



Control Number: 37448



Item Number: 271

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37448

Barry T. Smitherman
Chairman

Donna L. Nelson
Commissioner

Kenneth W. Anderson, Jr.
Commissioner

W. Lane Lanford
Executive Director



COPY

Rick Perry
Governor

Public Utility Commission of Texas

December 9, 2009

Mr. Walter W. Pfluger
Post Office Box 2540
San Angelo, TX 76902-2540

Re: Correspondence regarding Docket No. 37448

Dear Mr. Pfluger:

Senator Kay Bailey Hutchison referred your correspondence to our office and asked that I respond. I appreciate the opportunity to provide you with the following information and hope that you find it useful.

As directed by the Texas Legislature, the Public Utility Commission of Texas (PUC) selected the most productive wind zones in the state and devised a transmission plan to move power generated from these zones to populated areas in the state in the most beneficial and cost effective manner.

PUC rules require transmission service providers (TSPs) to obtain a Certificate of Convenience and Necessity (CCN) prior to construction of a transmission line. During the CCN application process, the TSP provides a preferred transmission line route along with several alternative routes. After considering environmental, convenience, and practicality issues, the PUC then decides whether to grant a CCN to the TSP.

A copy of your correspondence has been filed in Docket No. 37448, so that all parties in this case are aware of your correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gabriel Cardenas".

Gabriel Cardenas
Public Utility Commission of Texas

cc: *Office of Senator Kay Bailey Hutchison*

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271

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**KAY BAILEY HUTCHISON***United States Senator • Texas*TO: Government Relations, Mr. Casey Hancy, PUCTFAX: 512.936.7003

FROM: **Sarah Stubblefield**
Constituent Liaison
3133 General Hudnell Drive, Suite 120
San Antonio, TX 78226

PHONE: (210) 340-2885 DATE: 11/23/2009

FAX: (210) 349-6753

PAGES: 4 (INCLUDING COVER SHEET)

MESSAGE:

Respectfully referred.

Thank you,

Sarah Stubblefield
Constituent Liaison

PUCT
37448SMITH • ROSE • FINLEY
ATTORNEYS AT LAW

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November 4, 2009

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VIA CERTIFIED MAIL

Senator Kay Bailey Hutchinson
961 Federal Building
300 East 8th Street
Austin, Texas 78701

Dear Senator Hutchinson:

For your information and, hopefully your concern, I am enclosing a copy of my letter to Mr. Barry Smitherman, Chairman of the Public Utility Commission of Texas. Although it should be self-explanatory, I want to place it in context.

Landowners in Texas are concerned about the damage which the new CREZ transmission lines may impose on their land and the beauty of our state. Landowners, citizens and governmental entities have lobbied for singular steel or concrete poles as opposed to the more intrusive and "just darn ugly" lattice towers. [Please refer to Docket No. 37049 of the PUCT for letters, public comments and resolutions from governmental entities.]

Recently the Lower Colorado River Authority (LCRA) filed its first application to build one segment of its CREZ lines. In that application LCRA states that it will use lattice towers despite what Texans are requesting. From the admissions of the LCRA that it has already ordered lattice towers for construction without prior direction from the PUCT to use such methods, it appears that either A) LCRA is playing bully by dictating to the PUCT regarding lattice towers, rather than being subject to PUCT direction as required by law; or B) a back room deal has already been struck between the PUCT and LCRA with a wink and a nod that lattice towers will be used without regard to the rights and demands of landowners upon whose property such behemoths are to be constructed. Either status is outside the realm of acceptable behavior or legal action.

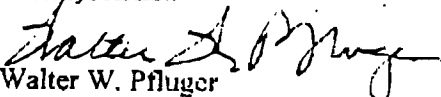
I am passionate about protecting not only my land, but the beauty and charm of the hill country and the wide open spaces of Texas. Those elements of both are disappearing at a fast rate and Texans deserve much better than lattice towers.

Thanks for listening. I hope you will give thoughtful consideration to how Texas should look in ten years.

Very truly yours,

SMITH • ROSE • FINLEY

Attorneys At Law


Walter W. Pfluger

WWP:lms
Enclosure

SMITH-ROSE-FINLEY

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November 2, 2009

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VIA CERTIFIED MAIL

Barry Smitherman, Chairman
Public Utility Commission of Texas
PO Box 13326
Austin, Texas 78711-3326

Re: Docket No. 37049 - LCRA CREZ Transmission lines

Dear Chairman Smitherman:

I am a landowner in Kimble County, Texas, and an attorney in San Angelo.

Along with everyone else in the Hill Country, I am concerned where LCRA and the PUCT locate the CREZ lines as well as how they are constructed.

Last week I studied LCRA's CCN application in PUC Docket No. 37448, that being the Gillespie to Newton 345 kV segment of LCRA's larger project. Contained within that application is information which confirms my fear that LCRA is already ordering lattice towers even before the PUCT has heard that or any other LCRA CREZ case.

On page 685 of the application, Mr. Curtis Symank, P.E., answers the following question as part of his direct testimony:

Question: HAS LCRA TSC BEGUN ORDERING 345 kV LATTICE TOWERS FOR THE TRANSMISSION LINE AND OTHER CREZ 345-KV TRANSMISSION LINES? IF SO, HOW MANY AND WHY?

Answer: Yes. To complete this project by November 2012, and all of LCRA TSC'S CREZ projects by the end of 2013, in a cost efficient manner (as discussed elsewhere in my testimony), LCRA TSC began ordering lattice steel for all of LCRA TSC'S CREZ 345-kV transmission lines in June 2009. LCRA TSC continues to evaluate schedules, evaluate material needs, and intends to place orders on a bi-monthly basis until all project needs are met.

LCRA TSC began ordering in June 2009, and at the end of October 2009, LCRA TSC's orders account for approximately one third of the total needs for all of LCRA TSC's CREZ projects. At the end of April 2010, LCRA TSC's orders would account for most of the total needs for this project.

Thus, if the Commission orders LCRA TSC to use steel poles in certain areas, the amount of lattice towers allocated to other LCRA TSC 345 kV CREZ transmission lines may increase and potentially restrict structure type decisions on future projects.

Letter to Chairman Smitherman - November 2, 2009

Page 2

Chairman Smitherman, from the comments posted in both Docket No. 37448 and No. 37049, affected landowners and those who love the Hill Country have unanimously requested that the PUCT order LCRA to use singular tubular poles (often referred to as monopoles by lay persons such as myself) in building these transmission lines. LCRA admits this on page 679 of its application in Docket No. 37448 where it reads: **"The majority of public comments indicated a pronounced preference for single pole construction."** Additionally, many governmental entities passed resolutions requesting that LCRA realize the adverse aesthetic effects of lattice towers and elect to use singular steel poles.

In what I would characterize as haughty, LCRA's response to the "majority of public comments" is also found on page 679 of its application where LCRA states: **"However since aesthetics are subjective and difficult to weigh, LCRA TSC selected double-circuit lattice towers as the typical structure type base on quantifiable factors, cost (an economic factor) and weight (which relates to economics and efficiency)."**

[As an aside, many of us wonder how Florida Power & Light could economically build its transmission line using singular poles without the power of eminent domain and still paying landowners a reasonable fee for using their properties. And, although the PUCT has nothing to do with eminent domain proceedings, what FP & L paid for easements is much fairer than what LCRA intends to offer.]

Now, I'm going to apologize in advance for how angry I may sound, but I am shocked that LCRA would completely disregard the reasonable requests of the people of the Hill Country and then have the audacity to force its will, without due process, upon landowners who face the power of eminent domain. The testimony of Mr. Curtis Symnak (regarding LCRA's purchases of double circuit lattice towers) also appears to show LCRA's willingness to force the PUCT to approve lattice towers.

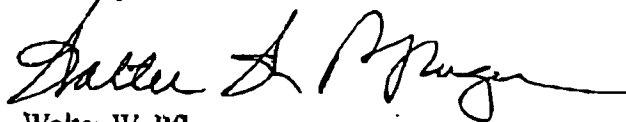
Again, it's probably not smart to write an angry-sounding letter to the Chairman of a powerful Texas agency, but at this point I feel betrayed by the system if it is true that the method of construction is no longer an issue for discussion or intervention. Perhaps my anger is misplaced and I am naive and misinformed; however, having only recently been involved in the process, I was under the impression that the PUCT regulated utilities and that the CCN hearing procedures were designed for due process, both for utilities and citizens. With LCRA currently ordering all of the lattice towers necessary for all of their CREZ projects, I have to say it appears that LCRA is not regulated by the PUCT.

Thank you for listening and I look forward to hearing your thoughts.

Very truly yours,

SMITH • ROSE • FINLEY

Attorneys At Law



Walter W. Pfluger

WWP:lms

Barry T. Smitherman
Chairman

Donna L. Nelson
Commissioner

Kenneth W. Anderson, Jr.
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Executive Director



3748
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Rick Perry
Governor

Public Utility Commission of Texas

December 9, 2009

Ms. Sarah Stubblefield
Constituent Liaison
3133 General Hudnell Drive, Suite 120
San Antonio, TX 78226

Re: Mr. Walter W. Pfluger

Dear Ms. Stubblefield:

Enclosed is a copy of my response to Mr. Walter W. Pfluger's correspondence regarding LCRA's proposed transmission line project.

If you have any questions or concerns regarding Mr. Pfluger, please feel free to contact me at 512-936-7046.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Cardenas".

Gabriel Cárdenas
Legislative Assistant
Governmental Relations Division
Public Utility Commission of Texas

Attachment



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