



Control Number: 37448



Item Number: 278

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P. U. C. Docket No. 37448

SOAH Docket No. 473-10-1097

**Application of LCRA
Transmission Services
Corporation to Amend its
Certificate of Convenience
And Necessity for the
Gillespie-Newton 345-KV CREZ
Transmission Line in Gillespie,
Llano, San Saba, Burnet, and
Lampasas Counties**

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**Public Utility Commission
of Texas**

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**Intervener Six Peaks LLC's Responses to Commission Staff's
First Request for Information**

Six Peaks LLC, pursuant to Public Utility Commission Procedural Rules 22.114, file these responses to PUC's Staff's first requests for information.

Respectfully submitted,

Six Peaks LLC

By:


Peter Malin, Managing Member

5925 Forest Lane
Suite 505
Dallas, Texas 75230
(972) 960-1250
(972) 960-1201

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PUC Docket 37448
SOAH Docket 473-10-1097

CERTIFICATE OF SERVICE

I CERTIFY THAT PURSUANT TO Order No. 4 in this docket, this document will be served on December 8, 2009 on the party propounding these requests for information, and filed with the PUC pursuant to Subchapter E of the Commission's procedural rules.



Peter Malin

Pursuant to PUC Procedural Rule 22.144(c) (2) (F), the following answers may be treated by all parties as if the answers were files under oath.

Question BA-1-1. Do you have habitable structures (according to Subst. Rule 25.101, a habitable structure is a structure that is normally inhabited by humans on a daily or regular basis.) near one or more of the links of the proposed transmission line? If so, describe the structure, identify the link(s) and estimate how far the proposed line is from the habitable structure.

Response to BA-1-1.

There are no structures on our 82 acres tract in proposed link C-8.

Question BA-1-2.

Will one or more of the links in the proposed transmission line cross your property? If so, indentify the links and any features like a property line, pipeline, power line or road that the proposed line will follow through your property.

Response to BA-1-2.

Link C-8 crosses the southeast area of our 82 acre property. It does not follow the property line or any other feature mentioned above. The line cuts diagonally across the property, and if created, will separate it into two areas divided by the proposed easement.

Question BA-1-3.

Have you discussed any modifications to the proposed transmission line route on your property with a representative of LCRA TSC? If so, what were the modifications to the proposed route that you suggested and what was the response of the LCRA TSC?

Response to BA-1-3.

No.

Question BA-1-4.

What are your specific concerns about the proposed line?

Response to BA-1-4.

Our first concern is safety. We have a mature oak forest on the south end of our property which includes contiguous land totaling more than 700 acres. The property just to the south of us owned by the Estate of William Hicks is not managed well and contains much dead wood. Prevailing winds blow from the south and west up our slopes.

You have proposed, in using link C-4 to the south and C-8 which proposes to cross our property, paralleling the Atmos gas pipe line. We are concerned of reports (see Docket 37448 Item no. 254) that the gas is not buried properly and that "arcing" where electricity arcs from line to tower or nearby metal objects could cause an explosion and start a fire. In the afternoon session of the December 3rd pre-hearing there were consultants discussing these issues.

No doubt in further discovery we will find that your consultants opted to leave the existing gas line route because of this potential danger or the perception of such. Otherwise why did not they follow the line all the way to highway 16, it is definitely straighter and more direct and according to the CCN, "cheaper to follow an existing easement." (A position that we dispute.)

Thus our primary concern is safety and concern over explosions and fires which could race north with the winds and spread to the Enchanted Rock State Natural Area (SNA).

Our other primary concerns deals with the degradation of the overall experience for the millions of visitors to the SNA at the Enchanted Rock. This line segment C-8, which is proposed to run thru our property cross Ranch Road 965 just 1.5 miles east of the Enchanted Rock. The CCN filed on October 28th, discusses how the visitors to this SNA will look directly at the proposed line from the summit of the rock and several other locations in the SNA.

If we, the public and appointed officials, cannot safeguard and protect the view corridors of our precious natural heritage why are we here? This proposed route, C-8, makes no effort to follow the draws and lower elevations of the mountainous terrain in the area. Our property, until recently, included 293 acres to the east, now owned by Deborah Knight and Susan Jenkins. From where the line crosses Six Peaks property, it climbs a very steep ridge of almost 150 feet and nearly passes over the north-end of a small lake. This ridge, at more than 1460' elevation, is one of the highest points in the county. Only four miles from the top of Enchanted Rock SNA, this proposed route will be visible for over 10 miles to people in the south and west.

This route appears to have been created by someone who had no regard for the additional cost of climbing steep ridges but someone (LCRA TSC and their consultants PBS&J) who paid no attention to the visual impact of crossing this high ridge. It is like crossing the top of a famous landmark like half dome at Yosemite and thinking no one will notice.

LCRA CRS is messing with Texas, their heritage and precious natural resources by proposing this route!

Other concerns include the fact that this proposed route bisects our property. It does not follow any property lines, nor any property line of our neighbors to the south or north and east. It bisects the properties for miles in each direction crossing the tops of prominent ridges and pays no attention to property lines or topography. THE PROPOSED ROUTE SEGMENT C-8 IS AN INSULT TO THE PUBLIC, THE VISITORS TO THE ENCHANTED ROCK, TO THE LAND OWNERS ALONG THE ROUTE.

Question BA-1-5.

Did you attend any open houses presented by the utility concerning this proposed transmission line? If so, when and where? Did you provide written comments to LCRA TSC at or after the open house?

Response to BA-1-5.

We sent our representative, Tom Shaw to the May 7, meeting in Llano.

No.

Question BA-1-6.

Are your property boundaries represented accurately on the maps provided by the utility? If not, please explain any discrepancies and provide a modified LCRA TSC map or drawing to indicate the discrepancies.

Response to BA-1-6.

I have reviewed interactive maps with an aerial base on the LCRA website that showed our property lines. It appears to be correct.

Question BA-1-7.

What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line?

Response to BA-1-7.

The primary use of our property is for home sites for people retiring to the Hill Country who wish to have a view of the Enchanted Rock. While there is no home presently on the 82-acre tract that the proposed transmission line bisects, the water well has been drilled and access road built with close proximity to the home site. Water wells in the Llano Uplift are extremely difficult because our entire property sits on top of solid granite. Judicious water witching and analysis has allowed us to find about two water sources per 100 acres. This part of our property has only one such site. The proposed line goes within 800 feet of the only home site on this tract with a view of the Enchanted Rock. It goes within 1000 feet of the water well.

Clearly, if this line was built as proposed the home site would have a direct view of the towers. This, when compared to other property that we own would have to be priced to compensate for the degraded view. In marketing this property, we will need to lower its price due to easement which will bisect the tract and scar on the landscape due to clearing the wide easement thru the mature oak forest.

Other property that Six Peaks LLC owns will also be affected by the scar on the hillside and the profile of the lattice towers and power lines to the east as it crosses the high ridge on the neighbor's tract. Because the proposed transmission line crosses the highest ridge in the area, all of our property, which is contiguous will be impacted negatively.

Question BA-1-9.

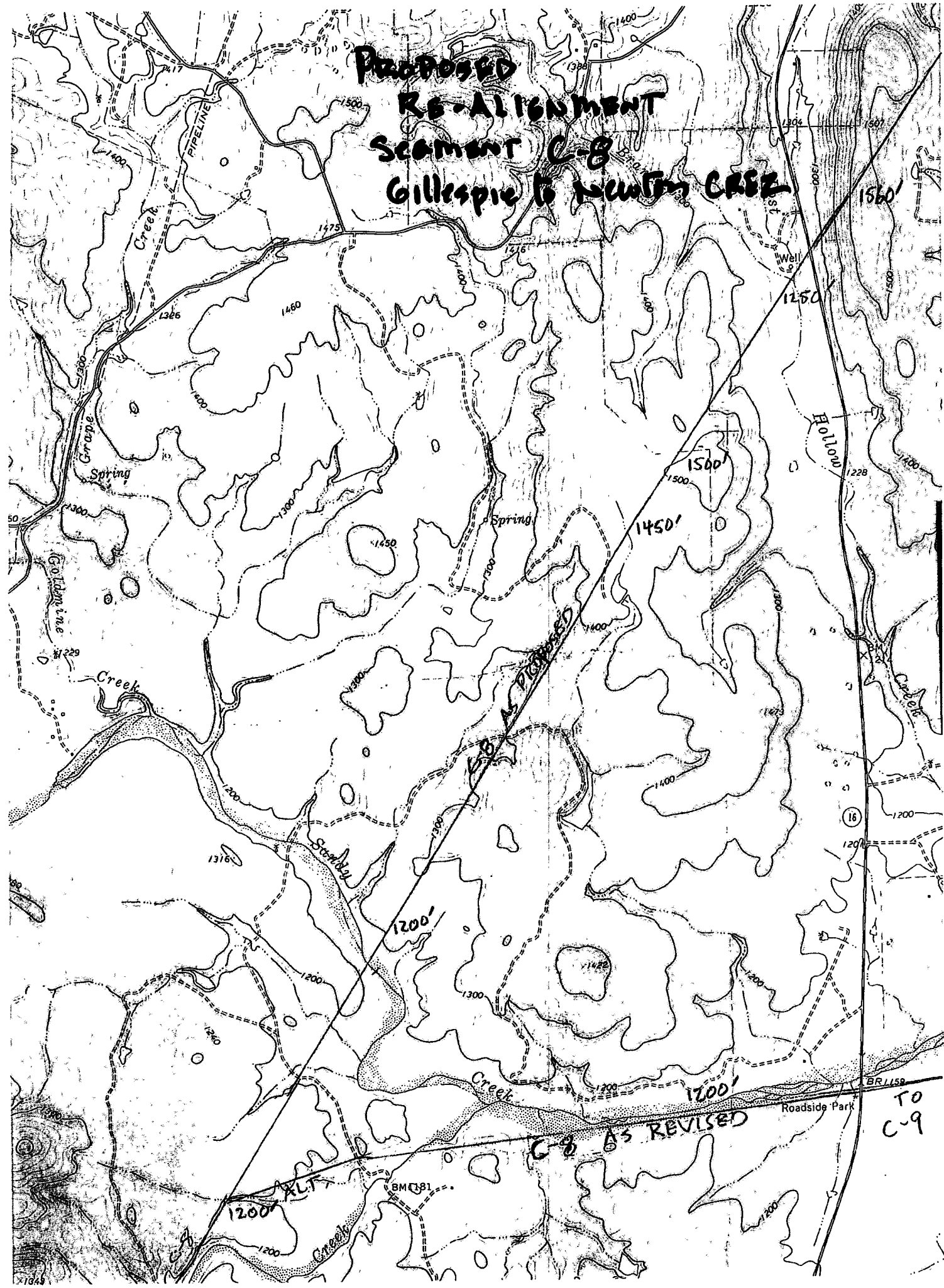
In your opinion, is there any feature about your land that you believe should be considered when routing a transmission line on your property? If so, please explain.

Response to BA-1-9.

Yes. Our land is part of a ridge that climbs more than 150' in elevation and is one of the highest points in Llano and Gillespie Counties. The proposed transmission line crosses this ridge and the top of the towers will be at more than 1600' in elevation. The views from this ridge extend ten to twenty miles to the west and south. This means that most properties within ten miles to the south and west will be able to see these towers during the day. At night the towers, due to their relative elevation, will pose safety issues for airplanes and LCRA will need to place aircraft warning lights that may blink affecting all of these property owners and more at greater distances.

If segment C-8 is chosen, the planners should realign the route to stay off the high ridges. It could easily be done by turning the route east before it crosses Big Sandy Creek and follow that line to existing line segment C-9. This would keep the base elevation of the towers at no more than 1250' elevation. However, this does not deal with the issues discussed in BA-1-7 regarding the view shed of Enchanted Rock SNA and the safety of being adjacent to the Atmos gas line. (SEE ATTACHED MAP)

**PROPOSED
RE-ALIGNMENT
SEAMANT C-8
GILLESPIE TO NEWTON CREEK**



TO
C-9