



Control Number: 37448



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

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

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**DIRECT TESTIMONY
OF
JOHN STEPHEN FAIN**

**ON BEHALF OF
ALTA VISTA RANCH, LTD.**

JANUARY 7, 2010

**SOAH NO. 173-10-1097
PUC. DOCKET NO 37448**

**DIRECT TESTIMONY
OF
JOHN STEPHEN FAIN**

BACKGROUND

Q. PLEASE STATE YOUR NAME AND ADDRESS.

A. My name is John Stephen Fain and my address is 43 Wingreen Loop,
Austin, Texas.

Q. DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND

A. My education is a BS degree from the University of Texas.

My professional background is Real Estate Broker, Real Estate Appraiser,
Land Developer, and Real Estate Investments and Management in Central
Texas since 1973.

**Q. WHO ARE YOU TESTIFYING ON BEHALF OF IN THIS
PROCEEDING?**

A. I am testifying on behalf of Alta Vista Ranch, LTD. (AVR).

PURPOSE AND SCOPE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is:

1. Describe the Alta Vista Ranch, LTD (AVR) property that would be adversely affected by LCRA's Link C-8 in its application for the Newton-Gillespie Transmission line.
2. Request that a certificate not be issued to LCRA along any route utilizing Link C-8 or any other route that would have an adverse visual impact upon the Enchanted Rock State Natural Area or its scenic view corridors.
3. Request that the PUC recommend to LCRA to modify their plans in an appropriate way that is sensitive to the Hill Country's environment, aesthetics and citizens.

DESCRIPTION OF ALTA VISTA RANCH, LTD.

Q. WHAT PROPERTY DOES AVR OWN THAT WOULD BE IMPACTED BY LCRA'S PROPOSED TRANSMISSION LINE?

A. Alta Vista Ranch, Ltd. owns 791 acres at the northwest intersection of FM 965 and the banks of Crabapple Creek (a natural waterway), Llano County, TX.

Q. PLEASE DESCRIBE THIS PROPERTY.

A. The Alta Vista Ranch is used for family gatherings, hunting, fishing, sight-seeing, wildlife management and cattle grazing. This property was purchased as a family property in 2000. Many improvements have been made to the ranch as a collaborative effort of labor by our family members. There presently exists a habitable structure that is used 3 to 4 times a week for overnight stays.

The ranch is a part of the Moss Ranch, which once included Enchanted Rock and was one of Texas' first exotic game ranches. The AVR Ranch has a variety of species of exotic game including axis deer, fallow deer and aoudad sheep. Native game consists of a managed white-tailed deer population, migrating waterfowl (ducks, geese), quail, mountain lions and a large roosting turkey population.

The physical characteristics of this ranch are unique in the fact that it has seven creeks traversing the property, including year-round Crabapple Creek. This property has many mature live oaks and hickory trees. The granite outcroppings have created elevation changes of approx. 280 feet from the bottom of the canyons to the tops of mountains. One of the granite uplifts is where we have architectural plans to build a permanent residence. This site overlooks a large man-made lake that we constructed in 2005. We have also installed a 2,000 ft. water line and road to this site. We selected this home site because it provides a view of our lake and mountain to the east. To the south we have an unobstructed view to the distant blue hills. Our westerly view is of Enchanted Rock, less

than three miles from our homesite. The proposed C-8 line would have lattice towers and lines obscuring our homesite's view of Enchanted Rock.

Q. WHAT SPECIFIC IMPACTS WOULD THE C-8 TRANSMISSION LINE HAVE ON AVR'S PROPERTY?

A. As per LCRA's provided map, Link C-8 would enter our property in close proximity to a recently installed entry gate and road leading to the homesite.

Additionally, the designated C-8 345 KV transmission line and lattice towers would bisect our property at a point less than a quarter of a mile to the west of our home-site.

Another negative impact that this line would have to our property is that our view of Enchanted Rock to the west would be ruined not only by the overwhelming visual impact of these tall structures, but also by the sounds emanating from this high voltage transmission line. The relationship of the placement of this line to our homesite would diminish the homesite's qualities of aesthetics, ambiance and the psychological serenity of nature that we have so dutifully sought to improve and preserve.

Finally, a 160-foot wide clear-cut easement would be seen as a permanent scar on the pristine and undisturbed landscape.

Q. WHAT WOULD BE THE EFFECTS BE TO THE VISITORS OF ENCHANTED ROCK AND TO THE CITIZENS OF LLANO AND GILLESPIE COUNTIES BY HAVING LINE C-8 IN SUCH CLOSE PROXIMITY TO ENCHANTED ROCK STATE NATURAL AREA?

- A. Each year large numbers of tourists from all over the world are attracted to Enchanted Rock, the nation's second-largest batholith. Should the C-8 link be constructed, the present 360 degree natural view that visitors now enjoy would be marred by a 345 KV utility, with its skeletal towers and transmission lines stretching for miles across the landscape. In LCRA TSC's response to Susan and David Nance's First Request For Information, they admit that neither LCRA TSC nor their engineers has developed any criteria specifically regarding preservation of views from Enchanted Rock.

Undoubtedly, the economies of Gillespie and Llano County benefit from having the unique, geological feature of Enchanted Rock located in their counties. Any demise to the local governments' tax base caused by a lowering of property values by a county's tax assessor's office as a result of this transmission line will be felt by the school districts, hospital districts, fire districts, law enforcement agencies and other governmental entities of these counties.

Q. HOW CAN THE IMPLEMENTATION OF THIS UTILITY BE RECONCILED WITH EXPRESSED LANDOWNERS' CONCERNS?

- A. Monopoles have less visual impact and a smaller footprint. A mandate from the

PUC for LCRA's utilization of monopolies would be more palatable to the landowners where any new easements must traverse.

It would be more cost effective for LCRA and less intrusive to landowners if LCRA were to use existing utility easements where they exist in close proximity to LCRA's intended route destination.

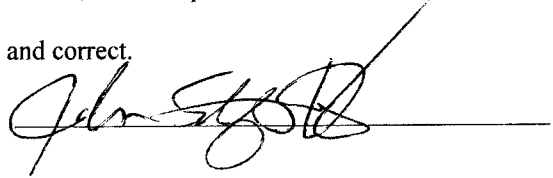
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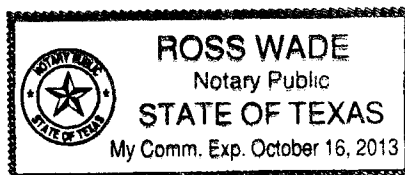
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared John Stephen Fain, who, having been placed under oath by me, did depose as follows:

My name is John Stephen Fain. I am of legal age and a resident of the State of Texas. The foregoing testimony offered by me are true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true and correct.



SUBSCRIBED AND SWORN TO BEFORE ME by the said JOHN S. FAIN this 5 th day of January, 2010.





Notary Public, State of Texas

Commission Expires

10-16-2013