



Control Number: 37448



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37448

Public Utility Commission of Texas

December 18, 2009

Mr. Walter W. Pfluger
P.O. Box 2540
San Angelo, TX 76902-2540

Dear Mr. Pfluger:

Thank you for your recent letter regarding LCRA's proposed CREZ transmission line certificate for convenience and necessity (CCN). Because much of the renewable energy transmission effort involves or will involve a contested case, I will file your letter in the appropriate docket (Docket No. 37448), together with my response.

Determining which route to use when granting a CCN for high capacity transmission lines is governed by both statute and Commission rules. The Commission is charged with choosing the ultimate route. Although the utility, in this case LCRA, will recommend a preferred route and numerous alternative routes.

The Public Utility Regulatory Act (PURA Section 37.056) sets out some of the criteria used by the Commission in deciding where to site the transmission route. Those factors include, among other things, community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the effect of granting the CCN on the state's ability to meet its renewable energy goals. Our rules also list routing criteria, such as whether the proposed routes use existing compatible rights-of-way, whether the routes parallel property lines or other natural or cultural features, and whether the routes conform to the policy of prudent avoidance.

LCRA filed their application on October 28, 2009. I suggest that you remain in contact with LCRA to receive the latest information on their proposal. Please note that the intervention deadline for this proceeding was November 30, 2009. The CREZ CCN proceedings have shorter intervention deadlines than normal CREZ CCN cases, because the CREZ transmission lines are scheduled to be in service by 2013.



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I appreciate you bringing your concerns to the attention of the Commission. One of the hardest decisions made by the Commission concerns the routing of transmission lines. The Commission faces many challenges in deciding this case and others resulting from the competitive renewable energy zones transmission plan.

Sincerely,



Kenneth W. Anderson, Jr.

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December 4, 2009

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Mr. Kenneth W. Anderson, Jr., Commissioner
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12/18/09

Re: Docket # 37049 and Docket # 37448

Dear Chairman Smitherman and Commissioners Nelson and Anderson:

By now you are aware of LCRA TSC's response to my letter of November 2, 2009, being that both letters are posted on Dockets #37049 and 37448.

In LCRA TSC's response, Mr. Rodriguez explains in some detail LCRA TSC's justification for proposing, ordering, receiving and dictating the use of lattice towers for all of their CREZ projects. Mr. Rodriguez even goes further to offer that LCRA takes very seriously its responsibility in routing and constructing power lines through the Hill Country.

Instead of specifically responding to each of the points made by Mr. Rodriguez in his letter, I now attach a document to this letter as Exhibit "A", which I believe "speaks for itself" in rebuttal to LCRA TSC's explanation and lip service to the concept of responsibility.

I hope you Commissioners as well as landowners and citizens of the Hill Country will take time to compare the CREZ materials published by LCRA TSC to those of Lone Star Transmission, LLC ("Lone Star"). As you are aware, Lone Star was awarded a CREZ project of approximately 300 miles beginning west of Abilene and running toward the metroplex. What strikes me in comparing the published materials and attitudes of the two companies, is the stark difference between their corporate cultures in how they respect landowners, the public and the natural resources of Texas. Lone Star, as you will see below, believes aesthetics are important and plans to use "**aesthetically pleasing poles**." On the other hand, LCRA TSC's application to the PUCT states that aesthetics are subjective, implying that aesthetics are wholly unworthy of their attention.

Excerpts to consider from the Lone Star materials in Exhibit "A" include: (a) on page 2 of 4: "Aesthetically pleasing poles, from 120 to 140 foot tall are planned to be used for the majority of the line, which is expected to transport enough energy to power over 2.5 million homes." (b) on page 2 of 4: "We are interested in learning more about people's interests and priorities as they relate to

our project." (c) on page 3 of 4: "During this stage, Lone Star plans to meet with landowners who may potentially be affected by construction." (d) on page 3 of 5: **"We plan to use aesthetically pleasing poles, which are scheduled to range from 120-foot to 140-foot, for the majority of the route. We anticipate each pole will be a single shaft capable of holding both circuits. This type of pole requires much less right-of-way than other types of transmission line structures."** (e) on page 4 of 5: "We expect construction to begin in 2011 with completion planned in 2013." (f) and, further, although Lone Star states in its brochure that placing these transmission lines underground is "generally considered cost prohibitive," nowhere does it say that single pole structures are cost prohibitive.

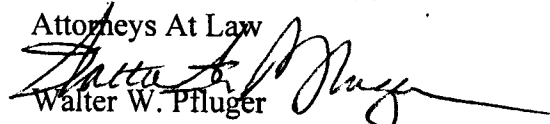
With respect to the CREZ projects, Lone Star does not share the same concerns of LCRA TSC regarding the additional cost of the single tower structures, the ordering of steel or the delay which may accompany the CCN process and completion of its line by the end of 2013. Lone Star emphatically says it can finish the line by the end of 2013 using a **"single shaft capable of holding both circuits"** in contrast to LCRA TSC's warning that using lattice towers is the only economical and timely way to complete the project. Most impressive is that Lone Star is taking action to protect the aesthetic value of the land and the beauty of Texas while LCRA simply gives lip service to taking serious responsibility for building power lines through the Hill Country.

Given the example of Lone Star's approach toward aesthetics, the environment and citizens, it is clear that for many months LCRA TSC has chosen to take a dramatically different path. Now that we landowners and citizens have found hard evidence of a corporate culture (Lone Star) that has chosen to be more respectful of aesthetics, the environment and citizens, perhaps LCRA TSC and its corporate management should take action to become a good citizen of the Hill Country and responsibly construct their power lines using aesthetically pleasing methods and routes.

Very truly yours,

SMITH • ROSE • FINLEY

Attorneys At Law


Walter W. Pfluger

WWP:ims

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