



Control Number: 37448



Item Number: 767

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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

10/14/22 4:10:08 PM
FILED
CLERK

INTERVENORS REBUTTAL TESTIMONY PRESENTED BY MALCOM LONG

1 **REBUTTAL TESTIMONY – MALCOM LONG**

2
3
4 **Question:** Please state your full name.

5
6 **Answer:** Dudley Malcom Long.

7
8 **Question:** Where do you live?

9
10 **Answer:** 822 C.Rd. 321, Kingsland, Texas 78639, on the Long Ranch, Llano County,
11 Texas.

12
13 **Question:** What is the purpose of this rebuttal testimony?

14
15 **Answer:** I have been asked to provide additional information on two significant issues.
16 Both habitations on the property and habitats, including additional information about and
17 presence of Bald Eagles.

18
19 **Question:** Who asked you for additional information about both habitat and habitations?

20
21 **Answer:** In LCRA Transmission Services Corporation's First Request for Information,
22 which was propounded January 15, 2010, Questions 1-12 and 1-13.

23
24 **Question:** And have you prepared responses to those Requests for Information?

25
26 **Answer:** Yes, I have.

27
28 **Question:** With respect to Question 1-12 of the LCRA TSC Request for Information,
29 what did they ask?

30
31 **Answer:** They specifically asked me to review the Exhibits 1-1 and 1-4 from my direct
32 testimony and then identify which of those structures are served by electricity, potable
33 water line(s), sewage line(s), a septic tank, or other sewage treatment system?

34
35 **Question:** Have you responded to that Request for Information?

36
37 **Answer:** Yes.

38
39 **Question:** What was your response?

40
41 **Answer:** As noted in my testimony, there are a number of habitations that potentially
42 could be impacted by C-10. On the Long Ranch, both the main ranch house and the
43 adjacent office each have electricity, their own septic tank, restrooms and showers. This
44 includes the main ranch house and there is an additional restroom and shower in the
45 adjacent office. The Exhibits also reflect the home occupied by Phillip Frye and his
46 family. It has electricity, water and its own septic tank. Behind the Frye home, as

1 indicated, there are three trailers. They all have electricity, water and are served by
2 septic tanks.

3
4 With respect to the mobile home park on the east side of Ranch Road 1431, there are
5 five mobile homes. All are within 500 feet of the line. All of these homes have electricity,
6 they are served by a water well and all have separate septic systems.

7
8 With respect to the rental cabins along the Llano River, the cabin immediately to the
9 west of the proposed line has electricity, water and sewer.

10
11 The other six rental cabins have electricity only, but they all have refrigerators and beds
12 for occupation.

13
14 With respect to the two residences within 500 feet of the proposed line, one is occupied
15 full time by Mark Arma Trout and the other seasonally occupied by Nick Nichols. All are
16 serviced by electricity and water.

17
18 With respect to all of these facilities that are served by water, they are serviced with
19 potable water.

20
21 These are the same properties reflected in my direct testimony and annotated on
22 Exhibits 1-4.

23
24 **Question:** Does that response provide the requested information about habitation?

25
26 **Answer:** Yes,

27
28 **Question:** And is it correct?

29
30 **Answer:** Yes.

31
32 **Question:** You have also been asked an RFI, on January 15, 2020, Number 1-13, from
33 LCRA concerning endangered species habitat and the existence of Bald Eagles.

34
35 **Answer:** Yes I have.

36
37 **Question:** And what was your response to that RFI?

38
39 **Answer:** As you can see from Aerial photography, both that of the LCRA TSC and
40 annexed Exhibits, there is a significant amount of uncut timber on the ranch. To my
41 knowledge, there has been no formal species assessment or identification. We are
42 aware of a nesting area of Bald Eagles immediately adjacent to the property, which was
43 pointed out to LCRA TSC personnel when they inspected the property on June 5, 2009.
44 Specifically, the Bald Eagle nesting area, is immediately across the Llano River from the
45 property right on the bank of the river, and is directly across from the confluence of
46 Sandy Creek with the Llano River.

1 **Question:** You addressed this issue in your direct testimony?
2
3 **Answer:** Yes ma'am, I did.
4
5 **Question:** When did you first bring this issue to the attention of the LCRA, if you did?
6
7 **Answer:** I specifically brought it to their attention at the time of the June 5, 2009 on site
8 inspection where we showed them where the nest was located.
9
10 **Question:** Where is the nest?
11
12 **Answer:** It is on the back of the river, across from the camp, directly across from Sandy
13 Creek. See Exhibits 16 and 17 for approximate location.
14
15 **Question:** What are Exhibits 16 and 17?
16
17 **Answer:** They are copies of Ariel maps from LCRA web site with a red mark showing
18 nest location.
19
20 **Question:** What involvement, if any, have you had with Texas Parks and Wildlife
21 Department with respect to the issue of eagle habitat or the eagles nesting in the vicinity
22 of this camp?
23
24 **Answer:** A number of years ago when the eagles returned to the area, as I previously
25 testified, I did have a concern about visitors getting to close to the nest.
26
27 **Question:** What did you do?
28
29 **Answer:** I contacted Bill Blackburn. At that point in time he was our local game warden
30 with Texas Parks and Wildlife.
31
32 **Question:** What did he do?
33
34 **Answer:** He gave me general advice as to how to deal with visitors and the eagles.
35 **Question:** Is Mr. Blackman still at the Texas Parks and Wildlife Department?
36
37 **Answer:** No ma'am.
38
39 **Question:** Where is he now?
40
41 **Answer:** He is the Sheriff of Llano County.
42
43 **Question:** What is Exhibit 18?
44
45 **Answer:** This is a copy of a photograph used in the fall issue of Texas Hill County
46 magazine.

1 **Question:** How did you obtain this photo?
2
3 **Answer:** We obtained permission from Jim Hallowell, the editor and publisher, to let us
4 utilize the photo.
5
6 **Question:** What is the photo?
7
8 **Answer:** It is the view of the river and the fish camp in the foreground from an article in
9 that magazine concerning the Llano River.
10
11 **Question:** What can you see in the photo?
12
13 **Answer:** You can see the ranch, the river, the general habitation, the lay out of the fish
14 camp and you can see the general habitation.
15
16 **Question:** Does the photo accurately reflect the condition of the ranch, river, general
17 habitation and the lay out of the fish camp?
18
19 **Answer:** Yes.
20
21 **Question:** Do you have photos of the eagles nest?
22
23 **Answer:** Yes, see the photographs that I have attached that are Exhibits 19 - 32.
24
25 **Question:** What are these photographs of?
26
27 **Answer:** These are photographs taken during the summer of 2009 and on January 17,
28 2010, to show the location of the eagles nest with respect to the ranch in general.
29
30 **Question:** Do these photographs accurately reflect the location of the nest with respect
31 to the ranch?
32
33 **Answer:** Yes.
34
35 **Question:** How were these photos taken?
36
37 **Answer:** My counsel shot them as I accompanied her to look at the eagles.
38
39 **Question:** When do the eagles normally nest if you know?
40
41 **Answer:** Our birds are migratory and normally do not return until mid to late February,
42 but this year for some reason, they returned on January 17, 2010.
43 **Question:** Does this conclude your testimony?
44
45 **Answer:** Yes, it does.

State of Texas

County of LLANO

BEFORE ME this day appeared, Malcom Long, who, being deposed on his oath stated:

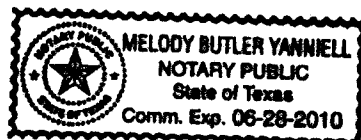
My name is Malcom Long. I am over the age of 18 and fully competent to give this affidavit.

The foregoing testimony and exhibits offered by me are true and correct, and any opinions contained in this testimony are, to the best of my knowledge and belief, accurate, true and correct.

Malcom Long
Malcom Long

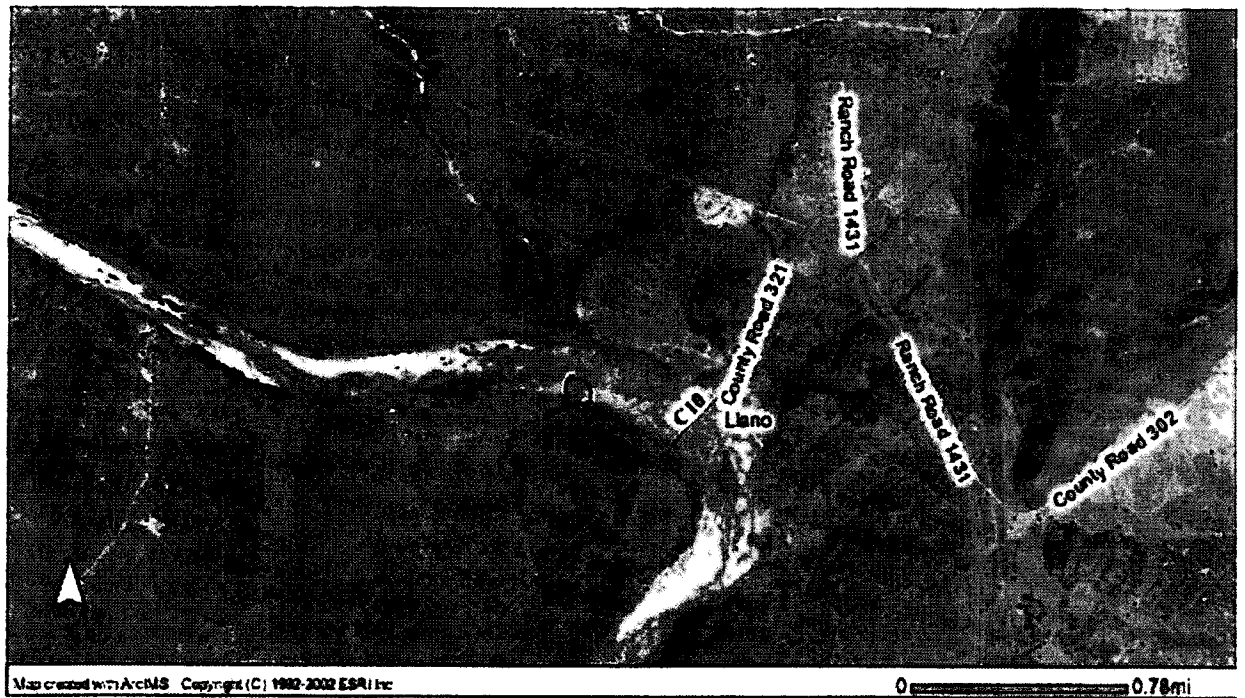
SWORN TO AND SUBSCRIBED before me this 21st day of January, 2010.

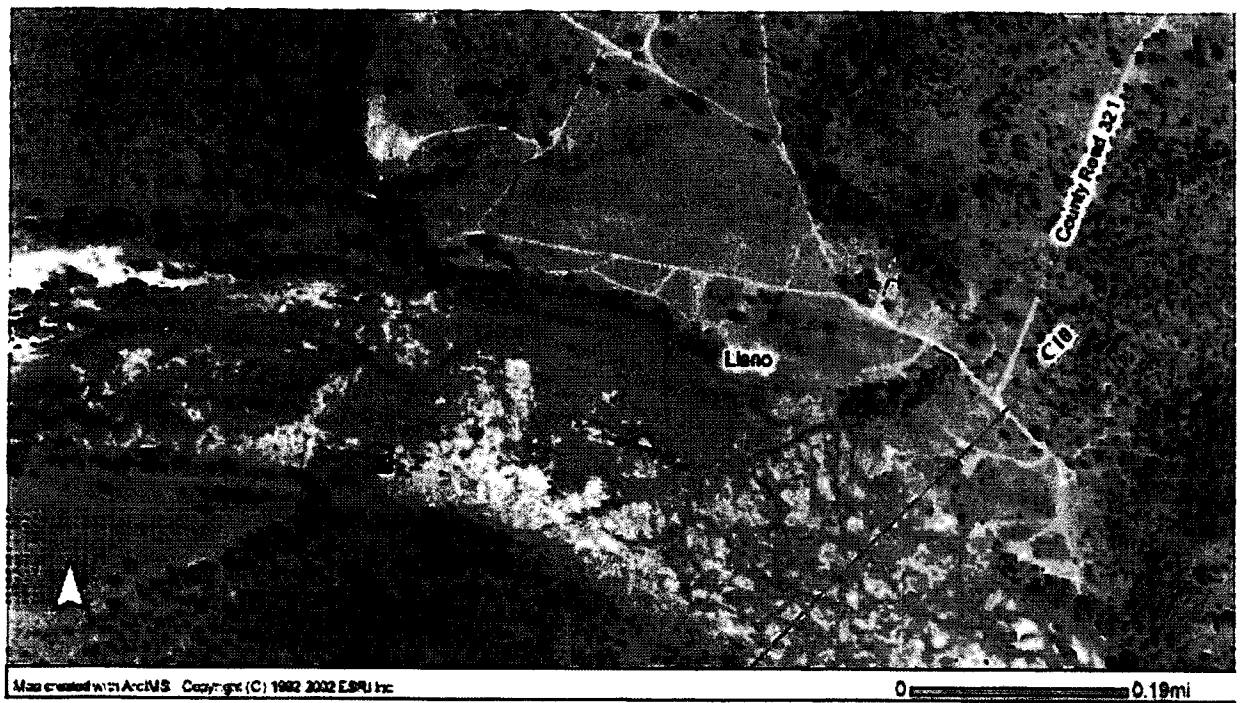
My Commission Expires:



Melody Butler Yanniell
Notary Public, State of Texas

Printed Name of Notary







Llano River, Long Ranch in foreground, camp along river.



Exhibit 19



Exhibit 20

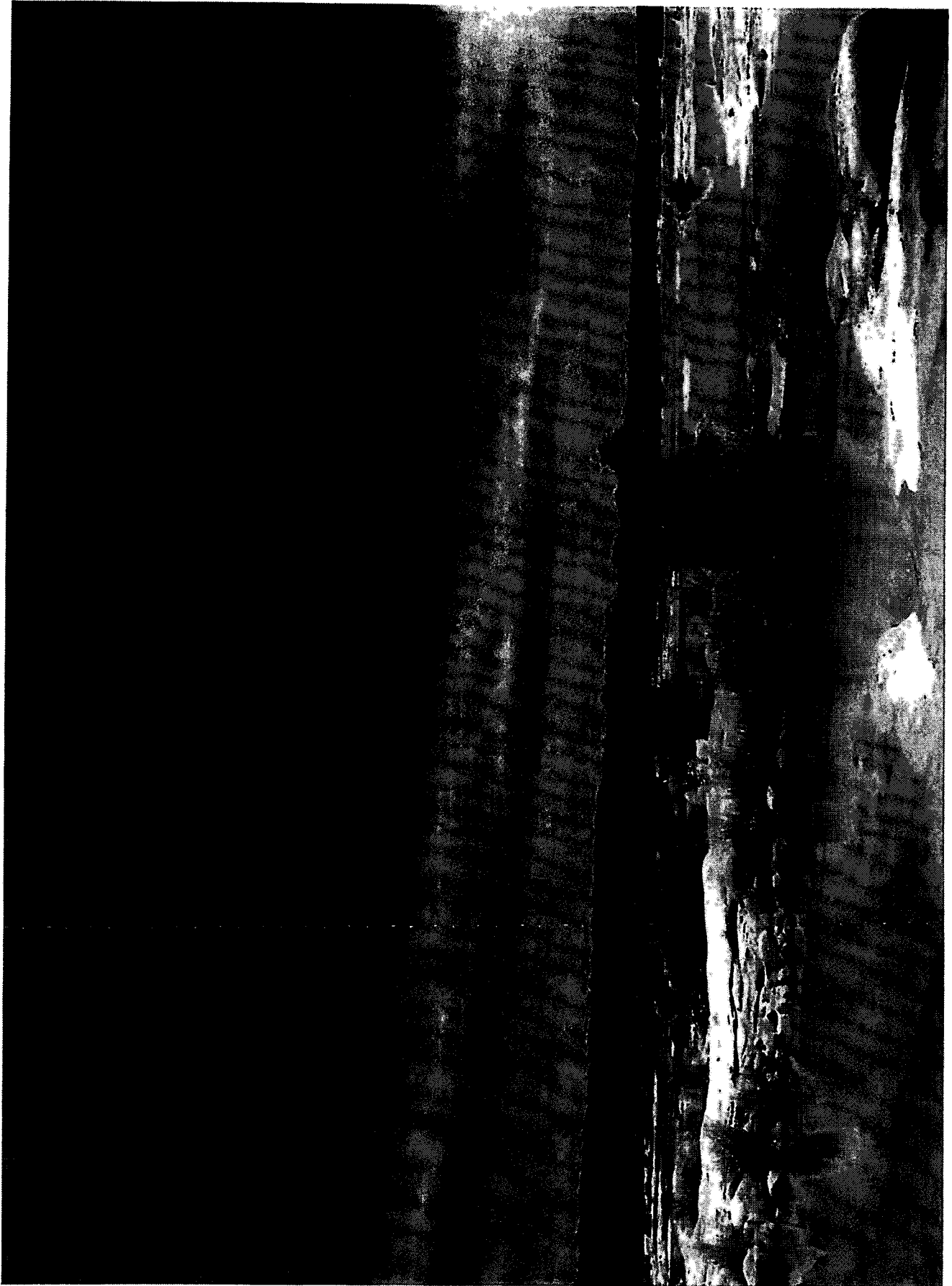


Exhibit 21

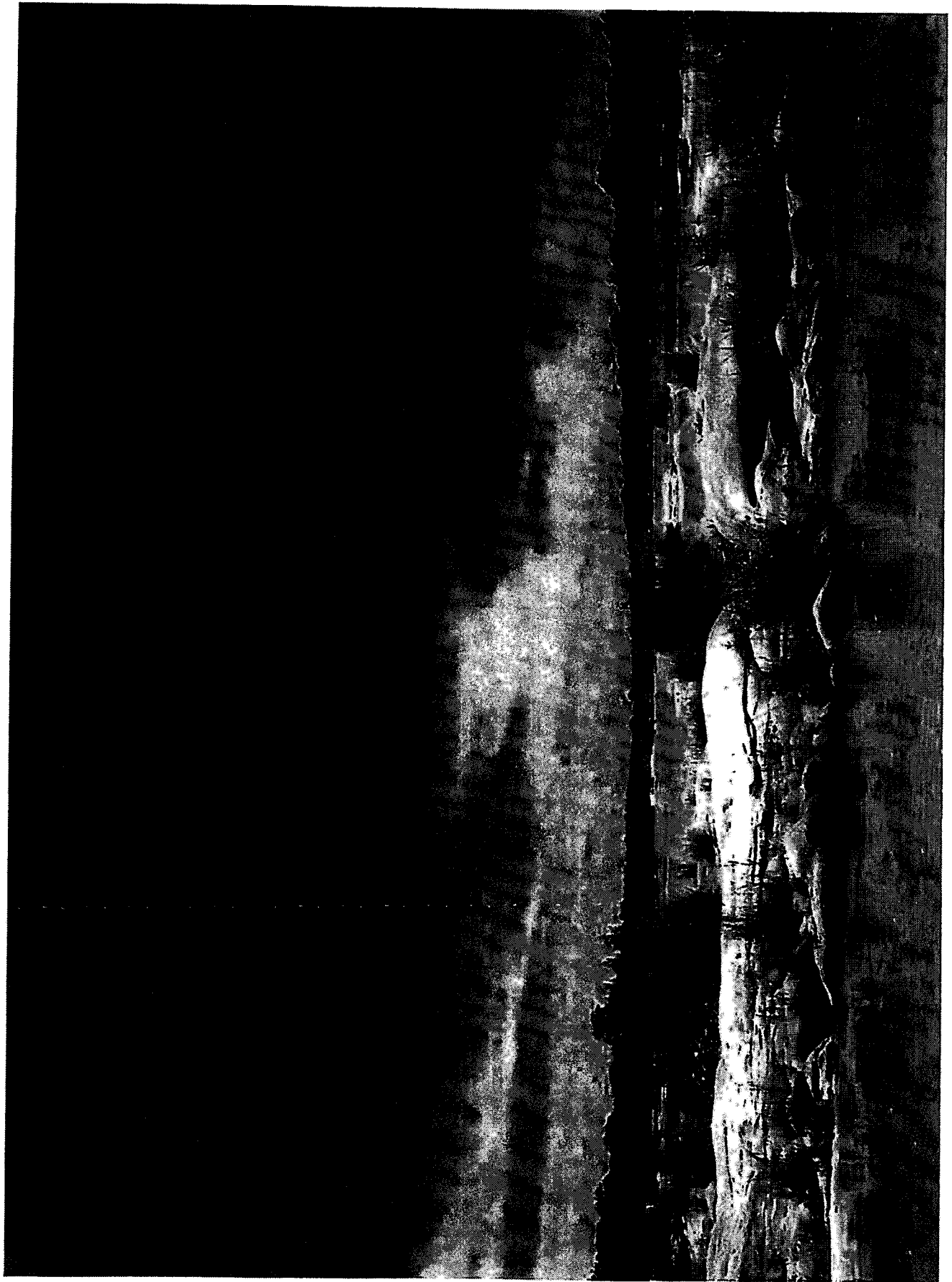


Exhibit 22

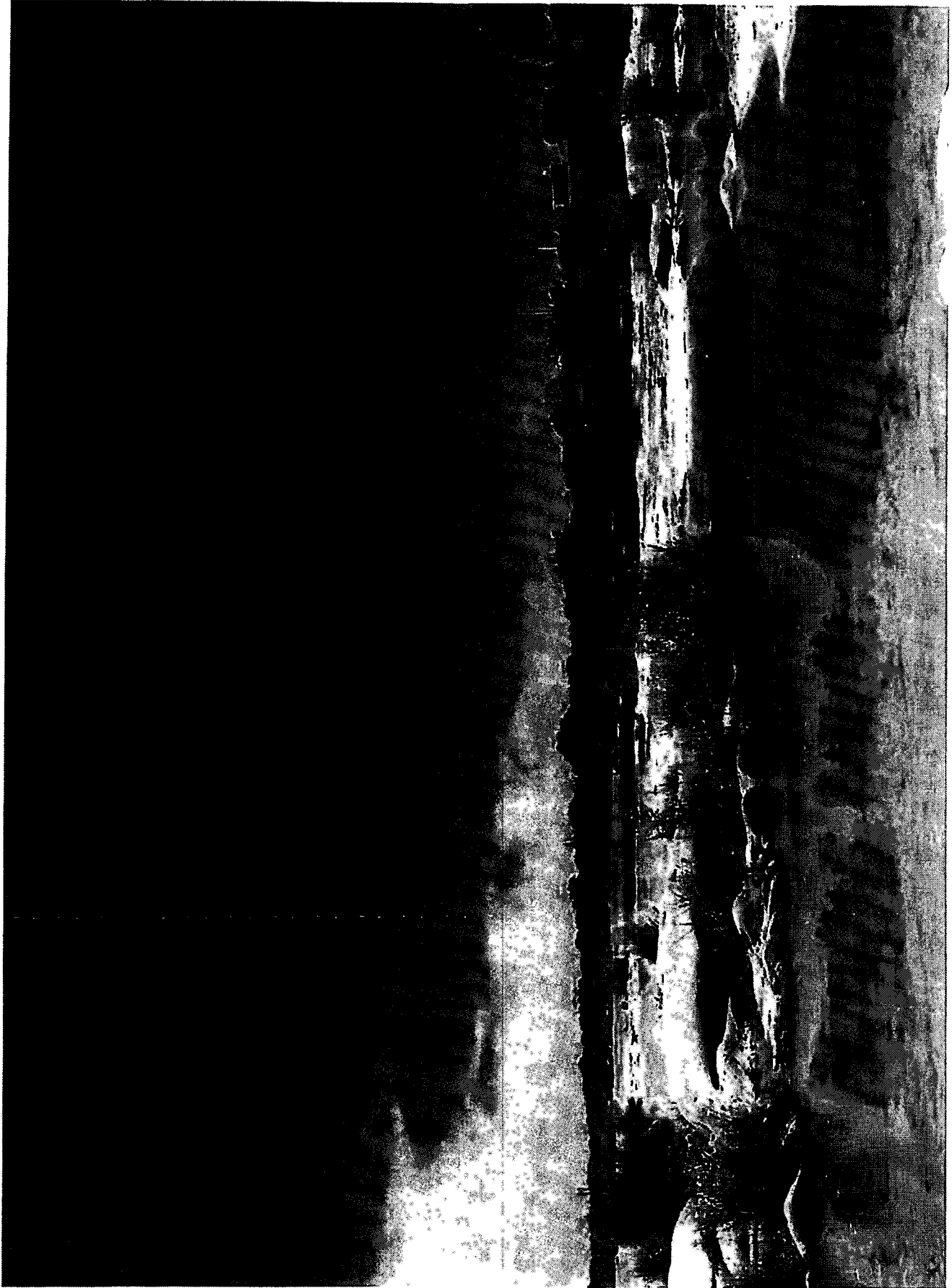


Exhibit 23



Exhibit 24

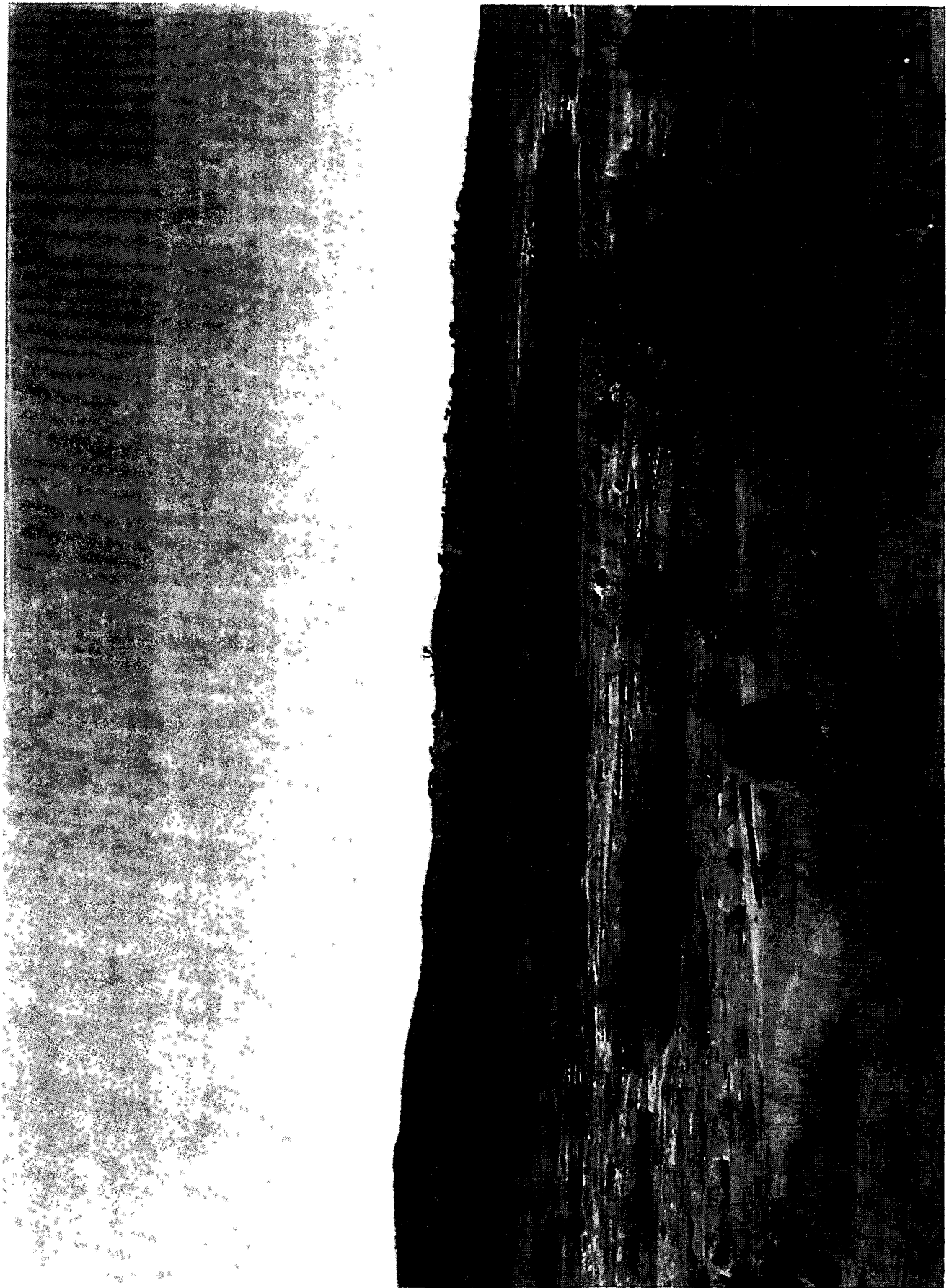


Exhibit 25

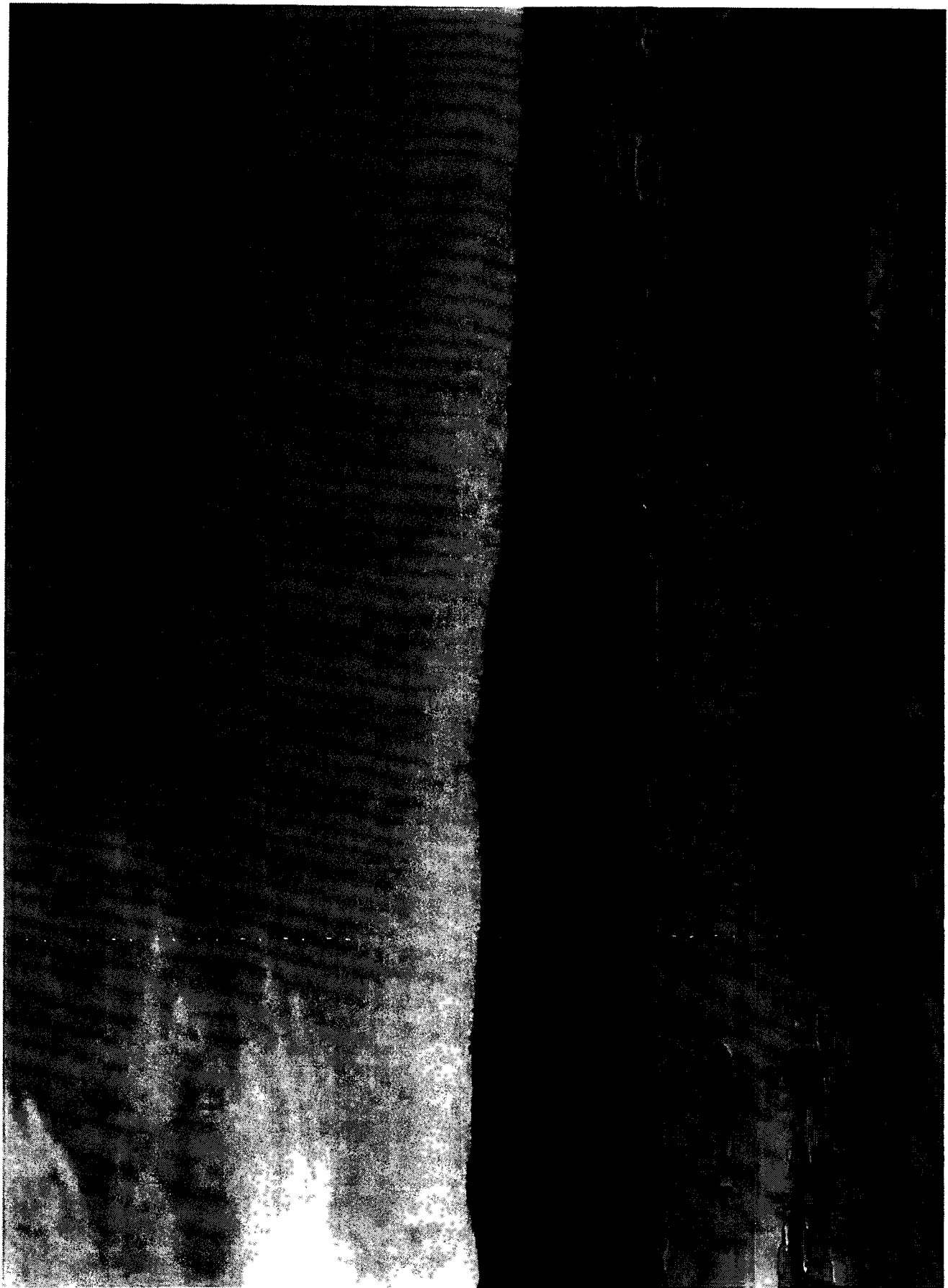


Exhibit 26

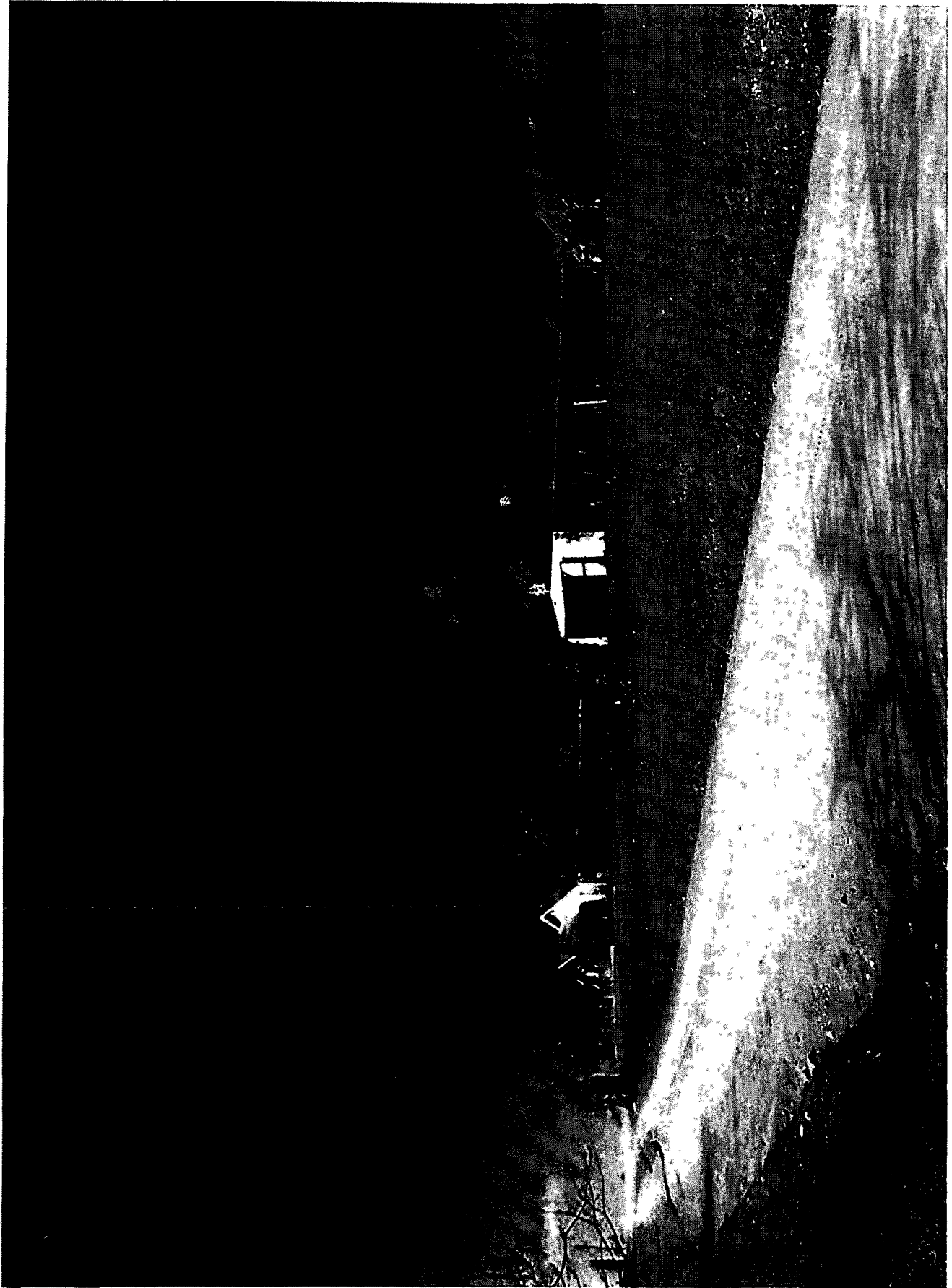


Exhibit 27

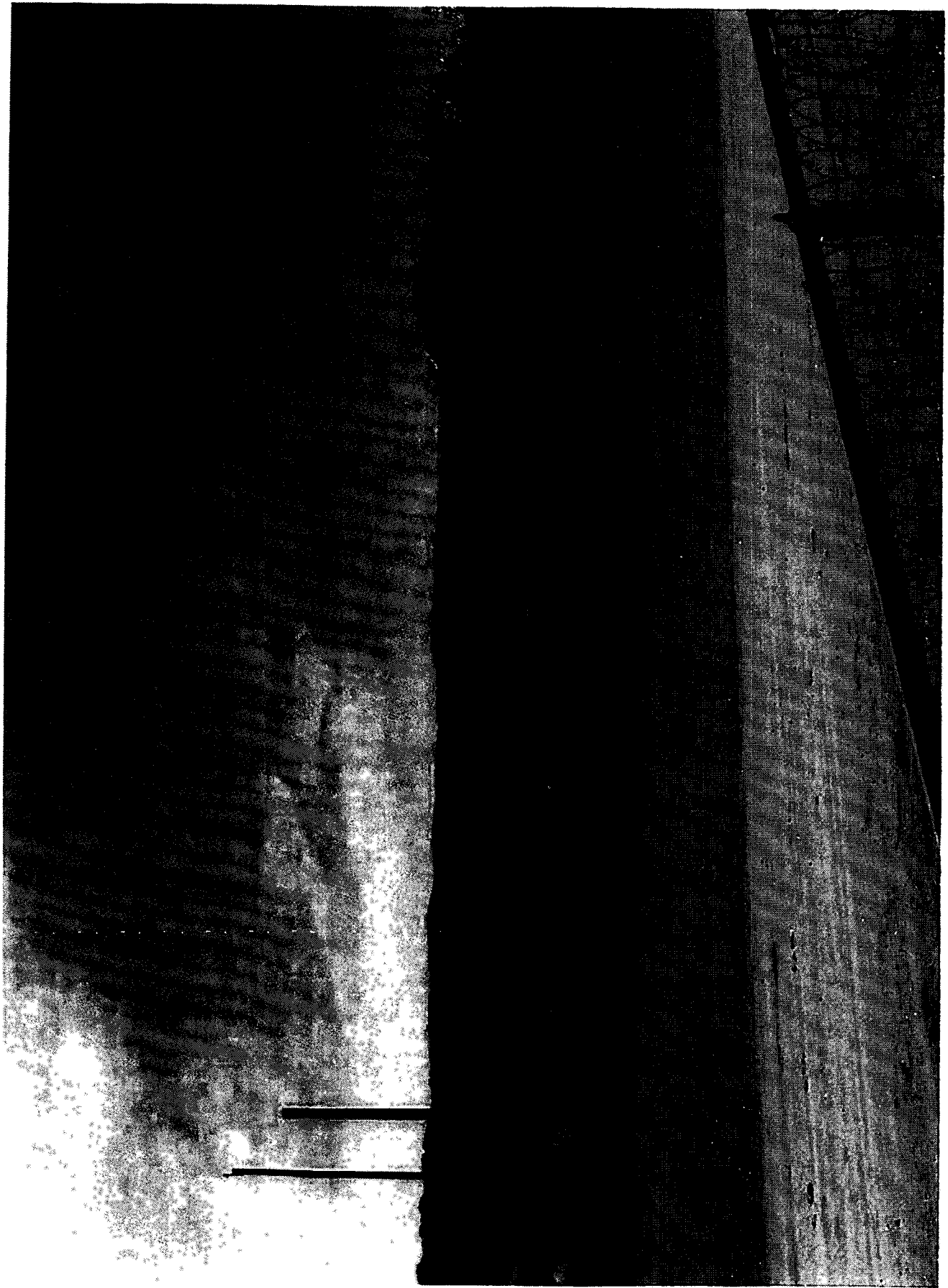


Exhibit 28



Exhibit 29



Exhibit 30



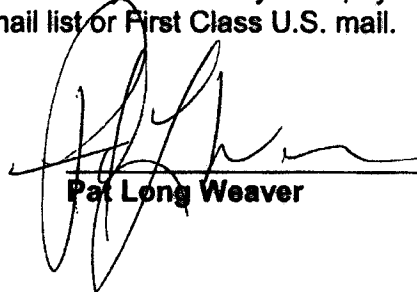
Exhibit 31



Exhibit 32

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the parties of record on this the 22nd day of January 2010, by notice by email transmission pursuant to the service by email list or First Class U.S. mail.



Pat Long Weaver