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**SOAH DOCKET NO. 473-10-1097
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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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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PUBLIC UTILITY COMMISSION
FILING CLERK

DIRECT TESTIMONY

OF

MR. HILTON HOPSON

ON BEHALF OF MR. & MRS. HOPSON & ROCKING H ENTERPRISES LP

JANUARY 7, 2010

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1 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

2 A. I am testifying on behalf of myself, my wife, DeMar Hopson, on behalf of
3 Rocking H Enterprises LP, and also for my mother, Ms. Jo Holley, and the
4 rest of her family. Ms. Holley is an intervenor in this case by and through
5 Rocking H Enterprises, of which she is a general partner.

6 **II. PURPOSE AND SCOPE OF TESTIMONY**

7 **Q. WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?**

8 A. The purpose of my testimony is to:

- 9 1) defend my livestock, wildlife, and creek against the placement of
10 the proposed transmission line along or near Segment C31;
11 2) identify and describe the property owned by Hilton and DeMar
12 Hopson and the property owned by Rocking H Enterprises;
13 3) explain which proposed routes negatively affect these properties;
14 and
15 4) provide support for certain alternative routes.

16 **III. DESCRIPTION OF PROPERTY OWNED BY THE HOPSONS &**
17 **IMPACTS OF A PROPOSED SEGMENT**

18 **Q. WHERE IN THE STUDY AREA IS THE HOPSON RANCH LOCATED?**

19 A. The address of our property is 5356 County Road 3430, Lampasas County,
20 Texas. Per the documents I have received from LCRA Transmission
21 Services Corporation ("LCRA TSC" or "Applicant"), my property is labeled
22 as follows: Tract C31-029, Tract C31-030, and Tract C31-036. However,
23 as I will detail herein, LCRA TSC has failed to accurately identify my
24 property boundaries.

1 **Q. PLEASE IDENTIFY THE BOUNDARIES OF THE HOPSON**
2 **PROPERTY.**

A. The northern boundary of our property is County Road 3430. The eastern boundary is Lucy Creek. Both the southern and western sides of our property abut subdivisions. Although LCRA TSC's application states that I own Tract C31-029, Tract C31-030, and Tract C31-036, I do not own Tract No. C31-036. But, I also own Tract C31-031; however, LCRA TSC does not list me as the owner of that piece of land. As I mention below, our ranch boundaries include only the exterior boundaries of the three tracts, not the lines within the ranch as depicted by LCRA TSC.

3 **Q. WHAT ROUTES ADVERSELY AFFECT THE HOPSON'S PROPERTY?**

4 A. Any route that uses Segment C31 will negatively affect my property.

5 **Q. PLEASE DESCRIBE THE POTENTIALLY AFFECTED HOPSON**
6 **PROPERTY.**

7 A. Our ranch consists of 954 acres with large pecan trees, live oaks and
8 crucial under-brush that support a flowing creek which supplies water for
9 livestock, deer, turkey, and numerous other wildlife. The property also
10 features rolling hills and deep draws which collect water flowing into Lucy
11 Creek and a few tanks on the property.

12 **Q. PLEASE DESCRIBE THE CURRENT USE OF THE RANCH AND THE**
13 **NEGATIVE IMPACTS TO THAT WOULD BE CAUSED BY USING**
14 **SEGMENT C31.**

15 A. LCRA TSC's map shows that Segment C31 traverses my ranch across what
16 LCRA TSC has labeled as three separate properties: Tract No. C31-029,
17 Tract No. C31-030, and Tract No. C31-031. Note that our ranch is a
18 single contiguous ranch. This would be devastating for my farming and

1 ranching business. Our property includes 35 acres of coastal fields which
2 we cut twice a year for hay for our cattle. An electric transmission line
3 will reduce the number of acres of hay we harvest. In addition,
4 transmission facilities connected to the ground will increase the time,
5 money and effort spent to harvest the hay due to increasing the number
6 of turns in the pattern used to cut the hay. Also, there are 25 acres of
7 oat fields. This grain is very important to my livestock during the winter
8 months when the grass is dormant. The grain is also beneficial for the
9 wildlife. Besides the same problems identified for our hay production, the
10 transmission line, if it utilizes Segment C31, could either require a
11 reduction in our cattle headcount or an increase in our expenses to pay
12 for supplemental feed.

13 Another concern I have as a rancher is that these tall transmission
14 towers provide a place for raptors, Black Vultures, and Turkey Vultures to
15 perch in search of food that they would not otherwise have in open
16 pastures. Providing these birds with opportunities to hunt that they would
17 not otherwise have available leaves much wildlife, newborn calves, injured
18 livestock, just for examples, vulnerable to attack.

19 **Q. WHAT OTHER NEGATIVE IMPACTS WOULD RESULT IF SEGMENT**
20 **C31 IS CONSTRUCTED?**

21 A. Based upon my review of maps provided by LCRA TSC, Segment C31 will
22 bisect my property. It is my understanding that when LCRA TSC
23 evaluated the right-of-way cost for this project, it only considered the
24 values of acreage required for the easement. I do not believe that
25 calculation properly includes the reduced value of my entire property. To
26 be clear, I am not offering testimony on the compensation I may be due

1 in a condemnation proceeding; I am stating that the cost estimate LCRA
2 TSC calculated for this segment is too low.

3 Further, Segment C31 will disturb the wildlife, the soil, the creek,
4 and the fish on our property. Also, it appears that Segment C31 will affect
5 our farming fields. This, of course, will affect my ranching and farming
6 business. Finally, Segment C31 will affect us in that this monstrosity will
7 be visible from my kitchen window.

8 **IV. DESCRIPTION OF PROPERTY OWNED BY ROCKING H**
9 **ENTERPRISES LP & IMPACTS OF A PROPOSED SEGMENT**

10 **Q. PLEASE DESCRIBE THE LOCATION OF THE PROPERTY OWNED BY**
11 **ROCKING H ENTERPRISES.**

12 A. Rocking H Enterprises is correctly labeled as Tract Nos. C31-048 and C31-
13 049 on LCRA TSC's map. Located to the southeast of the Hopson Ranch,
14 Rocking H Enterprises is located where Lucy Creek flows into the
15 Lampasas River.

16 **Q. PLEASE BRIEFLY DESCRIBE THE PROPERTY.**

17 A. Rocking H Enterprise's property consists of approximately 1,000 acres. It
18 has rolling hills, live oaks, and a pecan bottom with large pecan trees.
19 Lucy Creek flows through the property which supplies water for livestock,
20 deer, turkey, and other wildlife.

21 **Q. PLEASE DESCRIBE THE USE OF ROCKING H ENTERPRISES LP'S**
22 **PROPERTY AND THE IMPACTS TO THOSE IF SEGMENT C31 IS**
23 **CONSTRUCTED.**

24 A. Rocking H Enterprises is also a farming operation with cattle, sheep, and
25 goats. Coastal hay fields are used to feed livestock during the non-winter

1 months. But, as with our property, Rocking H Enterprises has oat fields
2 for use during the winter months when the grass is dormant. Again, if the
3 transmission line ultimately utilizes Segment C31, Rocking H Enterprises
4 will see an increase in the time, money and effort spent to harvest hay
5 due to increasing the number of turns in the pattern used to cut the hay.
6 Further, the selection of Segment C31 could either require a reduction in
7 Rocking H Enterprise's cattle headcount or an increase in our expenses to
8 pay for supplemental feed.

9 **V. RECOMMENDATION & CONCLUSION**

10 **Q. DO YOU HAVE ANY RECOMMENDATIONS TO MAKE TO THE**
11 **COMMISSION?**

12 A. Yes. I recommend that the Commission choose LCRA TSC's preferred
13 route, Route No. GN11, for the reasons stated in my testimony and in
14 LCRA TSC's filed application.

15 **Q. WHY IS THAT?**

16 A. Route No. GN11, the Preferred Route, stays to the south of Lucy Creek.
17 There is no reason to destroy a pristine creek, and LCRA TSC's Preferred
18 Route avoids Lucy Creek. Further, the Preferred Route enters the Newton
19 Station at a much straighter line than routes including Segment C31. The
20 Preferred Route's use of Segments C22, C26, C27, C28, and C30 to enter
21 the Newton Station is a straighter and thus a more cost effective
22 alternative to C31.

1 **Q. SO THE PREFERRED ROUTE IS THE MOST COST EFFECTIVE**
2 **ROUTE?**

3 A. Yes, it appears to be. The Preferred Route, Route No. GN11, is
4 approximately 85 miles long and costs a total of \$161.9 million. For
5 comparison, Route No. GN1, which includes Segment C31, would cost
6 LCRA TSC almost twice as much for right-of-way and land acquisition and
7 its total estimated cost is more than \$40 million more than the Preferred
8 Route. This cost difference appears related to different lengths of each.
9 Alternatives routes that utilize Segment C31 are lengthier than the
10 Preferred Route. For instance, Route No. GN1 is 92 miles long. These 8
11 additional miles equate to more transmission towers, more right-of-way
12 expense, and prolonged construction costs. The same can be said for
13 Route No. GN2, GN4, and essentially all routes that utilize Segment C31.
14 See Attachment 3 to LCRA TSC's application.

15 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

16 A. Yes, it does.