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# HERRERA ♦ BOYLE PLLC

September 9, 2009

Mr. Fernando Rodriguez  
Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220

**Re: Proposed Routes for 345 kV Transmission Lines – Kendall Gillespie Route**

Dear Mr. Rodriguez:

Thank you for your time last week. As I indicated, Mr. Scott has a few questions regarding the effect of ERCOT's determination that LCRA should not move forward with the proposed Westwind Substation, and questions regarding the proposed routes the LCRA presents on its web site.

To date, Mr. Scott has not received responses to the questions he posed through my e-mail of August 24, 2009. Having answers to his questions would go a long ways to determining the extent of his concerns regarding the LCRA's plans for constructing transmission lines near his home. Those questions are set out at the end of this letter. While the open houses the LCRA hosted were *generally* informative, they did not provide sufficient details for Mr. Scott to determine how the LCRA's plans will impact his home.

At the moment the more critical questions my client has are:

- A. Does the LCRA intend to construct a 345 kV transmission line over habitable structures?**

This is of vital importance to Mr. Scott. As he informed the LCRA representatives at its open house, Mr. Scott's residence would lie directly under the transmission line if the existing right of way were to be used for the 345 kV line.

- B. Is 500 feet or 1000 feet, the nearest distance to a habitable structure that the LCRA intends to construct the 345 kV lines? If not, what is the nearest distance for construction of such lines?**

It is our understanding that 500 feet is the nearest that the LCRA would construct a 345 kV line to a habitable structure. Confirmation of this factor by the LCRA will provide Mr. Scott the basis to form a more informed opinion regarding the location of the proposed lines.

- C. Does the LCRA intend to construct a transmission line nearer than 500 and/or 1000 feet to an historically significant site?**

Mr. Scott has received communications from the Texas Historical Commission that his residence will qualify for a Recorded Texas Historic Landmark (RTHL) designation and will receive the designation and an Official Texas Historical Marker. For your convenience, I am attaching a copy of the letter Mr. Scott received from the Texas Historical Commission. At the LCRA's open house, Mr. Scott provided the LCRA's representatives with a narrative supporting the historical significance of his home to Texas history. The narrative explains the historical importance of his property and included photographs of his property showing the proximity of the proposed route to his home.

- D. Will the LCRA propose to deviate Segment "A3" of its proposed routes so as to avoid Mr. Scott's residence, as well his neighbor's residences?**

At the LCRA's open house on May 11, 2009, Mr. Scott provided the LCRA's representatives with a diagram showing a possible modification to Segment "A3" of the proposed route that would avoid not only his home, but also the homes of his neighbors, which generally are situated south of his home. For your convenience I am providing you with a copy of the diagram that shows a possible modification to Segment "A3" of the LCRA's proposed route.

Mr. Scott raises these questions and provides this information so that the LCRA may make more informed decisions regarding the siting of its proposed 345 kV transmission line. We are hopeful that knowing that the proposed Segment "A3" is immediately over, or at a minimum within about 40 feet from, Mr. Scott's home, and knowing that Mr. Scott's residence is of historical significance, the LCRA will include in its application for a certificate of convenience and necessity (CCN), a modified version of Segment "A3" that avoids not only Mr. Scott's residence, but also those of his neighbors to the south of his property.

Also, below I am again providing you the questions Mr. Scott has regarding the LCRA's proposed transmission-line routes. These are the questions I provided you on August 24, 2009 via e-mail. Most of these questions arise from a notation on the LCRA's web site where the LCRA states that losing Westwind means that "some segments in the vicinity


of the former Westwind Substation location, that were presented at open houses held in May for both CREZ projects, are being modified.”

1. How are the segments being modified?
2. Do the modifications affect the locations of Segments A2 and/or A3? And if so, how are the locations affected?
3. Regarding any of the segments, will the new lines be over any habitable structures of which the LCRA is aware?
4. What is the distance between any habitable structure of which the LCRA is aware, and the proposed 345 kV transmission line?
5. Regarding the existing line, which we believe to be a 138kV line and which appears to run along side the “A3” segment, will it be replaced?
6. If the existing line is replaced, will the existing 138kV line be hung from the structures in the new 345 kV line?
7. If the existing line is not replaced, does the LCRA have plans to upgrade the existing 138kV line? And if so, under what circumstances? For example, if the “A3” segment is not implemented, will this effect the existing 138 kV line with respect to either location and/or upgrades?
8. Does the LCRA believe the existing easements for the existing 138 kV line provide the LCRA with the right to use a landowner’s land for the new 345 KV line(s)? Also, if the existing 138kV line is upgraded, does the LCRA believe the existing easements for the existing 138 kV line provide the LCRA with the right to use a landowner’s land for the upgraded line? If the line is upgraded, what will the upgrades be?
9. If the existing line is not replaced with a line of similar voltage on the new 345 kV path, how far apart will the transmission lines be?
10. We’ve looked at the maps available from the LCRA’s web site. It appears from these maps that the proposed 345 KV line at Segment “A3” is sited parallel and to the west of the existing 138 kV line? Is this correct? If so, how far apart is the centerline of the “A3” segment from the edge of the easement of the existing 138kV line?
11. A portion of the “A3” segment appears to travel in a line running in a NW to SE direction. At the northern end of the “A3” Segment, the line makes a 90-degree turn to the west. Can you provide me the longitude/latitude coordinates for the point at which the “A3” Segment turns to the west?

12. The bottom part of the "A3" Segment appears to run in a NE-to-SE direction before turning in what appears to be in a WSW direction. Can you provide me the longitude/latitude coordinates for the point at which the "A3" Segment where the portion of the line that runs NW-to-SW makes its turn to the SW?
13. Are Segments "A3" and "A2" alternates one to the other? Or, does the LCRA propose to construct both the "A2" Segment and the "A3" Segment?

Thanks for your assistance in getting these questions answered. Please call me if you need clarification or have questions regarding our inquiries.

Sincerely,



Alfred R. Herrera

xc: Mr. Jess Totten  
Mr. Tom Hunter  
Mr. Keith Rogas  
Mr. Brian Almon  
Mr. Rob Scott