



Control Number: 37956



Item Number: 196

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

RECEIVED

APPLICATION OF CROSS  
TEXAS TRANSMISSION LLC  
TO OBTAIN OR AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR A  
PROPOSED CREZ 345-KV  
TRANSMISSION LINE IN GRAY,  
WHEELER, DONLEY,  
COLLINGSWORTH, HALL AND/OR  
CHILDRESS COUNTIES, TEXAS

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BEFORE THE STATE OFFICE PH 1:59

PUBLIC UTILITY COMMISSION  
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

PRE-FILED DIRECT TESTIMONY OF  
KADE LEGETT MATTHEWS

Q 1: Please state your name and residence address.

A: Kade Legett Matthews and my physical address is 222 Sully, Clarendon, Donley County, Texas 79226.

Q 2: Is your mailing address different?

A: Yes, my mailing address is P.O. Box 1170, Clarendon, Texas, 79226

Q 3: How long have you lived on the property we will discuss today?

A: I have had a home located on the property since 1985.

Q 4: How old are you?

A: I am 52 years old.

Q 5: Are you married, and if so, to whom?

A: Yes, I am married to Christine Craft Matthews.

Q 6: Do you have children?

A: Yes, I have three children: Margaret Matthews, Meredith Matthews and Watt Reynolds Matthews.

Q 7: What is the Matthews Ranch?

A: This is our family ranch in Gray and Donley Counties, Texas. It is approximately 62,000 acres.

Q 8: What capacity are you testifying in today?

A: I am testifying for myself and as Co-Trustee of the Kade Legett Matthews Royalty Trust. I am also testifying on behalf of the Kade Legett Matthews Revocable Trust No. 1, as the life beneficiary of the trust.

Q 9: Who holds legal title to the ranch?

A: Title to the Matthews Ranch is held by: Kade Legett Matthews, Kade Legett Matthews Royalty Trust ("Royalty Trust"), and the Kade Legett Matthews Revocable Trust No. 1 ("Revocable Trust"). Individually I own approximately 17,652 acres, known as the Griffin Ranch. The Kade Legett Matthews Royalty Trust owns approximately 20,826 acres known as the Johnson Ranch (10,703.21 acres) and the Griffin-Edwards Ranch (10,117.745 acres) (collectively "the Royalty Trust Property"). The Kade Legett Matthews Revocable Trust No. 1 owns approximately 24,679.42 acres known as the Clarendon Ranch (the "Revocable Trust Property"). Together, the Clarendon Ranch, the Johnson Ranch, the Griffin-Edwards Ranch and the Griffin Ranch comprise the 62,000 acre Matthews Ranch.

Q 10: Who are the other trustees of the Royalty Trust?

A: First Financial Trust & Asset Management Co., N.A. and Joseph Beck Matthews are the other co-trustees of the Royalty Trust.

Q 11: Do you have authority to testify on behalf of the Royalty Trust?

A: Yes.

Q 12: Who are the beneficiaries of the Royalty Trust?

A: I am the life beneficiary. The remainder beneficiaries are my children.

Q 13: For the sake of simplicity, can I refer to the land owned by yourself, the Royalty Trust and the Revocable Trust as "the Ranch" or the "Matthews Ranch"?

A: Yes.

Q 14: Are you a directly affected landowner?

A: Yes the Matthews Ranch is affected by Links C, K, L and T, which are component parts of Routes 26, 165, 170, 172, 177, 180, 189, 194, 210, 215, 217, 222, 225, 227, 232, 235 and 238. Specifically, the Royalty Trust is affected by Links C, K, and L and their involved routes. I am affected personally by Links C, K and T and their involved routes. The Revocable Trust is affected by Link T.

Q 15: How long have you owned the ranch?

A: The Revocable Trust purchased the Clarendon Ranch in 1976. The Royalty Trust first began acquiring acreage in 1994. I began purchasing acreage in 1994 as well.

Q 16: Is the Matthews ranch a working ranch?

A: Yes.

Q 17: Please describe the cattle operation and the personnel involved.

A: I personally own approximately 700 mother cows. I also have an additional 3,000 yearling cows stocked on the property which are owned by a third party that compensates me based on the weight gained by the yearlings. The yearlings are generally on the ranch from November through September of each year.

I employ three full-time cowboys, each responsible for approximately 20,000 acres. Until recently I also employed a heavy equipment operator. The heavy equipment operator retired in January 2010, but continues to work part-time on the ranch as needed. The ranch also employs day workers and neighbors to assist with ranching operations during the spring and fall.

Q 18: Would the construction of the proposed transmission line interfere with your cattle operation?

A: As currently proposed, the line would interfere with ranching operations because of its proximity to improvements on the ranch. We have several ranch pens that appear to be directly in the path of the preferred route. But, if long the line were situated in such a manner as to minimize the impact on the ranch, it would likely not impact the ranching operations.

Q 19: In addition to cattle, what other ranching operations occur on the ranch?

A: In addition to the cattle operations, we also maintain a small horse breeding operation on the ranch. We raise future ranch horses to be used on the ranch and sell the horses to third parties.

Q 20: Where is the horse breeding operation located?

A: The horse breeding operation is located on the Clarendon Ranch which is the portion of the ranch owned by the Revocable Trust.

Q 21: Are you experienced with raising and breeding horses?

A: Yes. I have been around horses my entire life.

- Q 22: Having spent such a great deal of time around horses, in your view, are horses more sensitive to electricity than other animals such as cattle?
- A: Yes. Based on my experience with horses, I would say they act and react differently around electricity than other animals. From my observations, I'd say electricity seems to bother horses more so than other animals.
- Q 23: Would the proposed line interfere with your horse breeding operation?
- A: Yes, I believe it could in its present configuration.
- Q 24: Do you also use the ranch for hunting or other wildlife activities?
- A: Yes. We have taken great measures to preserve the wildlife and their habitat on our ranch. We use proven range-management techniques in order to have successful wildlife growth in combination with our ranching operation. Guided hunters are allowed to harvest ten bucks each year. All of the bucks are aged and no animal is harvested under five years of age. I receive small compensation for the hunts but they are intended more for management than for income. I occasionally allow family and friends to hunt coyotes and birds on the ranch, as well as fish. I am extremely selective of who uses the ranch.
- Q 25: What types of game and wildlife do you have on the ranch?
- A: The ranch is home to an abundance of native wildlife, including but limited to white-tailed deer, quail, Rio Grande turkey, coyote, bobcat, mountain lion, porcupine, dove, mule deer, badger, rabbits, armadillo, pronghorn antelope, raccoons, skunks, snakes, and numerous species birds and waterfowl and other raptors including hawks, owls and bald eagles.
- Q 26: To the best of your knowledge is the ranch suitable habitat for any endangered species?
- A: No, not really.
- Q 27: What about the Lessor Prairie Chicken? Do you know if they are found on the Ranch?
- A: I have seen a few Lesser Prairie Chickens. But it has been about three years since I last saw one. Coyotes, hawks, raccoons and other predators seem to take care of them.
- Q 28: Are you aware of the concerns expressed by Texas Parks & Wildlife Department and the United States Fish & Wildlife Service's concerning the impact Link K may have on the Lessor Prairie Chicken?
- A: Yes.
- Q 29: Do you share the Texas Parks & Wildlife Service/United States Fish & Wildlife Service concerns about the potential impact on the Lessor Prairie Chicken if Link K is used?

A: No. From what I understand of the Lessor Prairie Chicken habitat, Link K, as it passes through the ranch, is not generally considered high quality habitat. That portion of the ranch is more rough and brush covered than Link C. Link C generally passes through more open land than does Link K.

Q 30: Please describe the history of your use of the ranch and the nature and frequency of your current use.

A: I first began acquiring the ranch in 1976, when the lands now owned by the Revocable Trust purchased. And, I continue to grow the Ranch. I am involved in every aspect of the management and operation of the Ranch.

Q 31: Please describe the nature of improvements to the Ranch. Include any residences, outbuilding, barns, cross fences, and other similar improvements.

A: The Ranch is considered very well improved. There are two houses located on the Johnson Ranch on lands owned by the Royalty Trust north of Interstate 40. These are located approximately one mile from Link K. There are four houses, including the main ranch house, located on the Clarendon Ranch. There are also two houses located on the Griffin Ranch. The proposed line would be visible from all of these houses if the location is not moved.

Other improvements on the ranch include barns and related outbuildings, windmills, corrals, a dam, pens and other similar improvements. The ranch has several miles of cross fences separating various pastures and grazing areas. Most of the fences are considered relatively "new," having been replaced since 1976. Many of the crosses fences will have to be cut to make way for the proposed transmission line. New pens have been built or rebuilt. There are three large sets of pens and two small sets of pens on the Johnson Ranch. There four large sets of pens and three small sets of pens on the Clarendon Ranch. There are also sets of cattle scales located on the Griffin and Johnson Ranches. There are two sets of cattle scales located on the Clarendon Ranch.

Many fishing ponds have been constructed throughout the entire ranch. We have along also developed a conservation erosion control program. There is a brush control program now in motion.

Q 32: Is it fair to say that the ranch is more than just a recreational and hunting ranch.

A: Yes, the ranch is truly a working cattle ranch.

Q 33: Are you a party to the above-captioned proceeding?

A: Yes.

Q 34: What is the purpose of your participation in this proceeding?

A: I joined the proceeding to oppose the possibility of a route that includes Link C.

Q 35: Why are you opposed to routes using Link C?

A: Route 26, which uses Link C, enters the land owned by the Royalty Trust from the west and follows Interstate 40 through the ranch. Link C leaves Interstate 40 and veers southeast and cuts through my individual land until it intersects with Link T. Link C would be visible from just about every portion of the ranch as it winds along Interstate 40. A portion of the land adjacent to Interstate 40 is extremely rough and access through that area will be difficult. Due to the difficult terrain I am concerned about the possibility of erosion. Also, Link C passes closest to the McClellan Creek National Grasslands Park and would be visible from a portion of the park.

As Link C veers southeast across my individual property, it cuts diagonally through the property, bisecting the ranch. As Link C turns southwest, it will be visible through the southern portion of the ranch.

Q 36: Are you familiar with the factors that the Public Utility Commission will consider in ruling on the application to obtain the CCN for the CREZ Transmission Line?

A: Yes.

Q 37: What are they?

A:

- The effect of approving the application on the applicant and any utility serving the proximate area;
- Whether the route utilizes existing compatible rights-of-way, including the use of vacant positions on existing multiple-circuit transmission lines;
- Whether the route parallels existing compatible rights-of-way;
- Whether the route parallels property lines or their natural or cultural features;
- Whether the route conforms with the policy of prudent avoidance (which is defined as the limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort); and
- Other factors such as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in the area.

Q 38: The last criteria stated above reads “[O]ther factors such as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in the area.” How would a route involving Link C crossing your property violate this last stated criteria?

A: As I indicated above, Link C passes close to McClellan Creek National Grassland Park and would be visible from the park. Also, because Link C follows Interstate 40 from west to east through the ranch, it would be visible along Interstate 40 several miles.

Q 39: Although you oppose Route 26 using Link C, are you opposed to the proposed transmission line crossing the ranch?

A: Yes. My preference would be that the line be routed elsewhere and avoid the ranch altogether.

Q 40: But, if the proposed line has to cross the ranch, is there a configuration of the line that you can support?

A: Yes.

Q 41: Can you please describe the configuration that you can support or that you prefer?

A: My preferred configuration is a close derivation of Cross Texas' preferred route. Basically, once Link K enters the Royalty Trust Property north of Interstate 40 (Tract 20, just south of Tract 21), I would propose that Cross Texas shift the preferred route (Links K and T) approximately one mile to the east and then run the line in a straight line south until it reaches the southern end of the Revocable Trust Property along CR H. I would then propose the line turn east and parallel CR H until it intersects with Link T where Link T exits the Revocable Trust Property.

Q 42: Do you have a visual depiction of the proposed modification to the preferred route?

A: Yes. A visual depiction of the proposed modification is attached as Exhibit A.

Q 43: Does this proposed modification affect any other landowners?

A: Yes. The modified configuration would affect the property owned by Bryan and Kelly Byron, the Revocable Trust and possibly another landowner when the line is moved off their property.

Q 44: Why do you prefer this configuration?

A: This configuration of the preferred route would have the least impact on the Matthews Ranch. The proposed modified configuration would shift the line eastward approximately one mile, bringing the line closer to the eastern boundary of the ranch. This shifts the proposed line off of a ridge running north to south through the ranch and makes the line less visible from the rest of the ranch. Also, by shifting the line eastward as proposed, it averts several sets of cattle pens located on Links K and near the intersection of Links C/K/T. Because the existing proposed Links K and T would affect the cattle pens on Links K and T, it would have a lesser impact on the ranching operations.

Q 45: Are there any other advantages that you can see to this configuration?

A: By moving Links K and T as I have proposed, the line would run in a straight line through the eastern portion of the ranch, alleviating the need for more angle structures. Since



Cross Texas proposes to use lattice structures only for angles, this could reduce the number of lattice structures used on the ranch. Also, the proposed configuration would move the line west slightly along Link T. By moving the Link T west to parallel the property lines on my individual property and the property of the Revocable Trust, it would move the proposed line away from the Byron home and away from another habitable structure located on Link T.

Q 46: Have you discussed this proposal with Cross Texas?

A: Yes, this modification has been proposed, through my counsel.

Q 47: Please summarize your position regarding the routing of the proposed Cross Texas transmission line.

A: I oppose the selection of the preferred route or any of the alternate routes, using Links C, K, L and T. In the event that a route is selected which crosses the Matthews Ranch, the preferred route or alternate routes using Links K and T, modified as I have suggested, are preferable to Route 26, which uses Link C. The Matthews Ranch is largely the only affected property impacted by the modification I proposed in my earlier testimony. And, where other property owners may be affected, the proposed modification would result in the line affecting fewer habitable structures, since the line would be away from the habitable structures and onto the ranch.

Q 48: Does this conclude your direct testimony?

A: Yes.

Respectfully submitted,

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and Kade Legett Matthews, Individually

**VERIFICATION**

STATE OF TEXAS

COUNTY OF

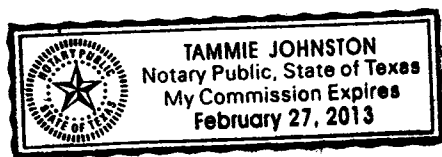
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BEFORE ME, the undersigned authority, personally appeared Kade Legett Matthews,  
who stated, upon oath, that the statements made in the foregoing instrument are true and correct.

\_\_\_\_\_  
Kade Legett Matthews

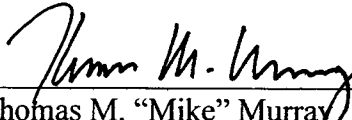
SUBSCRIBED AND SWORN TO BEFORE ME on June 25, 2010, by Kade Legett  
Matthews.



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Notary Public, State of Texas

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be served on all parties of record on this  
1 day of July, 2010, by facsimile, email or U.S. mail where appropriate.

  
\_\_\_\_\_  
Thomas M. "Mike" Murray

