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APPLICATION OF LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
GILLESPIE TO NEWTON 345-KV
CREZ TRANSMISSION LINE IN
GILLESPIE, LLANO, SAN SABA,
BURNET, AND LAMPASSAS
COUNTIES, TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

OF TEXAS

**GILLESPIE SUBSTATION INTERVENORS' MOTION FOR
EXPEDITED RELIEF
REQUIRING IMMEDIATE NOTICE TO UNNOTICED LANDOWNERS**

TO THE HONORABLE JUDGE WENDY HARVEL:

COME NOW Karl and Mary Ransleben, Connie and Ruben Crenwelge, and Charles and Becky Anderson (hereinafter the "Gillespie Substation Intervenor") and file this motion for expedited relief to require LCRA TSC to give notice to unnoticed persons of an alternative route.

LCRA TSC filed its application in this docket on October 28, 2009. LCRA TSC did not include as a proposed route for Link C3 the existing right of way of transmission lines T-130, 192, 299, and 448, the right of way that is the existing route of these four lines as they exit the Gillespie Substation and head approximately 6,800 feet to the Northeast, where LCRA proposes for Link C3 to commence traveling in the T-130, 192, 299, and 448 right of way.

(Please see Attachment 1. Please note Points A, B, C, and D. Point A is the point (roughly) where the proposed Line is to exit the Gillespie Substation and where existing lines T-130, 192, 299, and 448 currently exit the Gillespie Substation to the East. Point B is the point at which existing lines T-130, 192, 299, and 448 turn approximately 75 degrees and head Northeast toward Point C and points beyond. Point C is the point at which LCRA TSC proposes for Link C3 to reenter the existing T-130, 192, 299, and 448 right of way after traversing over Movants'

property and to proceed further Northeast. Point D is the point where LCRA proposes for Link C3 to commence at an angle of approximately 90 degrees from C1 and C2.

The existing route of T-130, 192, 299, and 448 as they exit the Gillespie Substation is shown as Segment AB. The existing T-130, 192, 299, 448 right of way is shown as Segment BC. Thus, the existing route of T-130, 192, 299, and 448 is shown as ABC (the lines then travel beyond Point C). LCRA TSC's proposed route for Link C1 is shown as Segment AD. LCRA TSC's proposed route for the first approximately 6,200 feet of Link C3 is shown as Segment DC.)

LCRA TSC proposed to route Link C3 from Point A to Point D to Point C (ADC). LCRA TSC failed to address the use of route ABC as an alternative and failed to give notice to affected landowners on ABC. In its Application, LCRA TSC asserted that space and routing options are *becoming* limited or constrained at and near Point A. See Hicks Testimony at 6-8. But LCRA TSC never explained why Route ABC, and, in particular, the existing right of way, Segment BC, could not be used.

LCRA TSC failed to propose use of ABC, even though: a) the route is already in existence; b) it is the current route for T-130, one of the lines to be de-energized and replaced by the line proposed in this case; c) as an existing right of way, it satisfies the Commission's standards; and d) as a currently existing route, it would require no destruction of the beauty of the Hill Country visible from Fredericksburg and the surrounding valley and the community values of the Fredericksburg area related to preserving scenic beauty and supporting recreation and tourism.

Because LCRA TSC did not propose Segment ABC in its application, LCRA TSC also did not give notice of this viable alternative to affected cities, municipalities, counties, utilities, and landowners crossed by the route or within 500 feet.

The Gillespie Substation Intervenor believe that routing Link C3 in Segment ABC for the first approximately 6,800 feet of Link C3 beyond Balcones Drive would be preferable to routing Link C3 as proposed by LCRA TSC. As proposed by LCRA TSC, Link C3 would traverse heretofore undisturbed areas, would required the purchase and clearing of new rights of way, and would place lattice structures (whose height would exceed the height of the surrounding tree cover by from 100 to 150 feet) on the crests of hills that border Fredericksburg to the North and are key features in the scenic vistas visible from Fredericksburg and the surrounding valley,

The Gillespie Substation Intervenor will explore the basis of LCRA TSC's failure to propose Segment ABC with LCRA TSC in discovery. Depending upon LCRA TSC's responses and the Gillespie Substation Intervenor's subsequent analysis, the Gillespie Intervenor are likely to ask the Commission to approve Segment ABC at the hearing. However, for the Commission to approve the route, affected entities and landowners must have notice. Accordingly, it is appropriate to order LCRA TSC to give notice to landowners and other entities affected by Segment ABC. And, because the time available in this proceeding is inescapably short, it is appropriate to order LCRA TSC to give such notice immediately.

Segment ABC is, *prima facie*, a viable, appropriate, and suitable route. It is the obvious route out of the Gillespie Substation. It is an existing right of way. It is the current route of four transmission lines already exiting the Gillespie Substation in the direction of the line proposed in this case (T-130, 192, 299, and 448). It is the same right of way LCRA TSC proposes to use for

Link C3 some 6,800 feet further Northeast. It is the same route occupied by Line T-130, the line LCRA TSC proposes to de-energize and replace with the 345 kV line proposed in this case. It would not require the purchase of additional right of way. And its use would preserve the scenic beauty of the hillsides that frame Fredericksburg to the North from the destruction that Link C3, as LCRA TSC proposes it, would cause. Finally, there appears to be nothing in LCRA TSC's Application or testimony, other than general observations that space is *becoming* limited or constrained at the Gillespie Substation by new lines, homes, and roads that demonstrates that Segment ABC is not a viable and appropriate route.¹ In fact, the Gillespie Substation Intervenor has found nothing in LCRA TSC's Application or testimony that recognizes the existing T-130, 192, 299, and 448 right of way, indicates that it was ever considered as an option, or describes why LCRA TSC may have concluded that Segment ABC would not be an appropriate route. For all these reasons, it is facially viable and should be considered by the Commission in this proceeding. Accordingly, the Commission should order LCRA TSC to give notice of Segment ABC.

Because this proceeding is an expedited proceeding, the Commission should not wait or delay requiring LCRA TSC to give the requested notice until the route is proven to be a viable route later in the case. Rather, the Commission should require LCRA TSC to give notice now, while that notice can still provide a basis for Commission consideration and approval of Segment ABC.

¹ From the testimony of Mr. Hicks it appears that the new lines LCRA TSC refers to as limiting or constraining space at the Gillespie Substation are proposed *future* lines from and to Kendall and Menard that will enter the Substation from the other side (from the West). Moreover, the homes that LCRA TSC mentions are homes that are already adjacent to the exiting right of way. Some may have been, and almost certainly were, built after existing transmission lines T-130, 192, 299, 448 ROW were placed in service. Finally, LCRA TSC appears to have successfully dealt with space limitations at the Gillespie Substation in its routing of existing lines T-130, 192, 299, and 448 at and out of the Substation.

Of course it is possible that discovery or testimony later in the proceeding could show that Segment ABC is unsuitable. However, waiting until that discovery or testimony appears to require notice would make it impossible to provide reasonable notice if Segment ABC is determined to be viable.

It is likely that the reasonableness of Segment ABC will be a disputed matter at the hearing. Thus, the ultimate reasonableness of Segment ABC will not be known until the Commission makes its final decision. Waiting until the Commission issues its decision to give notice would clearly not be reasonable. By that time, such notice would be too late to be effective. Giving notice at that time would leave the affected landowners no opportunity to protest and participate.

Nor should the Commission refuse to require LCRA TSC to give notice because the route is not one of LCRA TSC's proposed routes. To do so would allow LCRA TSC to veto or eliminate preferable routes and reasonable modifications simply by not including them in its Application. The parties may show that there are better routes than those proposed by LCRA TSC and the Commission has discretion to approve such routes as long as notice of those routes has been given. Where, as here, such routes exist, and where the parties may seek Commission relief requiring the use of such routes, the Commission should require LCRA TSC to notify the affected landowners.

The fact that LCRA TSC has not already provided notice should not be given any weight in ruling on the request. The affected landowners have not been given notice because LCRA TSC decided not to give them notice. And, LCRA TSC decided not to give the landowners notice because it also decided that, in spite of the Commission's preference for using existing rights of way and LCRA TSC's representations that its proposed Line will use existing rights of

way as much as possible, LCRA TSC, for reasons not so far fully discussed, explained, or disclosed, ignored or rejected the obvious path out of the Gillespie Substation in favor of striking off on an entirely new path over virgin property on the crests of the hills immediately North of Fredericksburg.

Requiring LCRA TSC to give such notice is consistent with Commission practice in other LCRA TSC cases. In PUC Docket No. 33978, the Clear-Springs Hutto Line case, the Commission required LCRA TSC to give additional notice to unnoticed landowners of additional routes not proposed in the Application on two occasions. See Docket No. 33978, Order No. 14; Proposal for Decision. The Gillespie Intervenors' request here is the same, the only difference being that, in this proceeding, there is insufficient time for an Alternate Route hearing.

Were the Gillespie Intervenors' proposed route entirely inappropriate or unreasonable, perhaps requiring notice would be a harder question. But the Gillespie Intervenors' proposed route is not inappropriate or unreasonable. Subject to subsequent disclosure in discovery of facts that LCRA TSC did not establish in its Application, it appears to be the most obvious route for the new Line for the reasons mentioned above. In sum, it is facially reasonable and, to date, LCRA TSC has not shown otherwise.

Finally, it is important to consider that the notice the Gillespie Substation Intervenors requesting is not burdensome. There are, at most, 50 landowners that might be affected and, once identified, there may actually be a significantly fewer number than that. If it is ultimately determined that Segment ABC is reasonable and should be approved, then notice will have been provided. And if Segment ABC is ultimately rejected, the cost of the added notice will have been minimal.

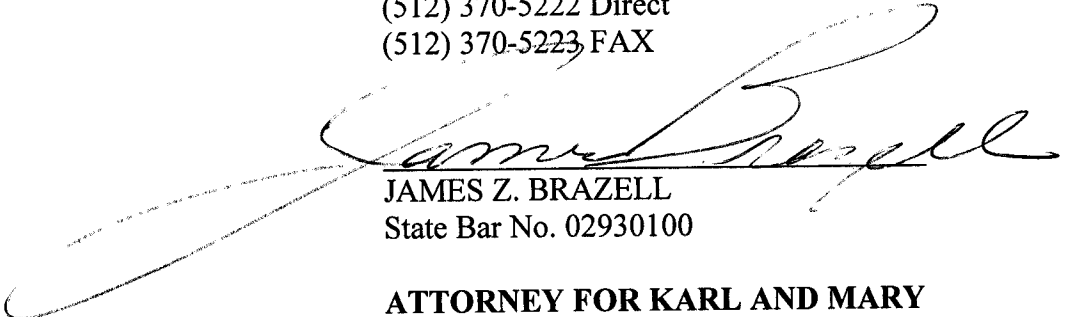
PRAYER

ACCORDINGLY, FOR THE REASONS STATED, the Gillespie Intervenors respectfully request the Administrative Law Judge and the Commission to order LCRA TSC to immediately provide notice to entities and landowners that would be affected by Route ABC out of the Gillespie Substation as shown on Attachment 1.

Because time is so short, the Gillespie Intervenors request that the ALJ consider this motion expeditiously. In fact, the Gillespie Intervenors request that the ALJ consider and rule on the motion at the December 3, 2009, prehearing conference.

Respectfully submitted,

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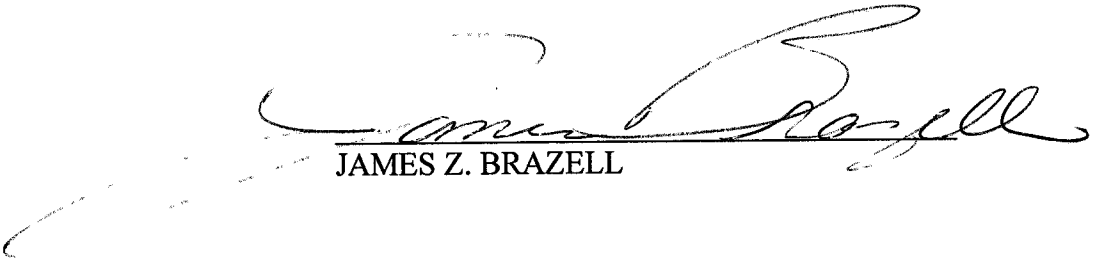


JAMES Z. BRAZELL
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**ATTORNEY FOR KARL AND MARY
RANSLEBEN, CONNIE AND RUBEN
CRENWELGE, AND CHARLES AND
BECKY ANDERSON**

CERTIFICATE OF SERVICE

I hereby certify that on the 30th of November 2009, a true and correct copy of the foregoing document was served on all parties by facsimile and/or First-class United States mail, postage paid.



JAMES Z. BRAZELL

Attachment 1

C

Proposed C3
6,200 Feet

Point C
Intersection of Existing ROW
and
Proposed LCRA C3 Line Segment

D

Point D
Intersection of C1, C2, and C3

Proposed C1
1,450 Feet

A

Point A
Gillespie Substation

B

Section AB
1,300 Feet

Point B
Intersection Existing Right of Way
and
Balcones Drive

Section BC
6,850 Feet

Legend

Public Roads

RoadName

- Balcones Drive
- US Highway 87
- Proposed LCRA Easement
- Existing LCRA Easement



1 inch = 1,000 feet