



Control Number: 37448



Item Number: 813

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

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

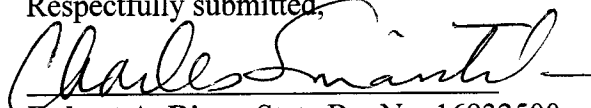
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**RESPONSE OF DAVID & SUSAN NANCE TO
LCRA TSC's 1ST RFI TO INTERVENORS**

On January 15, 2010, LCRA Transmission Services Corporation ("LCRA TSC") filed its First Request for Information to All Parties Listed in Attachment A.

The written responses of David and Susan Nance ("the Nances") to the requests for information are attached to this pleading. Such responses are made without waiver of the Nances' right to contest the admissibility of any such matters upon hearing. The Nances stipulate that their responses to the requests can be treated by all parties as if they were filed under oath.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on January 25, 2010, by facsimile, e-mail, or first-class mail.



Robert A. Rima

Charles Smaistrle

1-1. To the extent not explained in response to PUC Staff's 1st or 2d RFI, questions BA 1-4, 1-7, or 1-9, if your objection to any route proposed by LCRA TSC in this CCN application is based on an allegation that there is an adverse effect on your property, please list and describe in detail what you believe those adverse effects may be, and how your particular interest in the property may be affected. Please provide any documents that support your objection and allegations.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

Please refer to the prefiled direct testimony of David Nance.

We consider our property as a sacred awe-inspiring place. We have preserved the land.

A site visit to our property and interview would have revealed to LCRA TSC and PBS&J the actual land uses (*i.e.*, prime farmland), dedicated wildlife preservation areas, high-visual sensitivity areas, reserved areas with no disruption to the fragile habitats and sensitive environments, and high quality terrestrial ecosystems. Segment C8 of proposed route GN4 cuts through every one of these areas. Without a site visit to our property, LCRA TSC and PBS&J have not considered nor shown concern for the fragile habitats and sensitive environments that the planned route will go through. The Environmental Assessment (EA) does not mention federal species of concern, which in my opinion is an obvious error or omission.

Our ranch has multiple unobstructed views of Enchanted Rock State Natural Area (Enchanted Rock) and the beautiful Texas Hill Country. With elevation differences of over 500 feet across the property, we enjoy premier, exceptional views of the surrounding countryside. The aesthetic and high visual sensitivity of the property was the one of the major factors determining our original decision to purchase, invest in, and protect the property. One of the highest points of the property—which we have named “Inspiration Point” and which provides a 360-degree view—will be cut off from the rest of the property by 8-story towers and transmission lines. LCRA TSC and PBS&J did not properly consider and incorporate these premier, exceptional views into the planning of GN4. These views will be obstructed and effectively destroyed.

Our property is located within 2 miles of Enchanted Rock. It has a smaller scale of the same ecosystem, and it is equally significant in historic, geological, and biological consideration. We see bus loads of college students with geological professors from nearby universities every spring and fall in front of our property. Our property also has biological diversity equal to that found in the Enchanted Rock State Natural Area.

1-2. If your objection to any route proposed by LCRA TSC in this application is not based on an allegation that there is an adverse affect on your property, but to the community in general, please list and describe in detail what you believe those adverse effects may be, and how your particular interest in the property may be affected. Please provide any documents that support your objection and allegations.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

Please refer to the prefiled direct testimony of David Nance. The following quotes are from the book "Enchanted Rock" by Lance Allred, published last year by the University of Texas Press with the participation of University of Texas at Austin faculty members:

- "The Llano Region supplies critical clues in the story not only of the geological history of Texas but also for the development of the earth as a whole. Some rock exposures in the Llano Region are considered 'classic', attracting study and interpretation by geologist from around the world.
- "Enchanted Rock State Natural Area (SNA) is therefore extremely diverse from a biological perspective. The Edwards Plateau, Hill Country, Subtropics, Gulf of Mexico, Great Plains, Eastern Forest and Chihuahuan Desert all exert their influence.
- "The Tonkawa, Comanche and Apache all apparently believed Enchanted Rock to be a sacred place.
- "Central Texas, including Enchanted Rock, has been inhabited by people for at least the past 13,000 years. From Paleo-Indian peoples hunting post-Ice Age animals to various Prehistoric Native Americans to the Spanish, Mexicans, French, German, Anglo-Americans and others, the area has inspired awe, myth, lust for wealth and a desire to first conquer and control and now to preserve the land.
- "During the course of the year, I [Lance Allred] made a number of "first in the country" sightings for Llano and Gillespie counties, and they have been reported to the appropriate interested researchers. [This was in reference to plant species]."

1-3. Please list and produce all documents (including photographs) in your possession relevant to any claim that a route proposed by LCRA TSC in this docket may adversely affect your property or the community in general. To the extent that photographs are included in this response, please include a written indication of the location of the photo, time and date it was taken, person who took it, and what you believe the photo is intended to illustrate.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

There are no responsive documents.

1-4. Have you recorded any telephone conversations, conversations of any sort, or meetings with LCRA TSC representatives or other individuals involved with this project (e.g. contractors working for LCRA or LCRA TSC, other landowners, elected officials, etc.) without their knowledge? If so, please produce a copy of such recorded conversations or meetings.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

No.

1-5. Please list the names of any witness, expert or factual, who will testify on your behalf in this docket. For each such witness please provide the name and address of the witness, the subject matter of the testimony, any particular expertise the witness may have on any subject matter on which the witness will testify, and a brief summary of the subject matter the witness will address. If the witness is an expert witness, please provide in addition to the information sought above, a current resume and any associated bibliographies, as well as a list of cases or dockets in which the witness has previously testified.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

Fact witness: David Nance
19275 RR 965
PO Box 2506
Fredericksburg, TX 78624

Please see Prefiled Direct testimony of David Nance

David & Susan Nance have no expert witnesses.

1-6. Please answer the following:

- a. Please identify each meeting you, your client, group, entity you represent, or person(s) representing you or speaking on your behalf has had with each person or group of persons, including landowners, other intervenors, expert witnesses, community leaders, LCRA or LCRA TSC representatives, or governmental officials regarding the proposed transmission line.
- b. For each of the above meetings, please identify to the best of your knowledge and recollection the date of each meeting, person(s) involved, identification of the involvement of each person, group/company/agency/governmental organization, subject) of the discussions, and the location of each meeting.
- c. Please provide all documents, including notes and e-mail correspondence (see definition of "document" above) related in any way to such meetings.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

- a. Prehearing conference ordered by the SOAH ALJs.
- b. 12/3/09.
- c. There are no responsive documents.

1-7. Please provide a copy of any document that you may have in your possession dealing in any way with the proposed project. Documents include, but may not be limited to the following: email, presentations, letters, reports, memos, notes (including notes from meetings with LCRA personnel, telephone conferences with LCRA personnel or notes taken at LCRA TSC Open Houses), maps, photographs, studies. It is not necessary for you to provide copies of documents that have been provided to you by LCRA TSC.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

There are no responsive documents.

1-8. To the extent not provided in response to a previous LCRA TSC RFI or PUC Staff's 1st or 2d RFI, Questions BA 1-1, BA 1-4, BA 1-6, BA 1-7, or BA 1-9, please provide a map clearly depicting your property that may be potentially affected by the proposed project. Include on the map locations of houses, barns, and any other improvements.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

Please see attached map.

1-9. To the extent an alternate route or routes you indicated that you "prefer" in response to Kane-Glensprings Ranch, Ltd.'s 1st RFI Question 1-1 does not represent a satisfactory solution to any concerns you have in this docket, what do you propose as a solution to your concerns in this docket? In other words, what end result in this docket would be satisfactory to you, your client, group, business, or other associated interest?

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

We prefer that the selected route of the transmission line not be within Enchanted Rock's foreground-middleground visual zone which, if properly defined as 3-5 miles, would exclude Link C8. The transmission line should be no closer to Enchanted Rock than the background visual zone, or between 5 and 15 miles.

1-10. To the extent not previously identified in response to Staff's 1st or 2d RFI to intervenors in this docket or in response to previous RFIs in this set of Questions (LCRA TSC's 1st RFI to Intervenor), please explain any legal or factual impediments you contend will limit the use or paralleling by LCRA TSC of any existing transmission line easement on your property. (If you have no existing transmission line easements on your property, please indicate "Not Applicable").

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

Please refer to the direct testimony of David Nance. The Atmos gas pipeline runs across our property. It was known to us before we purchased the land and was acceptable to us because it had been there for over 25 years and the fragile habitats, sensitive environments, and high-quality terrestrial ecosystems had recovered and re-established themselves. The wildlife has fully adjusted as well.

Another 160 feet of ROW adjacent to the 100-foot pipeline ROW will take out diverse plants and wildlife habitat. The resulting 260-foot clear-cut swath will drastically and permanently change the land we have tried to preserve for both man and animals. We fear that some members of the fragile habitat and sensitive environments will not cross a 260-foot clear-cut swath. The transmission line would set back all recovery efforts of the last 25 years. The result would be an obvious misapplication of the rule encouraging utilities to parallel existing ROWs.

1-11. To the extent not previously provided in response to Staff's 1st or 2nd RFI or previously in response to this LCRA TSC's 1st RFI, please provide:

- a. Copies of any document provided by you or persons acting on your behalf to any federal, state or local governmental entity or agency.
- b. Copies of any document provided to you or persons acting on your behalf to any federal, state or local governmental entity or agency.

As in response to Question No. 1-7 above, it is not necessary for you to provide copies of documents that have been provided to you by LCRA TSC.

Response: This response was prepared by or under the direct supervision of David Nance, who is the sponsoring witness.

- a. There are no responsive documents.
- b. There are no responsive documents.

