



Control Number: 37448



Item Number: 386

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SOAH DOCKET NO. 473-10-1097
PUC DOCKET NO. 37448

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

DOCKET NO. 37448

FILED
MAY 11 2011
PUC CLERK

**MALCOM LONG'S RESPONSES TO COMMISSION STAFF'S
FIRST SET OF REQUEST FOR INFORMATION TO ALL INTERVENORS**

COMES NOW MALCOM LONG and files this, his Responses to Commission Staff's First Request for Information to all Intervenors in accordance with the agreement with Commission Staff counsel, Scottie C. Aplin. Malcom Long agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

Respectfully submitted,

**STUBBEMAN, McRAE, SEALY,
LAUGHLIN & BROWDER, INC.**

550 W. Texas Avenue

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By: 

Pat Long Weaver

State Bar No. 12521975

Jason R. Nicks

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ATTORNEYS FOR MALCOM LONG,
INTERVENOR

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the propounding party on this the 15th day of December, 2009.



Pat Long Weaver

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Question No. 1-1:

Do you have a habitable structure (According to Subst. Rule 25.101, a habitable structure is a structure that is normally inhabited by humans or intended to be 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 No. 1-1:

Yes. The property has numerous habitable structures on Alternate link C-10.

The property is operated as a recreational camp.

The camp includes seven rental cabins along the Llano River. One cabin is directly under the line, two more are within 500 feet, two are within 600 feet, one is within 700 feet, the last is within 1000 feet; all are impacted.

Two of the worker residences are within 500 feet of the line.

The primary residence on the property is within 800 feet of the line. The office for the camp is within 800 feet of the line.

A rental home is on the property, on the south side of Ranch Road 1431, immediately West of County Road 321 within 800 feet of the line.

There are three trailers on the south west of Ranch Road 1431, immediately to the west of County Road 321, within 1000 feet of the line.

The property also has a small mobile home park on the section of the property on the east side of Ranch Road 1431, with five mobile homes, all within 500 feet of the line. The adjacent neighbor, Melvin Webb's home, is directly under the line.

The mobile home park is served by a water well that is also shared with Mr. Webb and provides drinking water to the homes. The water well is directly under the proposed line.

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Question No. 1-2:

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

Response No. 1-2:

Yes. C-10 crosses my property. Further it does not follow a property line, pipe line, power line or road and in fact, cuts both properties, both the property on the Llano River and the property to the east of Ranch Road 1431, essentially in half.

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Question No. 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 LCRA TSC?

Response No. 1-3:

A representative of the LCRA TSC met with my counsel on June 5, 2009 and conducted an on site inspection. We did not offer a suggested route change because in any event the route would still cross the property at the recreational area of the Ranch along the river, and there are a number of streams across the property which would make relocation equally problematic. There was not really any modification that would not have the same impact on the recreational use on the south property on the river and still not cut both properties in half.

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Question No. 1-4:

What are your specific concerns about the proposed transmission line?

Response No. 1-4:

We are concerned about the impact of a high power transmission line on the recreational use of the property. Regardless of whether or not one accepts studies on if the power lines pose any danger, there is no doubt that they have an impact on how individuals feel about being exposed to them, in particular the exposure to their children. We have a family friendly camp. We do not believe individuals will continue to utilize the camp if the river front - which is the feature, and where we provide camping, picnicking, swimming, and other river related activities - is dominated by the line.

The point at which the line crosses is at a bend in the river, so there is additional impact on line of sight. In any event, relocation of the camp is not an option.

Also, from simply an aesthetic standpoint, it would also destroy our business. The area is one of the last pristine places on the Llano River where there is access to recreational activities. The camp provides year round use. Again, the primary activities are fishing, swimming and camping, but there is arrowhead hunting as well as gold panning.

The camp has 25 camping spots and 7 rustic cabins all along the Llano River. All would be impacted by the proposed ROW.

The current C-10 proposed route bisects both the Long Fish Camp on the river and the neighbor's property immediately across the Llano River, thus raising at least the issue of length of ROW parallel to property lines. At the same time, the ROW would cross the recreational area of the ranch along the river. There are a number of streams that traverse the property as well, which make any proposed relocation equally problematic. Again, all impact the recreational use.

The proposed line also impacts on a large archeological site consisting of a number of large granite outcroppings, so they are not capable of being documented and relocated. The site is directly under the line near the river.

I am also concerned about the lines impact on the rest of the operations on the ranch, and the ranch in general.

I am further concerned that with respect to my mobile home rental area on the North side of Ranch Road 1431, that no one will want to live in the vicinity of the line.

The proposed line also crosses over the water well that services the mobile homes with drinking water and is stored with the neighbor, Melvin Webb.

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Question No. 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 No. 1-5:

Yes. Llano on May 7, 2009. On behalf of our family, Pat Long Weaver provided written materials to the LCRA TSC after the open house.

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Question No. 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 No. 1-6:

The property boundaries generally appear to be accurate, the maps we have been provided say they are "approximate property boundaries."

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Question No. 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 No. 1-7:

While we have other activities on the ranch, (i.e. cattle), the primary use of the property and what would be effected is its use as a recreational area.

It is a year round camp. Its use as a camp would be destroyed by the proposed placement of a line directly across the property and directly crossing the river in the middle of the camp.

The camp has 25 designated camp sites and 7 cabins, all on river front, all would be impacted. The primary activities are fishing, swimming, camping, kayaking, arrowhead hunting, and gold panning.

The ranch has been in our family since the 1870's, my grandfather, my father and now I operate the property as a ranch and fish camp.

My counsel previously provided LCRA TSC documentation that for short term recreational use – (excluding hunting, seasonal workers, friends/family), the camp had for the period of June 8, 2008 through May 31, 2009, a total of 3,806 user days. (i.e. use per person per day). It is used and enjoyed year round.

I have employees at the camp. If the camp closed, we would all be impacted.

The property is also used for hunting, which potentially could be effected, but the primary adverse impact would be on the camp.

The property on the east side of Ranch Road 1431 would be impacted due to the proximity of the line to both habitations and the water well for the property.

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Question No. 1-9:¹

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 No. 1-9:

Yes. Riverfront access to the Llano River is not available to the public between the City of Llano and the city of Kingsland. Near the city of Kingsland, one can park on the side of the road at the "Slab Crossing" and access the river, but there are no improvements.

The camp is one of the last pristine places on the Llano River where there is access to recreational activities. I am also concerned about the impact on the river front and the river itself and the vegetation, wildlife, birds, and fish.

The proposed line also impacts on large archeological site consisting of a number of large rock outcroppings, so they could not really be moved.

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¹ LCRA Transmission Services Corporations Request for Information did not include a "Question No. 1-8".