



Control Number: 37448



Item Number: 572

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

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

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**INTERVENOR
LYNNE LOLA RATHMAN'S
DIRECT TESTIMONY**

COMES NOW Lynne Lola Rathman, ("Lynne Rathman"), and files this, her Direct Testimony.

Intervenor Lynne Lola Rathman provides her Direct Testimony by sworn affidavit, which is admissible in this hearing. This affidavit is Exhibit A, attached to this pleadings and incorporated herein for all purposes.

Respectfully submitted,

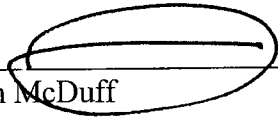

John McDuff
SBN 13577500

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Attorney for Lynne Lola Rathman

Certificate of Service

I hereby certify that a true and correct copy of the foregoing document was served to all parties of record on the 7th day of January, 2010, by email, facsimile, First-Class mail, or by hand delivery.



John McDuff

Exhibit A

STATE OF TEXAS

§

TRAVIS COUNTY

§

§

AFFIDAVIT OF LYNNE LOLA RATHMAN

BEFORE ME, the undersigned authority, on this day personally appeared Lynne Lola Rathman, who, after being by me first duly sworn, testified and said as follows:

1. "My name is Lynne Lola Rathman. I am over 18 years of age, and I am fully competent to make this testimony. I am a resident of Travis County, Texas. I have never been convicted of a felony or crime of moral turpitude. I am competent in all respects to make this testimony.

2. I am an intervenor in this action.

3. I own 240 acres with frontage at 12201 Burnet County Road 207.

4. Transmission Line C27 crosses my land. A drawing is attached that shows the location of my property and where Line C27 crosses it. This drawing is attached to this Affidavit as Exhibit A-1, and is incorporated into this Affidavit for all purposes.

5. In response to Commission Staff's First Set of Requests for Information, I provided the answers that are set forth in Exhibit A-2 to this Affidavit, attached hereto and incorporated herein for all purposes.

6. I am opposed to any route that uses C27. An example is route GN-11, which LCRA has called the preferred route. What follows are my reasons why Line C27 should not be used.

7. Transmission Lines should not cross communities. Families and communities should be the factor of highest consideration in selecting a route, in my opinion.

8. The members of our community are myself, Winston Baker, Mark Rathman, Jimmy and Vivian Sunvison, John Rathman, and Ronny Baker. Exhibit A-3, attached hereto and incorporated into this Affidavit for all purposes, shows the location of each community member's land, and how C27 either crosses us, or is within 500 feet of our homes.

9. No one owns much land, and each has land that abuts the others. The owners own as little as 6 acres, to 30 acres, up to a maximum of 240 acres. All of our land is so small and close together that we are a community. The members of our community help each other out. They sell hay to the others, lend a helping hand, borrow equipment, mend fence together, care for my young pecan orchard, catch each other's livestock, talk about the weather, visit about farming, talk ranching, and keep each other up-to-date on what is happening in Lampasas, just 3 miles away.

10. We also worry about the development that is occurring. Our land also is just 3 miles from Highway 183, which is a major thorough-fare in Texas. A business park has been founded, just, once again, 3 miles away. There is gossip that water lines will be extended down our county road, past us.

11. Four of our homes are within 500 feet of Line C27. For whatever reason, LCRA did not list 3 of them. Exhibit A-4 shows the location of all of our homes, and highlights the four homes within 500 feet. They are owned by Mark Rathman (2), Ronny Baker, and John Rathman. Jimmy and Vivian Sunvison's home is just a little beyond 500 feet.

12. All of these homes are subject to interference by C27, with respect to their cell phones, which they need for safety and work, and their satellite television, where they get their weather reports, especially for extreme weather, in my opinion.

13. My great grandfather Joe Rathman settled my land in 1904. The land has been in the family ever since. My grandfather, Robert Rathman, raised his family on the Rathman property. My father was born on the property and raised eight children. When his father passed away, he settled on the Rathman land. Three of us own Rathman land today.

14. My great grandfather built the family home, called the "home place", in 1904. He drilled a well, and his family spent the evenings by candle light, until electricity was extended to his place.

15. The community's land is in the Texas Hill Country. My views and land are just as important to me as those out west on other routes, in my opinion. Like other Hill Country settings, my place has rolling hills of mature, old live oak and juniper, springs, bluffs, the Mesquite Creek, and all sorts of wildlife.

16. I work and live on my Rathman land on the weekends. I do not have thousands of acres of land. It is a small piece of property. Like Rathman's before me, and like all of the members of our community, I personally work my land. No hired hands. I do it all. I clear out the cedar trees to improve wildlife habitat, re-establish native grassland, and more importantly help conserve our precious water resources. I constantly work on mending fences, removing shrubs from fence-lines, and repairing roads.

17. More recently, I planted a pecan orchard, with Winston Baker's help. There's an immense amount of work involved in maintaining a pecan orchard. I couldn't do it without the help of my family and my community.

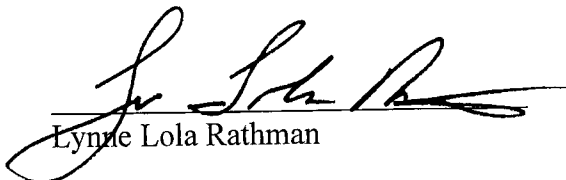
18. Mark Rathman and I are in the cattle business together. It is important that the cattle are able to cross from Mark's place to mine. We use part of all of our land for cattle. Unfortunately, the only crossable part of the high ledges and creek bottom will be blocked by a line tower, as the crossing is only 10 feet wide. This prevents the sole access for our families and our cattle. A tower will be placed right in the middle of the crossover. I have reviewed the available material and this is my opinion. Exhibit A-5 shows the location of the crossing, and is attached hereto and incorporated for all purposes.

19. And, my access to the county road will be limited. The transmission lines will be going over a good portion of my frontage access, and the best part of my access.

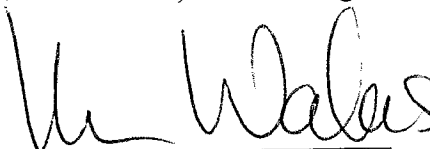
20. My land is almost all that I have. I do not own a home. My vehicle is eight years old. I do not own a business, or have a professional practice. I have a modest income as an assistant, just enough to support me.

21. Please save our community."

FURTHER AFFIANT SAYETH NOT.

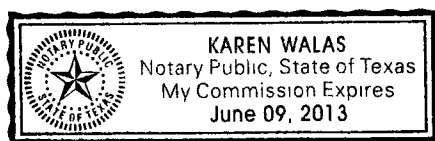

Lynne Lola Rathman

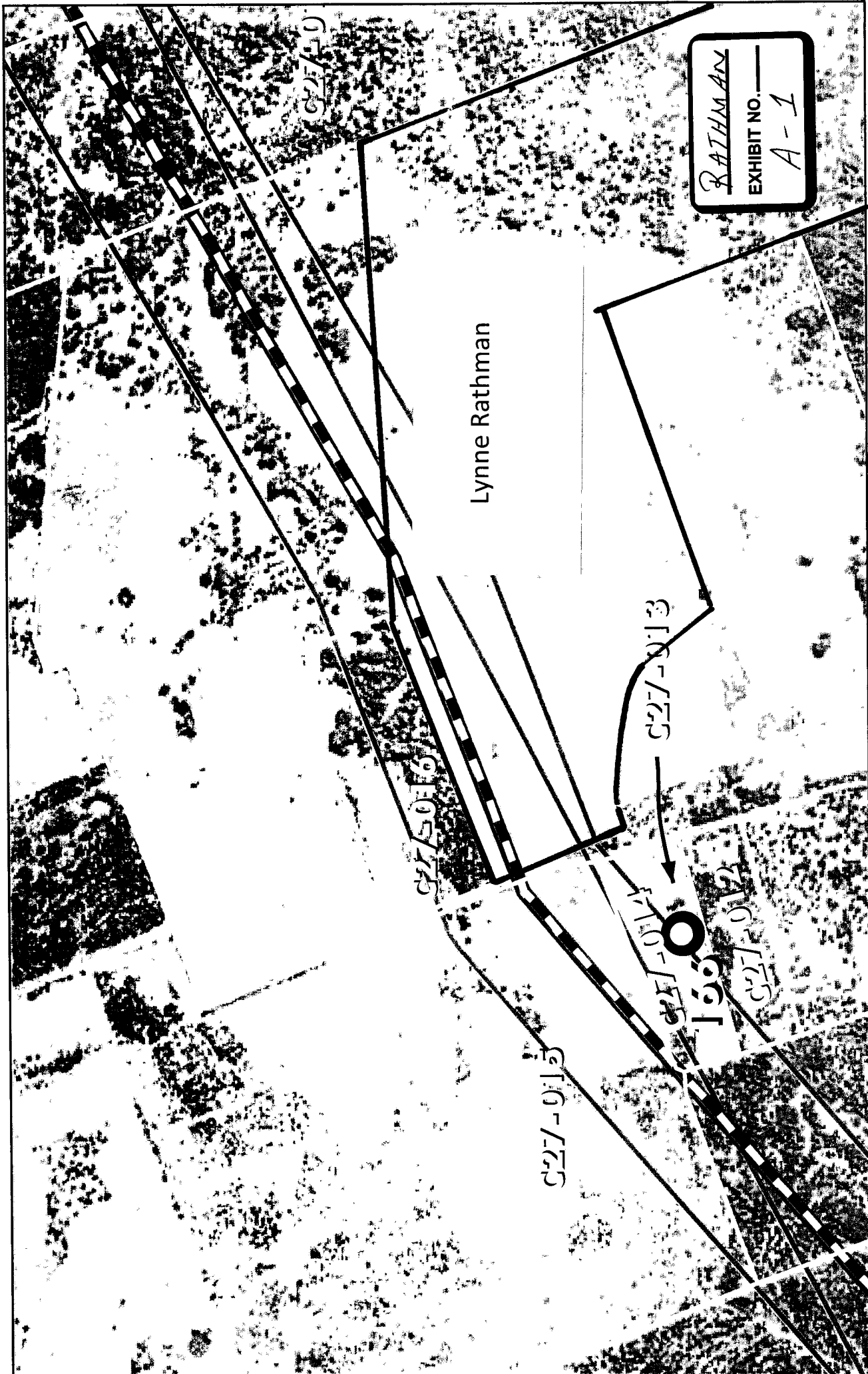
SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 7th day of January, 2010.



Notary Public in and for
the State of Texas

My commission expires:





RATHMAN
EXHIBIT NO. A-1

Lynne Rathman

G27-016

G27-013

G27-014

G27-012

G27-013

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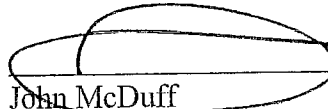
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BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

LYNNE LOLA RATHMAN'S
RESPONSES TO
COMMISSION STAFF'S FIRST SET OF REQUESTS FOR INFORMATION

NOW COMES Lynne Lola Rathman, ("Lynne Rathman"), and files her Responses to Commission Staff's First Set of Requests for Information. This Response is timely filed.

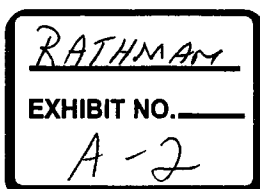
FURTHER, Lynne Rathman desires to point out that she and her brother Mark Leo Rathman each own a property that is separate from the other, and each has accordingly made a separate intervention.

Respectfully submitted,


John McDuff
SBN 13577500

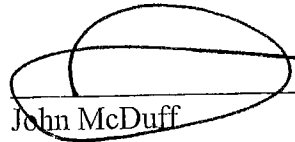
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Email: john@johnmcduff.com

Attorney for Lynne Lola Rathman



Certificate of Service

I hereby certify that a true and correct copy of the foregoing Lynne Lola Rathman's Response to Commission Staff's First Set of Requests for Information was served to all necessary parties on the 25th day of November, by email, facsimile, First-Class mail, or by hand delivery.


John McDuff

RESPONSES

BA-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: My weekend home is near the C27 line. It is a small camper, connected to electricity and well water, both of which I had installed. Moving it is not an option, due to a lack of electricity and water. The proposed line is about fifteen hundred feet from my home.

BA-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: Yes, the C27 link crosses my property. And it crosses two of my property lines, ranch roads, cattle trails, and the area where the cattle congregate to every day.

BA-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 to LCRA TSC?

Response: At this time, I have not discussed any modifications to the proposed transmission line route on my property.

BA-1-4 What are your specific concerns about the proposed transmission line?

Response: My property is somewhat shaped like a thin rectangle, from east to west. My brother Mark is on the north side of me. He has nearly 200 acres. My Uncle John Rathman is on the north-front side of me. He has close to 30 acres. The Sunvison's are on my south side. They have just over 100 acres. The Goodman's are on the back-east side, and on my front west-side is Ronny and Winston Baker. The Baker's are just a stone's throw across the county road. Ronny has about six acres. Good folks surround me, and all but one have transmission line problems.

Link C27 would run right through the length of my thin rectangle, from east to west. The preferred route would put large towers and power lines down the

middle of our community of families. And all the while forcing me to live, work underneath and around these towers and lines, along with my neighbors, year round. The National Institute of Environmental Health Sciences concludes that EMF exposure cannot be recognized as entirely safe at this time. I just don't see how I can work my land and be safe around these lines.

My brother Mark Rathman and his partner have three children living with them. Since our land has been in the family for over a 100-years, we have many family members and friends staying with us on our land frequently. Being from a family of eight, we have many siblings and extended families, taking walks on our land, enjoying bar-q-que's, weenie roasts, s'mores, and just reminiscing. There are beautiful trees, springs, and wildlife running through our land.

The only access I have is from the west side, County Road 207. Of the property along County Road 207, I own a small portion of the frontage connected to the road. The County owns about $\frac{3}{4}$'s of the frontage. So, with the towers and lines going through my front and only access, it is possible that I'll lose access to my property. And, if one of several towers is constructed on the front, I have no idea how I'll drive through or around the tower.

I have two businesses on my land. They will both be disrupted and possibly destroyed.

I am a small-time cattle rancher and pecan farmer.

First the cattle. My brother Mark and I are in partnership. The cattle go back and forth from my property to Mark's. Independently, we don't have much land for them to graze or water to provide, so we have to combine our properties for our cattle operation. I have limited water and grassland, Mark has limited water and grassland. But when you combine our properties it's just enough to run cattle; most of the time. Unfortunately, we did not have enough grassland for them during the past couple of droughts. If you construct towers between us, it'll be like building a wall right in the middle of our business. I can't move the grasslands, springs, water-wells or tanks. They are strategically laid out for the cattle business. As long as the towers and lines run between me and Mark, the access for our cows to cross back and forth would be restricted.

Now for my pecan business. My pecan orchard runs along the back-east fence line. I had a water-well drilled and an underground irrigation system installed. I have spent over \$100,000 on setting up the orchard and I have 300 trees. I have two issues with the transmission lines. First, don't touch my water-well or underground irrigation system. Secondly, the power lines better not ignite a fire and destroy my trees. Pecan trees take at least seven years to produce. One fire could wipe them out. And I would have to start over, if I could find the money.

BA-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: I did attend an open house, in Lampasas on May 4th. I provided detailed comments afterwards to LCRA.

BA-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: Somewhat, I have a 'general' idea.

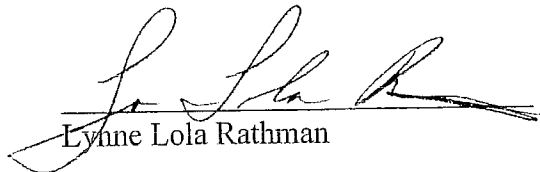
BA-1-7 What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line?

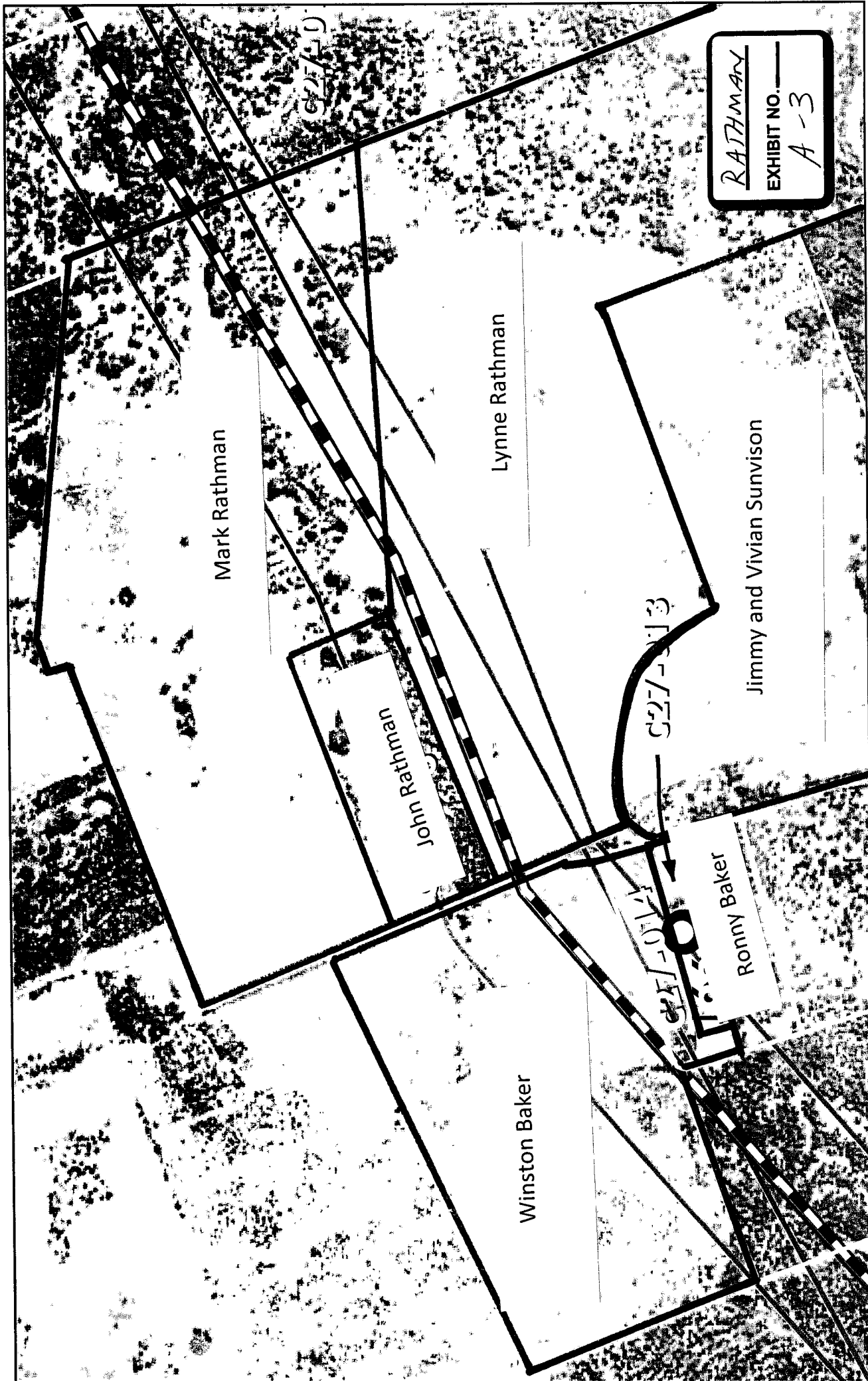
Response: The primary use for my place is farming pecan trees and running a cow-calf operation, to live on. In my opinion, the line will have a detrimental effect on both.

BA-1-9 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: My two hundred forty acres is all that I have.

I swear that the above answers are true and correct.


Lynne Lola Rathman





Winston Baker's House

John Rathman's Home

Mark Rathman Homes

Ronny Baker's Home

Lynne Rathman's Weekend Home

Jimmy and Vivian Sunvison's Home

RATHMAN
EXHIBIT NO. A-4

RATHMAN
EXHIBIT NO. —
A-5

