



Control Number: 37448



Item Number: 1183

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Public Utility Commission of Texas

April 30, 2010

Roger Whatley
Preserve Our San Saba Environment, Inc.
PO Box 565
San Saba, TX 76877

Dear Mr. Whatley:

Thank you for your correspondence concerning your support of route GN6 in LCRA's Gillespie to Newton transmission line case. As you know, this is a highly contested case and because parties may request rehearing or reconsideration of the final order that was issued this week, I am unable to talk with you about it substantively.

I have filed your letter in Docket No. 37448, along with my response, so that the other parties in this case are aware of our correspondence.

Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "Barry T. Smitherman".

Barry T. Smitherman

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CLERK



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Preserve Our San Saba Environment, Inc.

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RECEIVED
APR 19, 2010
Chairman's Office

April 19, 2010

Barry Smitherman, Chairman
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

RE: Gillespie-Newton Docket #37448

Dear Commissioner Smitherman:

We are writing you on behalf of Preserve Our San Saba Environment aka POSSE. POSSE was organized to give the citizens of San Saba County a vehicle to fight for our community values and interests in the matter of PUCT docket #37464. Despite the fact that San Saba is a poor county, bypassed by major arteries of travel and commerce to the north (Hwy 183) and to the south (Hwy 29 and I-10), San Saba was able - through POSSE - to raise funds and vigorously defend the County from Oncor's plans to cross the Colorado River twice, bisect the county, and cross the San Saba tributary of the Colorado in the process. As you will recall from April 1 Open Meeting, this case hinged on these environmental issues in addition to the attractiveness of Route 140 (aka, Route 137) in terms of the PUC's normal criteria to implement PURA. POSSE applauds the ALJs for the wisdom of their PFD and the PUC Commissioners for seeing the support of the evidentiary record for this unassailable conclusion.

However, despite the fact that POSSE and, by extension, San Saba County were focused on defeating this preferred path of Oncor in SOAH court, we were also very interested and concerned about the LCRA filing (docket #37448) of preferred route GN11 and Staff recommendation of a GN10-modified path to cross the Colorado River in the environmentally sensitive area of the Canyon of the Eagles between Lake Buchanan and Bend State Park. In our view, these are unconscionable route choices as they compromise the environmental integrity of a Colorado River segment that is very important to all Texans, not to mention more than a few eagles. POSSE did not have the financial wherewithal or the organizational scope to simultaneously (along with #37464) intervene and participate in this docket, although we did file comments supporting the TPWD position for GN6.

In addition there are some points in the evidentiary record of this docket that POSSE would like to emphasize to you:

- 1) Every single directly affected property owner in San Saba County intervened in this docket and supported the ALJ's decision for GN6.
- 2) Senator Fraser has written you (#737 filed in this docket) expressing his confidence that the CREZ process and the PUC Commissioners will *"...at the largest extent possible, use existing right of ways and state highway right of a ways [sic]..."* Between the routes actively considered by the Commissioners at the April 15 Open Meeting, only GN6 satisfies this criteria, whereas the other two potential choices

predominately cross virgin unadulterated ranchlands and river segment instead of following existing right of way.

- 3) POSSE attended the April 15 Open Meeting and noted with satisfaction that you and other Commissioners stated that you are bound by law to make your judgments based on the evidentiary record. POSSE also noted with alarm that Commissioner Nelson made a comment taking note of her observation of the many OM attendees in opposition to GN6 who did NOT participate in the court process, but who nonetheless in her view are demonstrating that "there is more opposition to GN6 than the ALJ's decision would reflect" [paraphrased quote]. Commissioner Nelson's comment appeared to capture the mood of the Commission at that point of the discussion. In POSSE's view, this appears to be a conclusion based on observations that are NOT in the evidentiary record, namely the mere fact that many subsequent opponents of GN6 attended the Open Meeting.

If the Commissioners have any concern that San Sabans are not opposed to a transmission line through our county, please consider the volume of letters you received in docket 37464 - approximately 170 out of 250 total comment letters from any source - stating a preference that the 345kV transmission line avoid San Saba County altogether. Included were comments submitted by our Historical Commission, our County Commissioners Court and our San Saba City Council. All were concerned about destruction of the County's environmental integrity that will limit future opportunities for ecotourism and other recreational uses of ranchlands. Our county was simply not capable of fighting two fronts at once. However, please do not think that just because we focused on the dragon at our throats that we were are not concerned about the snake at our feet.

Commissioner Smitherman, as you have pointed out repeatedly, everyone had the opportunity to expend their own time and sweat as well as personal funds to organize and to intervene, but not everyone chose to do so. We would like to point out that the two original founders of POSSE own lands that were on an alternative route in docket #37464 - not the preferred route. We decided prior to Oncor's application that we would intervene even if we were not on the preferred route **because we understood this was our right**. It is patently obvious that those opposed to GN6 who did not exercise their right to participate in the court process would like to cure their misjudgment after the fact. POSSE urges the Commissioner's to scrupulously respect the view of the law that the Commissioners themselves have repeatedly stressed and choose GN6 with any reasonable route modifications that ameliorate the impact that it will certainly have.

Respectfully,
Preserve Our San Saba Environment, Inc.

Directors:
Roger Whatley
Deborah Taff
Don Ackerman

Cc: Commissioner Ken Anderson
Commissioner Donna Nelson