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SOAH NO. 473-10-1097  
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APPLICATION OF LCRA §  
TRANSMISSION SERVICES §  
CORPORATION TO AMEND ITS CCN §  
FOR THE GILLESPIE TO NEWTON 345 §  
KV CREZ TRANSMISSION LINE IN §  
GILLESPIE, LLANO, SAN SABA, §  
BURNET, AND LAMPASAS COUNTIES, §  
TEXAS

STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

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REBUTTAL TESTIMONY  
OF  
TOM VAN ZANDT

ON BEHALF OF  
YANCEY CREEK RANCH, L.P.

January 22, 2010

772

SOAH NO. 473-10-1097  
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APPLICATION OF LCRA	§	STATE OFFICE
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345 KV CREZ TRANSMISSION LINE	§	ADMINISTRATIVE HEARINGS
IN GILLESPIE, LLANO, SAN SABA,	§	
BURNET, AND LAMPASAS	§	
COUNTIES, TEXAS		

REBUTTAL TESTIMONY  
OF  
TOM VAN ZANDT

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I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Tom Van Zandt. My business address is 1504 West 5th Street  
Austin, TX 78703.

Q. ARE YOU THE SAME TOM VAN ZANDT WHOSE DIRECT TESTIMONY  
HAS BEEN FILED IN THIS PROCEEDING?

A. Yes.

Q. HOW HAVE YOU BEEN INVOLVED IN THE PROPOSED TRANSMISSION  
PROJECT THAT IS THE SUBJECT OF THIS PROCEEDING?

A. I was retained by Yancey Creek Ranch, L.P. to review and evaluate LCRA's  
Application and Environmental Assessment and Alternate Route Analysis ("EA")  
filed in connection with LCRA's application in this docket. My direct testimony  
has been filed in this proceeding.

II PURPOSE OF TESTIMONY

1  
2 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

3 A. The purpose of my testimony is to comment on the testimony of Mr. S. Alan  
4 Skinner, filed on behalf of Landowner's Preservation Group, Item No. 545.

5

6 Q. WAS YOUR TESTIMONY PREPARED BY YOU OR BY  
7 KNOWLEDGEABLE PERSONS UPON WHOSE EXPERTISE, JUDGMENT  
8 AND OPINIONS YOU RELY IN PERFORMING YOUR DUTIES?

9 A. Yes, they were.

10

11 Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY AND THE  
12 INFORMATION YOU ARE SPONSORING TRUE AND CORRECT TO THE  
13 BEST OF YOUR KNOWLEDGE AND BELIEF?

14 A. Yes, it is.

15

16 Q. WHAT IS THE SOURCE OF THE INFORMATION USED TO DEVELOP  
17 THIS TESTIMONY?

18 A. The principal source is the testimony of Mr. Skinner, supported by information I  
19 developed in preparing a Technical Report entitled "LCRA CREZ: Gillespie to  
20 Newton Transmission Line Project Environmental Review of LCRA Alignment  
21 selection Process with respect to Yancey Creek Ranch, L.P., Lampasas County,  
22 Texas," which was filed as Attachment TVZ-1 to my direct testimony. That  
23 supporting information included the EA prepared for the project by PBS&J,  
24 LCRA's application and routing maps, and other information typically used in  
25 preparing environmental assessments or alternatives analyses.

26

27 Q. IS THIS THE TYPE OF INFORMATION THAT EXPERTS IN THIS FIELD  
28 WOULD NORMALLY RELY UPON?

29 A. Yes.

30

1 III. FINDINGS

2 Q. WHAT ARE YOUR FINDINGS?

3 A. My review of Mr. Skinner's testimony indicates that he is testifying as an expert  
4 in environmental impact assessment and routing analysis on behalf of the  
5 Landowners Preservation Group, who share a common desire to construct the  
6 proposed transmission line using a northern route to enter the future Oncor  
7 Electric Delivery Company (Oncor) Newton Substation (Skinner, p. 4).  
8 Landowner Preservation Group appears to consist of numerous persons or entities  
9 who own property near the eastern terminus of LCRA TSC's preferred route,  
10 GN11. Specifically, Mr. Skinner recommends that LCRA TSC select GN5 as  
11 their preferred route, which includes Links C25, C31, and C31a. Link C25 would  
12 directly affect the Yancey Creek Ranch.

13  
14 Q. WHAT IS THE NATURE OF MR. SKINNER'S INVESTIGATION?

15 A. Mr. Skinner's analysis is focused on the eastern terminus of the Gillespie to  
16 Newton line, which includes links C26, C27, C28, and C30. He states, at page 5  
17 of his testimony, "Specifically, I performed a routing study for the terminus of the  
18 proposed project." He indicates that he has relied on information provided by  
19 LCRA TSC, including the Environmental Assessment (EA) prepared by LCRA's  
20 consultant, PBS&J. He also reviewed discovery responses filed in this  
21 proceeding, his own educational and environmental experience, and "an on-site  
22 investigation of the area."

23  
24 Q. HAVING REVIEWED MR. SKINNER'S TESTIMONY, WOULD YOU  
25 CHARACTERIZE THE MATERIAL PRESENTED AS A "ROUTING  
26 STUDY"?

27 A. No. From the information made available in his testimony, it appears that Mr.  
28 Skinner focused on the eastern end of the proposed transmission line, with  
29 particular attention to links C27, C28, C29, and C30, which are the links most  
30 affected by the intervenors he represents. There is no problem with clipping a

1       portion of the study area for a more detailed examination, as that is what I did in  
2       my own pre-filed testimony in this case. However, it is important that the  
3       alternative portions of the competing routes are fairly compared in an equivalent  
4       level of detail. There is no evidence that the links making up his recommended  
5       alternative (C25, C31, and C31A) at the eastern end of GN5 were subjected to  
6       anything like the same scrutiny that he gave the links along GN11. This uneven  
7       approach is not consistent with good practice in routing analysis or environmental  
8       impact assessment.

9  
10    Q.   WHAT IS MR. SKINNER'S PRIMARY CONCERN WITH LCRA TSC'S  
11       PREFERRED ROUTE?

12    A.   His testimony focuses on "inaccuracies in the Application and the EA relating to  
13       the number of habitable structures within 500 feet of the centerline, upon which  
14       LCRA TSC relied to select the preferred route GN11" (Skinner, p. 6). Mr.  
15       Skinner's review also addressed the other factors used in the EA to select a  
16       preferred route, "particularly community values and habitable structures within  
17       500 feet of the centerline" (Skinner, p. 6). He believes that the number of  
18       habitable structures within 500 feet "is an extremely important factor, if not the  
19       most important factor, to take into consideration when selecting a route or  
20       segment" (Skinner, p. 6) and, while the applicant need not be "perfect" in  
21       identifying structures within 500 feet, "missing structures that are within 500 feet  
22       that can clearly be seen by aerial photography, then that reflects on the quality of  
23       the routing analysis" (Skinner, p. 7). Mr. Skinner then goes on to identify 10  
24       habitable structures on links C27 and C30 which, based on his field investigation  
25       and information provided by his clients, were missed by the PBS&J EA. Three  
26       additional structures were found on Links C9 and Link C16, based on LCRA  
27       TSC's Second Errata. This brings the additional structures to 13, which added to  
28       the 40 identified in the EA amounts to a total of 53 structures for GN11, by Mr.  
29       Skinner's revised count, within 500 feet of the centerline.

1 Q. DOES MR. SKINNER TAKE INTO ACCOUNT THE ADDITIONAL  
2 CRITERION USED BY PBS&J, that of “newly affected” habitable structures,  
3 i.e., those not already within 500 feet of an existing transmission line?

4 A. No. Mr. Skinner notes that the existing lines used as the basis for the “newly  
5 affected” calculation are all in the 230 kV-or less category, for which only  
6 habitable structures within 300 feet of the centerline are considered in the routing  
7 analysis. Therefore, following the logic of the routing analysis rules, structures  
8 located between 300 feet and 500 feet from the centerline of the Gillespie to  
9 Newton alternatives are not “currently impacted” and should not be counted in  
10 this relatively recent criterion. Mr. Skinner concludes, “[t]hus, PBS&J’s  
11 methodology is flawed and should be disregarded” (Skinner, p. 16).

12

13 Q. WHY DOES MR. SKINNER THINK THAT GN5 IS A BETTER ROUTE  
14 THAN THE PREFERRED ROUTE SELECTED BY LCRA TSC, GN 11?

15 A. Mr. Skinner believes that the number of habitable structures within 500 feet of the  
16 route “is an extremely important factor, if not the most important factor, to take  
17 into consideration when selecting a route or segment” (Skinner, p. 6). Mr.  
18 Skinner identified 53 habitable structures within 500 feet of GN11 (by his revised  
19 count) compared with GN5’s 35 habitable structures within 500 feet (by the  
20 original EA count as amended by LCRA TSC’s Second Errata) Mr. Skinner  
21 concludes that, because GN5 has 18 fewer habitable structures than GN11 , GN5  
22 therefore should be considered the preferred route.

23

24 Q. DID MR. SKINNER PERFORM A DETAILED INVESTIGATION OF THE  
25 ACCURACY OF THE HABITABLE STRUCTURES COUNT ON ROUTE  
26 GN5 OR ANY OF ITS EASTERN LINKS SIMILAR TO THE ONE HE DID  
27 FOR GN 11 AND LINKS C27, C28, AND C30?

28 A. There is no indication in his testimony that he scrutinized the habitable structures  
29 count on GN5 or links C25, C31, or C24A to a similar degree of detail. He states  
30 that he made a field visit to the area along link C28 on December 21, 2009, and



1 received information, including photographs, from residents along links C27 and  
2 C30. There is no mention of any similar field investigation or contact with  
3 residents along C25, C31, or C31A, the eastern links of GN5. He also notes, in  
4 answer to the question "Did you focus your review on any links other than C27,  
5 C28, C29, and C30?": "My focus was primarily on those links" (Skinner, p.11).

6  
7 Q. IS THIS APPROACH CONSISTENT WITH GOOD ROUTE SELECTION OR  
8 IMPACT ASSESSMENT PRACTICE?

9 A. Mr. Skinner did not mention performing similar verification of the habitable  
10 structures counts on the competing routes. If this is the case, it is not consistent  
11 with standard practice of alternative route selection or impact assessment, which  
12 requires an equivalent level of data collection and analysis to ensure that the  
13 comparisons and resulting recommendations are fairly arrived at.

14  
15 Q. HAVE YOU PERFORMED ANY FIELD INVESTIGATIONS OR MADE  
16 OTHER ATTEMPTS TO INDEPENDENTLY VERIFY THE COUNT OF  
17 HABITABLE STRUCTURES ON GN11, GN5, OR ANY OTHER OF THE  
18 ALTERNATIVE ROUTES?

19 A. No, I have not.

20  
21 Q. WOULD YOU AGREE WITH MR. SKINNER WHEN HE SAYS, AS YOU  
22 QUOTED EARLIER, "MISSING STRUCTURES THAT ARE WITHIN 500  
23 FEET THAT CAN CLEARLY BE SEEN BY AERIAL PHOTOGRAPHY,  
24 THEN THAT REFLECTS ON THE QUALITY OF THE ROUTING  
25 ANALYSIS"?

26 A. Not necessarily. Doing route analysis over such a large study area largely by  
27 remote sensing techniques has a relatively high degree of difficulty. The  
28 challenge in counting dwellings, for example, is compounded by the frequent  
29 presence of obscuring vegetation and the difficulty in distinguishing habitable  
30 structures from other types of structures. The credibility of the method for doing

1 house counts, in my opinion, would depend on (1) the magnitude of variation  
2 between predicted and actual (once the count can be verified), and (2) whether the  
3 degree of variance between predicted and actual is more or less the same among  
4 all alternatives. In other words, if (1) the absolute variance is too great (say, by a  
5 factor of 80 or 100 percent), this would suggest that the method is too crude, and  
6 greater resolution should be achieved either photographically or through more  
7 ground-truthing. Or (2) if the variance between predicted and actual itself varies  
8 among alternative counts (say, if one alternative is off by 10 percent and two  
9 others are off by 50 percent), this could suggest a bias in the method, either  
10 unintended or intentional.

11  
12 Q. WOULD YOU AGREE WITH MR. SKINNER THAT AN ERROR OF 32.5  
13 PERCENT (53 VS. 40) IN THE COUNT OF HABITABLE STRUCTURES ON  
14 GN11 RENDERS SUSPECT THE PBS&J ASSESSMENT METHOD AND ITS  
15 RESULTS?

16 A. Not necessarily, again. As an absolute variance, I wouldn't say that 32.5 percent  
17 (less than a third) makes the habitable structures inventory less useful as an  
18 indicator for the PURA criterion of "community values", provided that a similar  
19 plus or minus factor is distributed more or less evenly among all alternative  
20 routes. Thus we have no way of knowing, short of ground truthing all  
21 alternatives.

22  
23 Q. WERE ANY ADDITIONAL HABITABLE STRUCTURES ADDED TO THE  
24 COUNT FOR GN5?

25 A. Mr. Skinner cites LCRA TSC's Second Errata to note that three additional  
26 dwellings were added to links C9 and C16, which he added to the total for GN11.  
27 He did not point out that C9 and C16 are also part of GN5, and that those same  
28 three dwellings would also be added to that alternative (Skinner, p. 11). Later in  
29 his testimony he did account for these three added habitable structures on GN5,

1 on Table 3, which shows the total for GN5 as 35, rather than the 32 shown in the  
2 EA.  
3

4 Q. DID YOU NOTICE ANY OTHER INCONSISTENCIES IN MR. SKINNER'S  
5 TESTIMONY?

6 A. One other point is probably worth mentioning. On page 11 of his testimony Mr.  
7 Skinner states that he has learned from other testimony of two additional habitable  
8 structures on link C29 that were not identified by the Applicant. He also notes  
9 that link C29 has a "substantial number of dwellings" for such a short link (28  
10 over 4.32 miles) (Skinner, p. 11). On page 17, he states that the "additional  
11 structures increase the number of habitable structures on line segments C27 by 6,  
12 on C29 by 2 and on C30 by 4, and in turn, increase the total number of habitable  
13 structures on routes that include segments C27, C29, and C30, such as the  
14 preferred route GN11 and GN6" (Skinner, p. 17). Although the wording is  
15 somewhat ambiguous, the inference that can be drawn is that GN11 includes link  
16 C29, which it does not. He repeats the error (less ambiguously) on page 18,  
17 where he states: "However, GN6 and GN11, like other routes containing C27,  
18 C29, and C30, are further distinguished as having a greater impact on habitable  
19 structures (and thus community values) to those not including segments C27,  
20 C28, C29 and C30" (Skinner, p. 18).  
21

22 Q. WOULD THE KNOWLEDGE THAT GN11 HAS 13 MORE HABITABLE  
23 STRUCTURES WITHIN 500 FEET OF THE CENTERLINE THAN WERE  
24 IDENTIFIED IN THE EA CHANGE YOUR FINDINGS WITH RESPECT TO  
25 THE APPROPRIATENESS OF THE LCRA TSC'S SELECTION OF GN11 AS  
26 THE PREFERRED ROUTE?

27 A. No. In my original testimony, I concluded that GN11 is a reasonable selection  
28 when considering the need to achieve a balance between human and natural  
29 resources routing criteria. An increase from 40 to 53 habitable structures along

1 the route changes the ranking of GN11, among all 11 alternatives, from 7<sup>th</sup> place  
2 to a tie for 7<sup>th</sup> place with GN8.  
3

4 Q. ARE THERE FACTORS OTHER THAN HABITABLE STRUCTURES THAT  
5 MR. SKINNER CITED IN RECOMMENDING GN5 AS PREFERABLE TO  
6 GN11?

7 A. Yes, he mentions other factors that fall under the "land use" category in LCRA  
8 TSC's routing criteria, including cemeteries, airports or landing strips, and the  
9 location of residential developments. He mentions two cemeteries crossed or  
10 within 300 feet of GN11, several homesteads that front Mesquite Creek, and a  
11 landing strip within close proximity.  
12

13 Q. DO ANY OF THESE FACTORS IN ANY WAY CHANGE YOUR OPINION  
14 THAT GN11 WOULD BE A MORE SUITABLE ROUTE THAN GN5.

15 A. No. In fact, another important environmental constraint that weighs against GN5  
16 -- one that Mr. Skinner did not mention -- is the Lampasas Airport, which is  
17 located perpendicular to and about 10,000 feet from link C31 of GN5. The  
18 distance between the FAA-registered airport and the GN5 alignment is about one-  
19 half the setback length identified in LCRA TSC's routing criteria.  
20

21 IV. CONCLUSION

22 Q. WHAT IS YOUR CONCLUSION?

23 A. Having reviewed Mr. Skinner's testimony and considered his recommendations in  
24 light of the LCRA TSC's EA and my previous analysis of the relative merits of  
25 the route alternatives, I find nothing that would cause me to alter the findings  
26 stated in my original testimony and Technical Report attached thereto. Those  
27 findings state that (1) with a few exceptions cited in the Technical Report, the  
28 route selection process appears to have been objectively and competently  
29 executed: (2) the selection of GN11 as the preferred alternative is reasonable  
30 when considering the need to achieve a balance between human and natural

1 resources routing criteria; and (3) the part of the analysis that focused more  
2 closely on a potential shift from the preferred route GN11 to a northern route  
3 around Lampasas (i.e., GN5) concluded that such modifications would have  
4 substantial adverse environmental impacts compared with the currently preferred  
5 alternative.

6

7 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

8 A. Yes, it does.

9