹¹ Transcript, Page 262, line 25 to Page 263, line 4.

¹² Transcript, Page 1345, Lines 23-24.

line.¹³ For example, on the existing 69 kV T-267 and T-106 transmission line, the decades-old H-structures locate the lines approximately 60 feet from the ground.¹⁴ However, the Applicant's proposed structures that would replace the existing T-267 (Link C-14) and T-106 (Link C-17) (both of which are on route GN-6) transmission line H structures would raise the lines through the utilization of structures ranging from 115 to 185 feet.¹⁵ In addition, modern "optimum phasing" technologies would also be utilized to replace these older lines; thus actually *reducing* EMF exposures along Links C-14 and C-17 (and thus Route GN-6). Silva testified that "the levels from this line would generally be the same or probably lower than most other types of lines like that already operating in the state of Texas as a consequence of the actions they've taken."¹⁶ The testimony is thus undisputed that, through these modern methods, the limiting of EMF exposures can be done with reasonable investments of money and effort.

With regard to Link C-16 and the other links that have *absolutely no* existing transmission lines (for example ALL of route GN-11 north of the intersection of Links C-12 and C-14) the EMF exposure is certain to *increase*. "Prudent Avoidance" is far better satisfied through the use of GN-6.

The PFD is thus in error when it discusses "the difference in the size and scope of the lines" as part of a Prudent Avoidance factor analysis. The statement is actually a subjective *aesthetic* analysis (rather than a "Prudent Avoidance" factor analysis) referring to the *structures* rather than the *lines*. Structures do not emit EMF's.

If the discussion is appropriate anywhere, it is with regard to subjective aesthetic analysis. It is certainly fair for one to argue that the proposed structures for the 345kV lines (monopoles) are taller than the existing structures they will replace on Link C-14 and Link C-17 (part of GN-6). However, it is also true that their bases are *smaller* than the existing structures they will replace. Whether or not the monopoles will be more or less aesthetically pleasing than the existing structures is a pure subjective analysis left up to the individual eye of each beholder.

With aesthetics however, one thing is certain. The proposed structures will be *less* aesthetically pleasing than the existing status quo on Link C-16 and the other links that have *absolutely no* existing transmission lines (for example ALL of route GN-11 north of the

¹³ Transcript, page 269, lines 1-2.

¹⁴ Transcript, page 843, lines 3-5.

¹⁵ EA, Page 1 – 9.

¹⁶ Transcript, page 258, lines 2-6.

intersection of Links C-12 and C-14). Thus even a subjective aesthetics analysis points to the use of Route GN-6.

- Finding of Fact #8 and #9 on page 59 of the PFD are in error and should be removed or corrected to accurately reflect the record. There was no competent evidence introduced at the hearing that “written direct notice of the Application was mailed on October 28, 2009 to each owner of land...” . (FOF#8). In fact, FOF #8 directly conflicts with Finding of Fact #9. If each owner of land had been sent written direct notice on October 28, 2009, why would there be a reason to mail written direct notice “on or before November 18, 2009 to several directly affected landowners whose names had not appeared on LCRA TSC’s original list”. (FOF #9). It is absolutely undisputed that the owner of the property proposed to be utilized for the C-22 Colorado River crossing, Oakhurst, did not receive any such notice. In addition, Oakhurst has submitted government documentary evidence that it was indeed listed as the owner of the property proposed to be utilized for the C-22 Colorado River crossing on the Burnet County tax rolls. *See* Reply of Oakhurst Properties, L.P. to the Responses of LCRA Transmission Services Corporation and Commission Staff. [1078] (“certified copies of the pertinent portions of the official tax rolls of the Burnet County Appraisal District, certified as of January 1, 2008, and January 1, 2009. These are portions of the tax roll which the chief appraiser certified to the various taxing entities and to the State Comptroller. The Commission should take judicial notice of these public records. From these official documents and from the affidavit of Steve Mills, attached as Exhibit "B, the Commission can readily ascertain that the tax rolls of Burnet County were accurate at all pertinent times. The tax rolls demonstrated that Oakhurst was the owner of the property in question and that KDCB Garrett Ranch owned other directly affected property. LCRA's assertions to the contrary are untrue. So are its other assertions about BCAD records.”).

Oakhurst has proved, through the affidavit of its principal and LCRA's own pleading, that the required written notice was not served until January 22, 2010. These proceedings began on Thursday, February 4, 2010, nine business days later. The record reveals that LCRA knew about the title problem by at least January 5, 2010 when KDCB Garrett Ranch filed its Motion to Dismiss with attached records of the Burnet County Appraisal District (BCAD). The record is undisputed that LCRA did not then give notice of this error to the ALJ or this Commission as it is required to do by law and, more importantly, it did not give

notice to Oakhurst.”).

- Finding of Fact #68 should be removed or corrected to accurately reflect the record. P.U.C. Subst. R. 25.101(b)(3)(B) requires the consideration of “costs”. The PFD repeatedly finds that LCRA TSC’s cost data is riddled with “inaccuracies”. See e.g. PFD at p. 31-34 referring to same as being based upon “limited data” to be accorded “little weight”, “overestimation”, and “inaccuracies”). Finding of Fact #68 correctly these “inaccuracies”. However, rather than holding Applicant to its burden to establish the costs, the PFD revolves the problem regarding the lack of competent evidence on costs regarding habitat mitigation by stating “the inaccuracies and estimates exist across the project as a whole”. It is undisputed that the habitat mitigation costs will be greater where there is a great amount of no existing right of way. Therefore, the PFD improperly skews the factor in favor of not utilizing routes with relatively more existing right of way. This effectively nullifies the cost issue and improperly makes router GN-6 look like a less favorable choice than route GN-11.

- The PFD erroneously adopts a “could exceed \$1 million” figure for removing the exiting T-109 line that was not even introduced into evidence at the hearing. See PFD at p. 33. By doing so it deprives Point Peak and the other parties of their right to cross examine the witnesses on this issue. This reference should be stricken from the PFD.

- On pages 8-9, the ALJ identifies 18 intervenor groups and lists their preferences. Of these 18 groups of the most interested land owners who actually participated in the hearing, 13 stated a preference for GN6, while only 8 listed GN11. Had Oakhurst been properly notified and participated, it likely would have been 14 to 8 in favor of GN6. This reinforces the findings on community values.

- The following chart is illustrative of the ALJ’s discussion of community values, and reinforces the fact that in both Burnet and Llano, following existing electric ROW was more important to the community that distance from residential structures.

<u>Burnet</u>	<u>Llano</u>	<u>Average of two</u>
Environment – 77%	Exist. electric ROW – 61%	Exist. electric ROW – 67%
Exist. electric ROW – 73%	Residences – 55%	Environment – 63%
Compatible ROW – 59%	Environment – 49%	Residences – 55%
Residences – 55%	Compatible ROW – 47%	Compatible ROW – 53%

- In terms of community values, the Burnet numbers should be given greater weight as they are a more accurate reflection of the actual community values. The Llano open house inexplicably generated 98 questionnaires from only 70 attendees. There was a separate category for questionnaires from people who didn't attend an open house, so it would appear that attendees submitted multiple questionnaires, which skews the numbers. In addition, only 65% of the Llano open house respondents identified themselves as being "located in the area." This was the lowest percentage of any category, including respondents who did not attend an open house. By contrast, 85% of the Burnet respondents identified themselves as being from the affected area. The Burnet questionnaires, which listed distance from residences fourth out of the four major categories discussed by the ALJ, reflected the values of a far greater percentage of people from the actual community in question.
- The Loomis environmental map being offered by both CJ Ranch and J 17 Ranch should be admitted and included in the record. In addressing the TPWD letter, the ALJ notes that LCRA could not access the private property at issue. However, this is untrue. By definition LCRA had access to its own easements including, but not limited to, those on Links C-14, C-17 and other GN-6 links. In addition, LCRA TSC failed to introduce any evidence whatsoever that it even *attempted* to gain access to the private property. In fact, the evidence is to the contrary. LCRA TSC testified that after May 2009 it refused to meet with any landowners. This did great harm to parties such as Point Peak which did not receive notice of until after that date. However, LCRA TSC did indeed gain access to certain landowners' property of its choosing including, but not limited to, the Long and Barnes Keith Ranch properties. It is not that LCRA did not have access; it did not want access. It knew that by going on the property it would have stop ignoring and actually address the identification of "specific known occupied habitat locations", especially for those Links without existing transmission or pipe lines. This includes Link C-16 and the other links that have *absolutely no* existing transmission lines (for example ALL of route GN-11 north of the intersection of Links C-12 and C-14) . This is precisely the type of evidence being offered in the form of the Loomis species habitat map of the Oakhurst property.

- Notice of only 9 business days is insufficient to prepare for a trial that lasted 7 days. Due process requires notice and a meaningful – not illusory – opportunity to participate and be heard. Oakhurst cannot be faulted for choosing not to intervene when it was too late to participate in discovery, pre-trial motions, submit direct testimony, or prepare for the imminent hearing. Similarly, the failure to properly notice Oakhurst resulted in the violation of Point Peak and other parties' due process rights pursuant to the United States and Texas Constitutions, and possible remedy under P.U.C. PROC. R. 22.52(a)(5), but other intervenors in this matter are also prejudiced and denied due process because they did not have the opportunity to serve discovery requests or review any of Oakhurst's direct testimony, or cross examination of expert witnesses.

Point Peak and many other Intervenors had been prejudiced as they were deprived of their opportunity to serve discovery upon Oakhurst or cross examine Oakhurst witnesses. Such prejudice could not have been cured by an untimely intervention caused by LCRA TSC's failure to comply with the Rules and Orders. Adoption of a route that includes the crossing will further exacerbate the harm to Point Peak and others.

- All parties are disadvantaged by the absence of property owners from the proceedings. As the ALJ wrote in her discussion of the TPWD letter, LCRA could not be expected to do ground surveys on private land. However, when private land owners intervene and participate, that information can be acquired through discovery (like Oakhurst's Loomis map). Their absence deprives the parties and the ALJ of vital evidence of actual, observed habitat.
- Notice by publication is not a substitute for direct notice by mail. A landowner has a right to assume that if direct notice is required, and yet no notice is received, that the proposed route is not over their land. It is unreasonable to think that a landowner would intervene when they did not receive a notice and had no reason to think the route was on their property.
- LCRA's argument about checking some form of tax documents and being fooled by faulty records amounts to taking land from a private owner based on a clerical error in the tax office. Public policy would argue strongly against any "condemnation by oops," and it should not be condoned by PUC. Due process provides protections like motions for new trial and bills of review to correct such problems in civil trials. Taking real property requires more – not less – due process protection.

- Finding of Fact 72 is in error. If the Commission considers GN11 with the ALJ's recommendation to route around Oakhurst in an effort to avoid the notice problem, then Finding of Fact 72 needs to be amended. It finds that 49% of GN11 follows existing ROW. However, this is based upon the use of the Oakhurst property for the C-22 crossing. A deviation away from Oakhurst will take it away from the existing pipeline and significantly reduce this figure, thus widening the gap between GN11 and GN6 on the most important factor in the community values surveys.
- Findings 8 & 9 need to be amended to reflect that Oakhurst did NOT receive notice by mail in the initial 2 mailings. As written, it makes it look like all landowners received notice by mid-November.
- Notice of only 9 business days is insufficient to prepare for a trial that lasted 7 days. Due process requires notice and a meaningful – not illusory – opportunity to participate and be heard. Oakhurst cannot be faulted for choosing not to intervene when it was too late to participate in discovery, pre-trial motions, submit direct testimony, or prepare for the imminent hearing.
- Especially in an expedited proceeding like CREZ, timely notice is vital – hence the requirement. Our pictures were excluded because they were not included in the direct testimony submission, therefore Oakhurst wouldn't have been allowed to introduce any evidence.
- All parties are disadvantaged by the absence of property owners from the proceedings. As the ALJ wrote in her discussion of the TPWD letter, LCRA could not be expected to do ground surveys on private land. However, when private land owners intervene and participate, that information can be acquired through discovery (like Oakhurst's Loomis map). Their absence deprives the parties and the ALJ of vital evidence of actual, observed habitat.
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review to correct such problems in civil trials. Taking real property requires more – not less – due process protection.

- If the Commission considers GN11 with the ALJ's recommendation to route around Oakhurst and avoid the notice problem, then finding 72 needs to be amended. It finds that 49% of GN11 follows existing ROW, but a deviation away from Oakhurst will take it away from the existing pipeline and reduce this figure, thus widening the gap between GN11 and GN6 on the most important factor in the community values surveys.
- On page 18, the ALJ discusses the subdivisions along GN6, but fails to mention the subdivision on GN11. If GN11 is considered as an alternate recommendation, the subdivision discussion should include both routes.
- In the prudent avoidance section on page 36, the habitable structure counts should be by link, not just route.
- In the analysis on page 39, the ALJ finds that habitable structures should not be limited to newly affected structures, because the CREZ line is a significant increase in the burden over the existing easement. The already affected structures shouldn't be disregarded, but the impact should be discounted. The increase in burden from 69kv or 138kv to 345kv is less of an increase than going from 0kv to 345kv.
- On pages 8-9, the ALJ identifies 18 intervenor groups and lists their preferences. Of these 18 groups of the most interested land owners who actually participated in the hearing, 13 stated a preference for GN6, while only 8 listed GN11. Had Oakhurst been properly notified and participated, it likely would have been 14 to 8 in favor of GN6. This reinforces the findings on community values.
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Burnet Llano Average of two

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- The Loomis environmental map being offered by both CJ Ranch and J 17 Ranch should be admitted and included in the record. In addressing the TPWD letter, the ALJ pointed out that LCRA could not access private property to do ground surveys for species habitat, yet the tribunal needed to identify "specific known occupied habitat locations," which is precisely the type of evidence being offered in the form of the Loomis map of the Oakhurst property.

Finally, Point Peak is *very* concerned that the PFD "suggests GN11 as a second choice should the Commission determine that GN6 runs in close proximity to too many habitable structures". See PFD at p. 3. It would be error for the PUC to reject the ALJ's *objectively* chosen proposed route, GN-6, ignore the PUC's express procedural rules and objective analysis of factors through the adoption of route GN-11.

Such a selection could only result from a *non-objective* review of the factors required to be considered by the ALJ and would require the PUC to violate its own procedural rules. It would require the PUC to:

1. Utterly ignore the undisputed testimony that GN-6 (and all of its Links) satisfy the PUC's "Prudent Avoidance" requirement¹⁷.

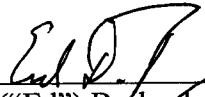
¹⁷ The only reason why habitable structures, much less newly affected habitable structures, are to be considered in a CREZ proceeding is because of their role in satisfying the Commission's "Prudent Avoidance" concept and in considering aesthetic values. Transcript Page 837, Lines 13 – 17. As correctly pointed out by LCRA TSC's witness Mr. Rob Reid, Prudent Avoidance is an objective concept that can be objectively measured. Aesthetics is a subjective concept that cannot be objectively measured. Transcript P. 841, Line 6 – 16. As a result, the purpose for objectively considering "habitable structures" or "newly effected habitable structures" is not even an issue in this particular CREZ proceeding.

2. Improperly elevate the phrase “habitable structure” to an independent factor not identified as such in PURA or in the PUC’s Substantive Rules
3. Improperly weigh “habitable structures” as a factor above, and to the exclusion of, all factors actually set forth in PURA and the PUC’s Substantive Rules;
4. Reverse previous precedent and entirely ignore the issue of “newly affected habitable structures”.

Even if it were to do so, the PUC could still not objectively select GN-11. As recognized in the PFD, GN11 has **MORE** habitable structures (and **MORE** newly effected habitable structures) than the other similarly situated routes referenced in the PFD. This is due to the inclusion of Link C16 in Route GN11.

It is absolutely imperative that the procedural rules and Orders in this unique and historical proceeding be expressly satisfied. This was perhaps best recognized by the testimony of LCRA TSC’s own witness, Rob Reid, who testified that this process must be done objectively.¹⁸ An objective analysis of the PUC mandated criteria leads to the conclusion that Route GN-6 should be utilized and proposed Link C16 should not be utilized.¹⁹

Respectfully submitted,

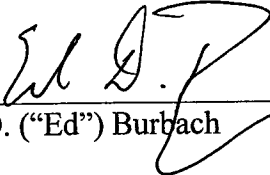
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¹⁸ Transcript, page 834, L20 – Page 835, Line 4

¹⁹ This has been recognized by the PUC Staff’s proposed GN10 modified route.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties on the 26th day of March, 2010 by electronic transmission, facsimile, First-Class U.S. mail, or by hand delivery.



Edward D. ("Ed") Burbach