



Control Number: 38140



Item Number: 908

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4109  
PUC DOCKET NO. 38140

FILED  
JUL 12 PM 3:19  
PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF ONCOR	§	BEFORE THE
ELECTRIC DELIVERY COMPANY,	§	
LLC TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	PUBLIC UTILITY COMMISSION
THE RILEY-KRUM WEST 345-KV CREZ	§	
TRANSMISSION LINE (FORMERLY	§	
OKLAUNION TO WEST KRUM) IN	§	
ARCHER, CLAY, COOKE, DENTON,	§	OF TEXAS
JACK, MONTAGUE, WICHITA,	§	
WILBARGER, AND WISE COUNTIES	§	

DIRECT TESTIMONY OF

STAN KIMBELL

ON BEHALF OF  
KIMBELL INVESTMENTS, LTD.,  
RUTH A. KIMBELL TRUSTS, and  
MILDRED BOHNER ESTATE

July 12, 2010

908

SOAH DOCKET NO. 473-10-4109  
PUC DOCKET NO. 38140

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RILEY-KRUM WEST  
345-KV CREZ TRANSMISSION LINE (FORMERLY OKLAUNION TO WEST KRUM) IN  
ARCHER, CLAY, COOKE, DENTON, JACK, MONTAGUE, WICHITA, WILBARGER, AND  
WISE COUNTIES

DIRECT TESTIMONY OF STAN KIMBELL

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND .....	3
II.	PURPOSE OF TESTIMONY .....	4
III.	DESCRIPTION AND HISTORY OF ARROWHEAD RANCH.....	4
IV.	ONCOR'S APPLICATION AND KIMBELL INVESTMENT'S POSITION.....	5
V.	IMPACT OF CURRENT SEGMENT OF J1 ON ARROWHEAD RANCH.....	6
VI.	PROPOSED MODIFICATION TO J1 AND CONCLUSION.....	7

1 I. INTRODUCTION AND BACKGROUND

2  
3 Q: PLEASE STATE YOUR NAME AND ADDRESS.

4  
5 A: My name is Stan Kimbell. I currently reside at 632 FM 1954, Wichita Falls, Texas.  
6 My home is next to the Kimbell Arrowhead Ranch.  
7

8 Q: ARE YOU AN INTERVENOR IN THE CCN PROCEEDING REFERENCED IN  
9 THE STYLE OF THIS CASE?  
10

11 A: I am the general manager of the Kimbell Ranches, which include the Kimbell  
12 Arrowhead Ranch ("Arrowhead Ranch") and several others. The owners of the  
13 Arrowhead Ranch are Kimbell Investments, Ltd., Ruth A. Kimbell Trusts and the  
14 Mildred Bohner Estate. These three owners are Intervenor in this proceeding.  
15

16 Q: ON WHOSE BEHALF ARE YOU TESTIFYING?  
17

18 A: I am testifying on behalf of the three owners of the Arrowhead Ranch. As I stated  
19 above, I am the general manager of Kimbell Ranches based in Wichita Falls, Texas.  
20 We operate approximately 36,000 acres in North Texas and Southern Oklahoma. The  
21 Arrowhead Ranch is our largest Texas property and is comprised of 2,500 acres of  
22 mesquite flats and thick riparian habitat in Clay County, Texas.  
23

24 Q: IS THE INFORMATION CONTAINED IN YOUR TESTIMONY TRUE AND  
25 CORRECT TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?  
26

27 A: Yes, it is.  
28

29 Q. PLEASE GIVE US A BRIEF DESCRIPTION OF YOUR EDUCATIONAL  
30 BACKGROUND AND YOUR CURRENT EMPLOYMENT.  
31

32 A: I earned my Bachelor of Science degree in 1982 from the University of Oklahoma  
33 and then got a degree in Ranch Management from Texas Christian University in  
34 1983. For almost 30 years, I have managed Kimbell Ranches in some capacity and,  
35 during that time, have made conservation of the wildlife habitat a top priority. To  
36 that end, I have worked with Texas Parks and Wildlife Department and the Samuel  
37 Roberts Noble Foundation year after year to gain guidance and expertise on Wildlife  
38 and Habitat Management. The Oklahoma Department of Wildlife Conservation  
39 named me the "Landowner of the Year" in 2004 for keeping wildlife considerations  
40 as a top priority in my land-management decisions. And in 2005, the International  
41 Association of Fish and Wildlife Agencies awarded me the prestigious "Landowner  
42 Stewardship Award," an award given annually to someone who has made a  
43 significant and positive conservation impact on a large area of privately-owned land.  
44  
45  
46

## **II. PURPOSE OF TESTIMONY**

Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A: The purpose of my testimony is to describe the Arrowhead Ranch and how it would be affected by the proposed transmission line if link J1 is one of the links in the route approved by the Public Utility Commission ("Commission"), and to provide information that the Administrative Law Judges ("ALJs") and the Commission may find useful in evaluating alternative routes for the proposed transmission line. In addition, while the owners of the Arrowhead Ranch are opposed to any route utilizing link J1, if J1 is eventually part of the route approved by the Commission, then another purpose of my testimony is to request that the routing of link J1 be altered so as to better use and parallel an existing Oncor 138kV transmission line that currently crosses the Arrowhead Ranch and also parallel property boundaries, and thereby reduce the significant amounts of untouched riparian habitat and number of creeks crossed by the new line.

## **III. DESCRIPTION AND HISTORY OF ARROWHEAD RANCH**

Q: PLEASE DESCRIBE ARROWHEAD RANCH.

A: Arrowhead Ranch is 2,500 acres of mesquite flats and thick riparian habitat located to the north and west of Lake Arrowhead in Clay County, Texas. A large portion of the ranch property appears in Figure 3-1F of Attachment No. 1 to Appendix E of Oncor's Application for a Certificate of Convenience and Necessity ("CNN"). A map of the Arrowhead Ranch, including the location of the existing 138kV line and link J1 as it bisects the ranch, is attached to my direct testimony as Exhibit A. Note that the boundaries shown on this map are approximate and, therefore, subject to change. In particular, the boundary between Lake Arrowhead State Park and pasture land owned by the City of Wichita Falls must be verified for its accuracy.

Q: PLEASE TELL US ABOUT YOUR CONNECTION TO ARROWHEAD RANCH.

A: My grandfather and his two business partners purchased this property in the 1960s, and I became involved in its management in the 1980s. For almost 30 years, I have strived to protect and conserve the wildlife habitat on the Arrowhead Ranch.

Q: PLEASE DESCRIBE THE NATURAL FEATURES OF ARROWHEAD RANCH.

A: The most prominent and beautiful natural feature of the Arrowhead Ranch is Lake Creek, its surrounding tributaries, and the riparian woodlands and wetlands adjoining it. Not only is Lake Creek and the adjoining woodlands a vital wildlife corridor both on the ranch and in the immediate proximity, it is also an ecologically sensitive natural feature.

1 Q: HAVE YOU TAKEN STEPS TO ENHANCE THE WILDLIFE HABITAT OF  
2 ARROWHEAD RANCH, AND, IF SO, PLEASE DESCRIBE THEM?  
3

4 A: Over the years, we have made a concerted effort to enhance the wildlife habitat of the  
5 Arrowhead Ranch and so have applied many conservation-minded principles to the  
6 management of this property. For instance, to provide better livestock grazing  
7 distribution, we have cross-fenced and developed the surface water of the ranch. And  
8 while grazing livestock, we have implemented time-controlled rotational grazing  
9 patterns to promote better range ecology. To control woody vegetation and to create  
10 more diversity for the wildlife, we have utilized both warm and cool season control  
11 burns. We have also plowed and mowed strips across the landscape to increase  
12 diversity of forbs for quail and songbirds. In 2007, I took the Quail Master's Program  
13 offered by Texas Agrilife in order to better manage the quail on Arrowhead Ranch.  
14 After this program, we implemented numerous practices for better managing the  
15 quail, including annual spring whistle counts and fall reproductive success counts.  
16 For several years, the ranch has also participated in the Texas Parks and Wildlife  
17 "Managed Lands Permit" program to better balance the sex-ratio and herd-  
18 management goals of the property. This program included spotlight white-tail deer  
19 counts each August to determine harvest quotas and then the careful monitoring of  
20 the annual harvest. We have also enlisted the Samuel Roberts Noble Foundation to  
21 help us with plant identification, with brush management of mesquite, and with  
22 planning control burns on the property. Most recently, the Noble Foundation has  
23 been advising us on habitat manipulation to encourage warm-season bunch grasses, as  
24 these grasses will provide important nesting cover for quail. We are implementing  
25 these and other land management practices to increase the number of quail and  
26 songbirds on Arrowhead Ranch.  
27

#### 28 **IV. ONCOR'S APPLICATION AND ARROWHEAD RANCH'S POSITION**

29  
30 Q: WHAT IS YOUR UNDERSTANDING OF ONCOR'S APPLICATION?  
31

32 A: I understand that Oncor has applied to the Commission for a Certificate of  
33 Convenience and Necessity to construct a 345kV transmission line from the Riley  
34 Switching Station, located southeast of the City of Vernon in Wilbarger County,  
35 Texas, to the new Oncor Krum West Switching Station near the City of Krum in  
36 Denton County, Texas. I have reviewed Oncor's Application and the Environmental  
37 Assessment and Route Selection study prepared by Halff Associates, Inc., for this  
38 project.  
39

40 Q: WITH RESPECT TO THE ARROWHEAD RANCH, WHAT SEGMENTS AND  
41 ROUTES WILL CROSS YOUR LAND?  
42

43 A: Segment J1 will cut diagonally through the Arrowhead Ranch, without following or  
44 paralleling any property boundaries. Segment J1 is part of Oncor's preferred route,  
45 Route 114, and is also part of 78 of the 685 alternative routes studied by Halff  
46 Associates, Inc. for this project.

1  
2 Q: WHAT IS YOUR POSITION REGARDING ONCOR'S APPLICATION?  
3

4 A: We oppose Route 114 and any route that utilizes link J1. If a route using link J1 is  
5 approved, however, we strongly urge that J1 be modified as it crosses the Arrowhead  
6 Ranch so that it follows the existing Oncor 138kV transmission line, known as the  
7 Eagle Mountain SES to Wichita Falls 138 kV line ("Eagle Mountain Line"), for a  
8 much greater distance across our ranch rather than the location proposed by Oncor in  
9 its Application. As proposed by Oncor, link J1 cuts diagonally across our pastures  
10 and then through some of the most sensitive part of our property, traversing Lake  
11 Creek and its tributaries four times, and crossing wetlands, as described in greater  
12 detail below. I understand that Oncor designed this divergence from the Eagle  
13 Mountain Line to go around and avoid Lake Arrowhead State Park. We propose a  
14 modification to link J1 that still avoids State Park property but parallels the existing  
15 Eagle Mountain Line a much greater distance, then parallels our north-south  
16 boundary and the City of Wichita Falls' east-west boundary with the State Park,  
17 thereby causing less harm to our property and better complying with the  
18 Commission's criteria for the routing of transmission lines.  
19

20 **V. IMPACT OF CURRENT SEGMENT J1 ON ARROWHEAD RANCH**  
21

22 Q: PLEASE DESCRIBE THE HISTORIC AND CURRENT LAND USES ON  
23 ARROWHEAD RANCH.  
24

25 A: The primary use for the Arrowhead Ranch is for recreational use and as open space.  
26 It is used for family retreats, for hunting, outdoor recreation, and for cattle grazing.  
27 We have owned the Arrowhead Ranch since the 1960s and our focus has been on  
28 enhancing wildlife habitat. We have worked with wildlife biologists at Texas Parks  
29 and Wildlife and the Samuel Roberts Noble Foundation for many years to help us  
30 increase the wildlife habitat and further our efforts at land stewardship.  
31

32 Q: HOW WOULD SEGMENT J1 OF THE 345 KV TRANSMISSION LINE IMPACT  
33 ARROWHEAD RANCH?  
34

35 A: Segment J1 enters the Arrowhead Ranch at its western boundary and continues  
36 easterly for about 800 feet, paralleling the Eagle Mountain Line. Link J1 then angles  
37 off of the existing line in a northeasterly direction for approximately 6,600 feet,  
38 across virgin pasture land, crosses Lake Creek and then crosses one of its tributaries,  
39 cutting through riparian woodlands and bottomlands along the creeks. It then turns  
40 easterly for approximately 2,400 feet, where it traverses a stock pond and emergent  
41 wetlands, across FM 1954 and then turns southeasterly. It once again cuts across  
42 Lake Creek and through additional riparian woodlands and eventually joins back up  
43 with the existing 138kV Oncor line, where it turns easterly again after J1 exits the  
44 southern boundary of the eastern-most part of the Arrowhead Ranch. On this  
45 southeasterly leg, it also crosses pasture land owned by the City of Wichita Falls that  
46 lies between our property and the State Park. As it is currently routed, J1's "loop"

1 away from the Eagle Mountain Line would destroy significant amounts of riparian  
2 woodlands and wildlife habitat, traverse wetlands, and cross Lake Creek and its  
3 tributaries four times, all of which constitute some of the most ecologically sensitive  
4 areas of our property.  
5

## 6 **VI. PROPOSED MODIFICATION TO LINK J1 AND CONCLUSION**

7  
8 Q: DO YOU PROPOSE A MODIFICATION TO LINK J1 AND, IF SO, WHAT IS IT  
9 AND WHY SHOULD IT BE ADOPTED?

10  
11 A: Yes, we do. We propose this modification with the express understanding that the  
12 owners oppose any route that crosses the Arrowhead Ranch and make this proposal  
13 solely in the event the Commission approves of a route using Segment J1. In that  
14 event, Segment J1 should be rerouted to continue paralleling the Eagle Mountain Line  
15 across the Arrowhead Ranch until it meets the ranch's north-south boundary along  
16 FM 1954, which runs between the ranch and Lake Arrowhead State Park. At that  
17 point, the modified link would turn approximately ninety degrees, heading northerly,  
18 and parallel the west side of FM 1954 to the next corner. At that corner, across FM  
19 1954 from the northwestern corner of State Park land, the modified link would turn  
20 easterly, cross FM 1954 and parallel the north side of the State Park's east-west  
21 boundary with pasture land owned by the City of Wichita Falls. The modified link  
22 would parallel the boundary between the State Park and City land for approximately  
23 1,100 feet, where the modified route would then turn southeasterly, toward the  
24 existing Eagle Mountain Line until it rejoins the existing line. At that juncture, it  
25 would turn easterly again and parallel the north side of the Eagle Mountain Line,  
26 continuing along the remainder of link J1 as designed by Oncor. The approximate  
27 location of the proposed modification to link J1 is illustrated as the black and white  
28 dashed line on Exhibit A. Note well that I am not sure of the location of the east-west  
29 boundary between the State Park and the City's land just north of the spillway to  
30 Lake Arrowhead. This boundary must be verified and could change, thus requiring  
31 that this short section of the modified link could shift, too. However, the notion of  
32 paralleling existing property boundaries in this area would remain the same.  
33

34 The reasons for adopting this modification are as follows. First, this existing Eagle  
35 Mountain line easement has already been clear-cut, and existing structures and lines  
36 are already built there. So, some impact to the natural environment has already  
37 occurred and wildlife habitat has already been fragmented there. Second, the Eagle  
38 Mountain Line crosses upland range land, a much less ecologically sensitive area, so  
39 paralleling it for a greater distance would have less impact environmentally. Third,  
40 the proposed modification to this section of link J1 is roughly the same length as  
41 Oncor's layout. And lastly, the Commission's substantive rules favor routes that  
42 parallel or use existing transmission line ROW and that follow property boundaries,  
43 where practicable. This proposed modification better achieves both of those express  
44 criteria than the current layout of J1. Therefore, we believe it is a reasonable and  
45 acceptable modification to Segment J1 and urge its adoption.  
46



1  
2 Q: WHAT IS YOUR POSITION REGARDING ONCOR'S APPLICATION?  
3

4 A: We oppose Route 114 and any route that utilizes link J1. If a route using link J1 is  
5 approved, however, we strongly urge that J1 be modified as it crosses the Arrowhead  
6 Ranch so that it follows the existing Oncor 138kV transmission line, known as the  
7 Eagle Mountain SES to Wichita Falls 138 kV line ("Eagle Mountain Line"), for a  
8 much greater distance across our ranch rather than the location proposed by Oncor in  
9 its Application. As proposed by Oncor, link J1 cuts diagonally across our pastures  
10 and then through some of the most sensitive part of our property, traversing Lake  
11 Creek and its tributaries four times, and crossing wetlands, as described in greater  
12 detail below. I understand that Oncor designed this divergence from the Eagle  
13 Mountain Line to go around and avoid Lake Arrowhead State Park. We propose a  
14 modification to link J1 that still avoids State Park property but parallels the existing  
15 Eagle Mountain Line a much greater distance, then parallels our north-south  
16 boundary and the City of Wichita Falls' east-west boundary with the State Park,  
17 thereby causing less harm to our property and better complying with the  
18 Commission's criteria for the routing of transmission lines.  
19

20 **V. IMPACT OF CURRENT SEGMENT J1 ON ARROWHEAD RANCH**  
21

22 Q: PLEASE DESCRIBE THE HISTORIC AND CURRENT LAND USES ON  
23 ARROWHEAD RANCH.  
24

25 A: The primary use for the Arrowhead Ranch is for recreational use and as open space.  
26 It is used for family retreats, for hunting, outdoor recreation, and for cattle grazing.  
27 We have owned the Arrowhead Ranch since the 1960s and our focus has been on  
28 enhancing wildlife habitat. We have worked with wildlife biologists at Texas Parks  
29 and Wildlife and the Samuel Roberts Noble Foundation for many years to help us  
30 increase the wildlife habitat and further our efforts at land stewardship.  
31

32 Q: HOW WOULD SEGMENT J1 OF THE 345 KV TRANSMISSION LINE IMPACT  
33 ARROWHEAD RANCH?  
34

35 A: Segment J1 enters the Arrowhead Ranch at its western boundary and continues  
36 easterly for about 800 feet, paralleling the Eagle Mountain Line. Link J1 then angles  
37 off of the existing line in a northeasterly direction for approximately 6,600 feet,  
38 across virgin pasture land, crosses Lake Creek and then crosses one of its tributaries,  
39 cutting through riparian woodlands and bottomlands along the creeks. It then turns  
40 easterly for approximately 2,400 feet, where it traverses a stock pond and emergent  
41 wetlands, across FM 1954 and then turns southeasterly. It once again cuts across  
42 Lake Creek and through additional riparian woodlands and eventually joins back up  
43 with the existing 138kV Oncor line, where it turns easterly again after J1 exits the  
44 southern boundary of the eastern-most part of the Arrowhead Ranch. On this  
45 southeasterly leg, it also crosses pasture land owned by the City of Wichita Falls that  
46 lies between our property and the State Park. As it is currently routed, J1's "loop"

1 away from the Eagle Mountain Line would destroy significant amounts of riparian  
2 woodlands and wildlife habitat, traverse wetlands, and cross Lake Creek and its  
3 tributaries four times, all of which constitute some of the most ecologically sensitive  
4 areas of our property.  
5

## 6 **VI. PROPOSED MODIFICATION TO LINK J1 AND CONCLUSION**

7  
8 Q: DO YOU PROPOSE A MODIFICATION TO LINK J1 AND, IF SO, WHAT IS IT  
9 AND WHY SHOULD IT BE ADOPTED?

10  
11 A: Yes, we do. We propose this modification with the express understanding that the  
12 owners oppose any route that crosses the Arrowhead Ranch and make this proposal  
13 solely in the event the Commission approves of a route using Segment J1. In that  
14 event, Segment J1 should be rerouted to continue paralleling the Eagle Mountain Line  
15 across the Arrowhead Ranch until it meets the ranch's north-south boundary along  
16 FM 1954, which runs between the ranch and Lake Arrowhead State Park. At that  
17 point, the modified link would turn approximately ninety degrees, heading northerly,  
18 and parallel the west side of FM 1954 to the next corner. At that corner, across FM  
19 1954 from the northwestern corner of State Park land, the modified link would turn  
20 easterly, cross FM 1954 and parallel the north side of the State Park's east-west  
21 boundary with pasture land owned by the City of Wichita Falls. The modified link  
22 would parallel the boundary between the State Park and City land for approximately  
23 1,100 feet, where the modified route would then turn southeasterly, toward the  
24 existing Eagle Mountain Line until it rejoins the existing line. At that juncture, it  
25 would turn easterly again and parallel the north side of the Eagle Mountain Line,  
26 continuing along the remainder of link J1 as designed by Oncor. The approximate  
27 location of the proposed modification to link J1 is illustrated as the black and white  
28 dashed line on Exhibit A. Note well that I am not sure of the location of the east-west  
29 boundary between the State Park and the City's land just north of the spillway to  
30 Lake Arrowhead. This boundary must be verified and could change, thus requiring  
31 that this short section of the modified link could shift, too. However, the notion of  
32 paralleling existing property boundaries in this area would remain the same.  
33

34 The reasons for adopting this modification are as follows. First, this existing Eagle  
35 Mountain line easement has already been clear-cut, and existing structures and lines  
36 are already built there. So, some impact to the natural environment has already  
37 occurred and wildlife habitat has already been fragmented there. Second, the Eagle  
38 Mountain Line crosses upland range land, a much less ecologically sensitive area, so  
39 paralleling it for a greater distance would have less impact environmentally. Third,  
40 the proposed modification to this section of link J1 is roughly the same length as  
41 Oncor's layout. And lastly, the Commission's substantive rules favor routes that  
42 parallel or use existing transmission line ROW and that follow property boundaries,  
43 where practicable. This proposed modification better achieves both of those express  
44 criteria than the current layout of J1. Therefore, we believe it is a reasonable and  
45 acceptable modification to Segment J1 and urge its adoption.  
46

1 Q: ARE THERE ANY OTHER MATTERS YOU WOULD LIKE TO CALL TO THE  
2 ATTENTION OF THE ALJ AND THE PUC?

3  
4 A: Yes. My mission for almost 30 years has been to protect and conserve the habitat of  
5 the Arrowhead Ranch. I have strived to maintain the Arrowhead Ranch in a way that  
6 will preserve it as an ecological treasure for many decades to come. That good  
7 stewardship should be carefully considered in selecting a route for Oncor's 345kV  
8 transmission line.  
9

10 DOES THIS CONCLUDE YOUR TESTIMONY?

11  
12 A: Yes, it does. Thank you to the Public Utility Commission, the Commission Staff, and  
13 the Administrative Law Judges in this case for all of your consideration.

### **CERTIFICATE OF SERVICE**

I hereby certify that notification of the filing of the foregoing document was sent to all parties of record on the 12<sup>th</sup> day of July, 2010, by email, in accordance with SOAH Order No. 6 entered in this docket.



William B. Steele III

