



Control Number: 37956



Item Number: 144

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SOAH DOCKET NO. 473-10-4106
PUC DOCKET NO. 37956

APPLICATION OF CROSS § BEFORE THE STATE OFFICE
TEXAS TRANSMISSION LLC §
TO OBTAIN OR AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR A § OF
PROPOSED CREZ 345-KV §
TRANSMISSION LINE IN GRAY, §
WHEELER, DONLEY, §
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KADE LEGETT MATTHEWS ROYALTY TRUST'S RESPONSE TO COMMISSION
STAFF'S FIRST SET OF REQUEST FOR INFORMATION AND FIRST SET OF
REQUESTS FOR ADMISSION TO ALL INTEVENORS

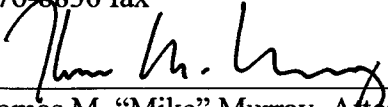
NOW COMES, the Kade Legett Matthews Royalty Trust (referred to herein as "Inteviewer"), and files this, its Responses to Commissions Staff's First Set of Requests for Information to All Inteviewers. This Response is timely filed. Inteviewer agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

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Respectfully submitted,

McMAHON SUROVIK SUTTLE, P.C.
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Abilene, Texas 79601
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By: _____


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Attorneys for the Kade Legett Matthews Royalty
Trust; the Kade Legett Matthews Revocable Trust No. 1
and Kade Legett Matthews, Individually

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of June, 2010, a true and correct copy of the foregoing document is being served via email, facsimile, U.S. mail and/or hand delivery to all parties of record.


Thomas M. "Mike" Murray

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Question Staff 1-1: Do you have a habitable structure, as defined by P.U.C. SUBST. R. 25.101(a)(3), near one or more of the segments of the proposed transmission line? If so, describe the structure, identify the segment(s) and estimate how far the segments are from the habitable structure. P.U.C. SUBST. R. 25.101(a)(3) defines "habitable structures" as follows: "Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to, single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools."

Response: Yes, there are several habitable structures located on lands owned by Intervenor. These structures include the ranch headquarters, out buildings associated with the ranch headquarters and a cabin. These habitable structures are located approximately one mile west of Link K.

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Question Staff 1-2: Does one or more of the segments of the proposed transmission line cross your property? If so, identify the segments and any features including but not limited to a property line, pipeline, power line or road that the segments follow through your property.

Response: Yes, Links C, K and L cross Intervenor's property. Link L passes through a small portion of Intervenor's property and appears to roughly parallel an existing road near the northeastern property line of Intervenor's property. Link C passes west to east through Intervenor's property along Interstate 40 before veering to the southeast. As Link C veers to the southeast, Link C appears to parallel existing oil and gas transmission line. Link K crosses through the eastern portion of the Intervenor's property. Link K generally does not parallel any existing features located on the property. Link K appears to be built atop a ridge line generally progressing north to south through Intervenor's property.

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Question Staff 1-3: Do any existing transmission or distribution lines cross your property? If so, please describe how and where they cross your property.

Response: There are small distribution lines that service the improvements located on Intervenor's property. These distribution lines service numerous oil and gas facilities located on the subject property which are located generally north of Interstate 40. Additionally, the distribution lines that service the rest areas located on Interstate 40 pass through or are adjacent to the subject property. The location of these lines cannot be seen on the maps provided by the Applicant.

An existing 115Kv line passes along the northern boundary of Intervenor's property and crosses the far northeastern portion of the subject property for approximately one-half mile.

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Question Staff 1-4: Are any existing transmission or distribution lines visible from your property? If so, please describe from where the lines are visible, approximately how far away the lines are located and how the current lines affect your property, if at all.

Response: There is an existing 115 Kv line that passes adjacent to the northern boundary of Intervenor's property.

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Question Staff 1-5: Do you currently have any windmills located on your property? If so, please describe the location of the windmills and how many are located on your property.

Response: Objection. This question is vague and ambiguous and lacks an adequate definition of the term "windmill."

Subject to the foregoing objection, if the term "windmill" is intended to refer to wind turbines for the purposes of generating electricity, the answer is there are no such "windmills" located on the subject property. At the present time, there is no intention of leasing the subject property for wind energy development. If the term "windmill" is intended to refer to wind powered water pumps, the answer is yes. There are approximately 20 such "windmills" located on the subject property and approximately 5 of such "windmills" are located near the proposed transmission line routes.

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Question Staff 1-6: Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from Cross Texas? If so, please identify the landowner and describe as best possible the location of the property affected. A directly affected landowner is any landowner from which Cross Texas would need to obtain an easement or other property interest if it built the transmission line using one or more of the segments of the proposed transmission line, or whose land contains a habitable structure that is within 500 feet of the centerline of one or more of the segments of the proposed transmission line.

Response: No.

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Question Staff 1-7: Have you discussed any modifications to the proposed transmission line route on your property with a representative of Cross Texas? If so, what were the modifications to the proposed route that you suggested and what was the response of Cross Texas?

Response: No specific modification to the proposed transmission line has been discussed with Cross Texas. Intervenor has discussed whether Cross Texas will be willing to consider a modification of Link K to alleviate the impact of the proposed line on the subject property. Intervenor expects to have future discussions with Cross Texas concerning the possibility of relocating link K on Intervenor's property.

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Question Staff 1-8: What are your specific concerns about the proposed transmission line?

Response: If the proposed transmission line is to cross Intervenor's property, the line should be located, designed and constructed in such a manner as to minimize the impact on the subject property. Among the concerns are the effect the line will have on aerial brush management, prescribed burns and other ranching operations. The line should be located and constructed in such a manner as minimize the damage to the aesthetics of the subject property and to minimize the effect on the property values.

Based on the forgoing, any route using Link C is opposed. Link C would run west to east through Intervenor's property for several miles. Link C would roughly parallel Interstate 40 and would be visible throughout the ranch. As Link C veers southeast through the property, it would bisect large portions of the ranch and interfere with the ranching operations. Link C passes through some difficult and rough terrain, making access to the proposed location difficult. Building pad locations and clearing easement in the rough terrain could lead to erosion. Further, the rough terrain in the area of proposed Link C would make access through the property difficult.

Intervenor does not oppose either the preferred route or other routes involving Link K. Routes using Link K have less impact on the existing ranch operations. Link K is generally located closer to the eastern boundaries of the property and there may be a configuration of Link K which will reduce the visual impact on the property.

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Question Staff 1-9: Did you attend any open houses presented by Cross Texas concerning this proposed transmission line? If so, when and where? Did you provide written comments to Cross Texas at or after the open house? If so, please provide them.

Response: Kade Matthews, Co-Trustee of the Kade Legett Matthews Royalty Trust, attended an open house in Wellington, Texas. Mr. Matthews cannot recall whether he provided written comments to Cross Texas.

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Question Staff 1-10: Are your property boundaries for the property you own represented accurately on the maps provided by the Cross Texas in its Application? If not, please explain any discrepancies and provide a modified Cross Texas map or drawing to indicate the discrepancies. See Attachment J of the Application, or online versions of the maps can be viewed at <http://www.crosstexas.com/maps.htm> and <http://www.crosstexas.com/GravTeslaMAP.htm>. In addition, Cross Texas has provided hard copies of these maps at each location where its Application is available for public review (such locations are listed in Cross Texas's notice).

Response: The Kade Legett Matthews Royalty Trust owns approximately 20,820.96 acres. While the property boundaries depicted on the Cross Texas maps are generally correct, Cross Texas appears to have misidentified the ownership of certain parcels. Cross Texas appears to show that Intervenor owns all of what is identified as Tract 19.1 on its constraint map. However, Intervenor owns approximately only 40 acres in Tract 19.1 and the property is located southwest of CR 291.

Also, Cross Texas has identified Tract 740 as belonging to the Kade Legett Matthews Revocable trust No. 1. However, Tract 740 is owned by Intervenor. Additionally, Cross Texas has misidentified several parcels identified as Tract 20, lying north of Interstate 40 as belonging to Kade Legett Matthews individually. The parcels identified as Tract 20 north of Interstate 40 belong to Intervenor.

Attached as Exhibit A is a map of the ranch with the property owned by the Kade Legett Matthews Royalty Trust outlined.

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Question Staff 1-11: What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line?

Response: Intervenor's property is used primarily as a working cattle ranch, livestock production, wildlife management and recreation. The impact will be lessened if the line is located in the eastern portion of Intervenor's property, closer to the eastern property line.

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Question Staff 1-12: 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: The unique features of Intervenor's property include unobstructed views and open-space aesthetics. These views are becoming more and more rare in Texas and we value these open space characteristics and wish to preserve them for future generations. Siting the proposed line toward the eastern boundary of the subject property will help protect out scenic views and preserve the open space characteristics of the property.

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Question Staff 1-13: Please identify all persons with an ownership interest in your property and describe the nature and amount of their interest.

Response: The Kade Legett Matthews Royalty Trust is the owner of approximately 20,820.96 acres referred to as the Johnson Ranch (10,703.21 acres) and the Griffin-Edwards Ranch (10,117.745 acres). These properties adjoin other properties under common control which comprise the entirety of the Matthews Ranch. The trustees of the Kade Legett Matthews Royalty Trust are: Kade Legett Matthews, First Financial Trust & Asset Management Company, N.A. and Joseph Beck Matthews. The mineral estate is severed from the surface estate and is owned by third parties.

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Question Staff 1-14: If the transmission line is routed on your property, please identify specifically the location that you would prefer for the right-of-way of the line. Use a map to show the location. See Attachment J of the Application, or online versions of the maps can be viewed at <http://www.crosstexas.com/maps.htm> and <http://www.crosstexas.com/GrayTeslaMAP.htm>. In addition, Cross Texas has provided hard copies of these maps at each location where its Application is available for public review (such locations are listed in Cross Texas's notice).

Response: Intervenor prefers Cross Texas' preferred route over route No. 26, using Link C, but would rather the preferred route be modified to run closer to the eastern property line as indicated on the attached Exhibit B.

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Admission Staff RFA 1-1: Admit or deny that you do not own or reside in a habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket.

Response: Admit.

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Admission Staff RFA 1-2: Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the maps provided by the Cross Texas.

Response: Deny.

[illegible]

