



Control Number: 38230



Item Number: 1022

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4398
PUC DOCKET NO. 38230

APPLICATION OF LONE STAR	§	BEFORE THE STATE OFFICE
TRANSMISSION COMPANY FOR	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	
CENTRAL A TO CENTRAL C TO	§	OF
SAM SWITCH TO NAVARRO	§	
PROPOSED CREZ	§	
TRANSMISSION LINE	§	ADMINISTRATIVE HEARINGS
	§	

DIRECT TESTIMONY OF ROBERT E. MORGAN
ON BEHALF OF INTERVENOR MORGANS' LEGACY FARM, L.L.C.

August 16, 2010

1
16 PM 2:38
D

1022

SOAH DOCKET NO. 473-10-4398
PUC DOCKET NO. 38230

APPLICATION OF LONE STAR	§	BEFORE THE STATE OFFICE
TRANSMISSION COMPANY FOR	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	
CENTRAL A TO CENTRAL C TO	§	OF
SAM SWITCH TO NAVARRO	§	
PROPOSED CREZ	§	
TRANSMISSION LINE	§	ADMINISTRATIVE HEARINGS
	§	

DIRECT TESTIMONY OF ROBERT E. MORGAN
ON BEHALF OF INTERVENOR MORGANS' LEGACY FARM, L.L.C.

1 **Q. PLEASE STATE YOUR NAME, ADDRESS, AND RELATIONSHIP TO THIS**
2 **PROCEEDING.**

3 A. My name is Robert E. Morgan. My mailing address is 5916 Steuben Ct., Dallas,
4 Texas 75248. I am a manager and owner of Morgans' Legacy Farm, L.L.C.
5 (Morgans' Legacy Farm), which owns land affected by proposed Links FFF and HHH,
6 specifically Tract No. 15-467.

7 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

8 A. I am testifying on behalf of myself and Morgans' Legacy Farm.

9 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC UTILITY**
10 **COMMISSION (COMMISSION)?**

11 A. No.

12 **Q. BRIEFLY DESCRIBE YOUR OCCUPATION AND EDUCATIONAL AND WORK**
13 **HISTORIES.**

14 A. I have been a pediatric dentist for over 30 years. I received my undergraduate
15 degree from Texas A&M University in 1976. I received my DDS from Baylor in 1978.
16 I received a master's degree in 1978, and completed residency at Children's Medical
17 Center.

18 **Q. ARE YOU FAMILIAR WITH THE AREAS SURROUNDING MORGANS' LEGACY**
19 **FARM'S PROPERTY THROUGH WHICH LONE STAR TRANSMISSION**
20 **COMPANY (LONE STAR) HAS PROPOSED A PREFERRED OR ALTERNATIVE**
21 **ROUTE FOR THE INSTALLATION OF A TRANSMISSION LINE?**

22 A. Yes.

23 **Q. HOW ARE YOU FAMILIAR WITH THAT AREA?**

24 A. Over the last five years, I and my family have been engaged in an exhaustive search
25 for a family ranch in Texas. As part of that search, I have visited the area and
26 become familiar with it.

27 **Q. HOW ARE YOU FAMILIAR WITH PROPERTY OWNED BY MORGANS' LEGACY**
28 **FARM?**

29 A. After the five year exhaustive search for a family ranch, the opportunity arose for my
30 family to purchase the property identified as Tract No. 15-467 by Lone Star. As part
31 of that opportunity, my family and I visited the property. Rather than purchase the
32 property individually, Morgans' Legacy Farm was formed to be the purchaser. Since

1 the purchase of the property, my family and I have enjoyed staying at the family
2 ranch on several occasions We use and plan to use the family ranch as our
3 vacation home, for outdoor recreational activities, including horseback riding, rodeo,
4 camping, hiking, bird watching, wildlife viewing, outdoor entertaining, sunset and
5 sunrise viewings, and as a hay, cattle and exotic animal ranch, or offering hunting
6 leases. Before the land was purchased, it was used as a family entertainment
7 compound, as well as being operated as a hay, cattle and exotic animal ranch/farm
8 and leased periodically to others.

9 **Q. DESCRIBE HOW THE TRANSMISSION LINE WOULD CROSS THE PROPERTY.**

10 A. Proposed Link FFF would cut through the middle of the property. Proposed Link
11 HHH would cross Richland Creek and enter the northwestern portion of the property
12 and proceed in a southeastern direction until it exits the property on the northeastern
13 property line.

14 **Q. WOULD PROPOSED LINK FFF, IF BUILT, AFFECT THE HABITABLE**
15 **STRUCTURES ON YOUR LAND?**

16 A. Yes. The property has been developed for decades as a recreational family
17 ranch/farm and, recently, also for the purposes of hay, cattle and exotic animal
18 farming/ranching. The topography has been used to create multiple zones of outdoor
19 activity (commercial and non-commercial) and multiple sites utilizing the wide open
20 sight lines of the land, to overlook the land and to view sunrises, sunsets, and wildlife
21 all unmarked by urban development. Those are the same purposes for which the
22 property was purchased. For example, there is an observation deck, horseback
23 riding barn, rodeo arena, social pavilion, stocked fishing lake, multiple stock and
24 fishing tanks, rifle range, pistol ranch, camp sites, and a skeet range. A portion of the
25 property is also high fenced for exotic species observation and has frontage on
26 Richland Creek where multiple campsites are located.

27 There are also multiple habitable structures on the property including a main
28 house, multiple smaller homes (one currently damaged by a recent storm but
29 scheduled to be rebuilt), and an equipment barn. The equipment barn has living
30 quarters, an office, an air conditioner, and a bathroom and is located approximately
31 500 feet from proposed Link FFF. The currently damaged but scheduled to be rebuilt
32 home, observation deck, and cattle working pens would also be within 500 feet of

1 proposed Link FFF. The main house and riding barn are approximately 900 feet from
2 proposed Link FFF and a guest cottage would be within 1000 feet of proposed Link
3 FFF.

4 **Q. HOW WOULD PROPOSED LINK FFF, IF BUILT, AFFECT THE USES OF THE**
5 **RANCH?**

6 A. Proposed Link FFF would cross through the middle of the property and the sight line
7 from the observation deck would be directly blocked. In addition, views from the
8 private lake, horse barn, rodeo arena, social pavilion, skeet range, and multiple
9 habitable structures with decks would look directly at proposed Link FFF.
10 Construction of proposed Link FFF would also result in the destruction of a good
11 portion of the small amount of timber on the property. Further, approximately 50% of
12 the property is designated as floodplain, and proposed Link FFF would bisect the
13 only buildable portion of the property.

14 Also, to access the multiple outdoor activity zones throughout the property, my
15 family, visitors, and I would have to pass under proposed Link FFF multiple times
16 each day exposing us to electro-magnetic fields generated by the lines.

17 Further, I am concerned that proposed Link FFF would create a great hardship
18 while planting, fertilizing and harvesting hay resulting in an increased cost of
19 production and decreased production given that the line bisects the hay fields. All of
20 the above would destroy and render useless the purposes (both commercial and
21 non-commercial) for which the property has been developed and for which it was
22 purchased. In support and furtherance of all of the foregoing, I have attached to my
23 testimony as Exhibit REM-1 a true and correct copy of a survey of the property with
24 my handwritten notations describing various structures and features of the property. I
25 have also attached Exhibit REM-2, which is a satellite photo of a portion of the
26 property that accurately represents the current state of the property, with my
27 handwritten notations describing various structures and features of the property as
28 well as the location of proposed Link FFF. I have also attached Exhibit REM-3, which
29 are photographs of the property that I have taken, with my handwritten notations
30 added, which accurately represent and describe the current state and condition of the
31 property.

1 **Q. DESCRIBE THE AESTHETIC IMPACT OF INSTALLING PROPOSED LINK FFF**
2 **ACROSS THE PROPERTY.**

3 A. Currently, the views of the property from the main house, equipment barn with living
4 quarters, observation deck, horseback riding barn, rodeo arena, social pavilion,
5 stocked fishing lake, multiple stock and fishing tanks, rifle range, pistol ranch, skeet
6 range, as well as the multiple other habitable structures on the property are not
7 obstructed by urban development, let alone a transmission line. Proposed Link FFF
8 would cross through the middle of the land and destroy the unspoiled view from and
9 within the property. Construction of proposed Link FFF would also result in the
10 destruction of a good portion of the small amount of timber on the property.

11 **Q. DESCRIBE ANY ENVIRONMENTAL IMPACT SPECIFIC TO THE PROPERTY**
12 **THAT WOULD BE CAUSED BY PROPOSED LINK FFF.**

13 The construction and maintenance of proposed Link FFF would damage or destroy
14 the wooded area that proposed Link FFF would cross, including clear-cutting of a
15 good portion of the small amount of timber on the property.

16 **Q. HOW WOULD PROPOSED LINK FFF, IF BUILT, AFFECT YOUR NEIGHBORS'**
17 **PROPERTIES?**

18 A. Proposed Link FFF would also bisect my neighbors' properties.

19 **Q. WOULD PROPOSED LINK HHH, IF BUILT, AFFECT HOW YOU USE THE**
20 **PROPERTY?**

21 A. Yes. As stated above, the property has been developed for decades as a
22 recreational family ranch/farm and, recently, also for the purposes of hay, cattle and
23 exotic animal farming/ranching. The topography has been utilized to create multiple
24 zones of outdoor activity (commercial and non-commercial) and multiple sites utilizing
25 the wide open sight lines of the land, to overlook the land and to view sunrises,
26 sunsets, and wildlife all unmarked by urban development. Those are the same
27 purposes for which the property was purchased. Importantly, Richland Creek runs
28 along the northern property line. In that area, there are also several intermittent
29 streams on the property and there are plans to enroll the area, which is floodplain
30 designated, into a wetlands program. Proposed Link HHH would cross Richland
31 Creek to enter the property in that area and the plans for wetland use may be
32 compromised or made impossible by the installation of proposed Link HHH. There

1 are also several campsites on the portion of the property that abuts Richland Creek.
2 To access the frontage on Richland Creek and/or the campsites, my family, visitors,
3 and I would have to pass under proposed Link HHH, exposing us to electromagnetic
4 fields generated by the lines. Further, the sight line from the observation deck to
5 Richland Creek would be directly blocked by proposed Link HHH. All of the above
6 would destroy and render useless the purposes (both commercial and non-
7 commercial) for which the property has been developed and for which it was
8 purchased.

9 **Q. DESCRIBE THE AESTHETIC IMPACT OF INSTALLING PROPOSED LINK HHH**
10 **ACROSS THE PROPERTY.**

11 A. Currently, the view of Richland Creek from the observation deck and other areas of
12 the property are not obstructed by urban development, let alone a transmission line.
13 Proposed Link HHH would cross over Richland Creek onto the property in the
14 northwestern corner and run southwest in a diagonal manner until the line exited the
15 property about one-third of the way down the northeastern property line. Thus,
16 proposed Link HHH would completely destroy the unspoiled view of Richland Creek
17 from within the property. Further, the construction of proposed Link HHH would
18 destroy the view back towards the main portion of the property from the campsites
19 that run along Richland Creek.

20 **Q. DESCRIBE ANY ENVIRONMENTAL IMPACT SPECIFIC TO THE PROPERTY**
21 **THAT WOULD BE CAUSED BY PROPOSED LINE HHH.**

22 The construction and maintenance of proposed Link HHH, including clear-cutting the
23 right-of-way, would damage or destroy the few trees and bushes running along
24 Richland Creek. I am also concerned that the clear-cutting will result in erosion that
25 will negatively impact that water resource as well as the aquatic life therein.

26 **Q. PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ECOLOGICAL**
27 **FEATURES.**

28 A. The property is rough and sparsely-wooded. I am concerned that construction of
29 proposed Link FFF would result in the destruction of a good portion of the small
30 amount of timber on the property and other vegetation on the property, changing
31 permanently the wooded habitat that has been preserved. As mentioned earlier,
32 proposed Link HHH would cross over Richland Creek at a point where it has not

1 previously been crossed and I am concerned that construction and maintenance of
2 proposed Link HHH, including clear-cutting, would negatively impact this water
3 resource on the property. I am also concerned that construction and maintenance of
4 Link HHH over this water resource would affect the water resources on my neighbors'
5 land.

6 **Q. HAS THERE BEEN A SUBSTANTIAL INVESTMENT IN THE DEVELOPMENT OF**
7 **THE PROPERTY FOR THE PURPOSES YOU USE IT FOR AND INTEND TO USE**
8 **IT FOR?**

9 A. Yes. As more fully stated above, the property had been developed for decades as a
10 recreational family ranch/farm and, prior to its purchase, had also been used as a
11 hay, cattle and exotic animal farm/ranch. Those continue to be the uses and the
12 intended and uses of the property. The previous owners had cleared the fields,
13 planted and cultivated hay production, created a private stocked lake, and spent in
14 excess of \$500,000 for land clearing, planting, and cultivation.

15 **Q. HAVE YOU PARTICIPATED IN NEGOTIATIONS WITH LONE STAR IN AN**
16 **EFFORT TO RESOLVE YOUR CONCERNS REGARDING PROPOSED LINKS FFF**
17 **AND HHH?**

18 A. Yes.

19 **Q. WILL YOU DESCRIBE WHAT WAS DISCUSSED AND THE RESULTS THERE**
20 **FROM?**

21 A. An engineer from Lone Star proposed a few different modifications to Link HHH that
22 would be more acceptable than either Link FFF or an unmodified Link HHH. For
23 example, Lone Star proposed that, at the point where Link HHH would cross
24 Richland Creek onto my property, it would instead follow along Richland Creek to the
25 east along existing property lines until it reached Link III. It is my understanding that
26 all property owners that would be affected by such a minor modification were in
27 agreement with that proposal except that one non-intervening landowner over whose
28 land proposed Link III would run refused to agree unless the landowner was paid
29 approximately \$500,000, even though with the modification Link III would not cut
30 through his property, but instead the modified Link HHH would only run along his
31 property line for a short distance.

1 Q. WHAT SUGGESTIONS DO YOU HAVE FOR THE COMMISSION REGARDING
2 THE TRANSMISSION LINE?

3 A. I suggest that the Commission select a route that does not include proposed Links
4 FFF or HHH (*i.e.*, reject routes SSN3, SSN4, SSN6, and SSN7) and select either
5 proposed route SSN1, SSN2, or SSN5.

6 Q. WHY DO YOU SUGGEST SELECTION OF PROPOSED ROUTE SSN1, SSN2, OR
7 SSN5 AND REJECTION OF PROPOSED ROUTES SSN3, SSN4, SSN6, AND
8 SSN7?

9 A. There are a number of reasons in addition to the avoidance of the destruction of or
10 significant damage to the uses and purposes for which my property was purchased
11 and for which it has and will been utilized by my family. Specifically, according to the
12 environmental data contained in Table C-3 of the environmental assessment filed by
13 Lone Star, proposed routes SSN1, SSN2 and SSN5 parallel existing property
14 boundaries for a significantly longer distance than that of routes SSN4 and SSN7
15 (two (2) to three (3) times the distance). Based on the same data, proposed routes
16 SSN2 and SSN5 also parallel existing property lines for a longer distance than that of
17 routes SSN3 and SSN6.

18 Table C-3 also shows that: (1) proposed routes SSN1, SSN2, and SSN5 cross
19 at least one-third less emergent wetlands than routes SSN4 and SSN7; (2) proposed
20 routes SSN1, SSN2, and SSN5 have half the number of FAA-registered airstrips
21 within 10,000 feet of the route centerline than that of routes SSN3, SSN4, SSN6 and
22 SSN7; (3) proposed routes SSN1, SSN2 and SSN5 have no private airports within
23 10,000 feet of the route centerline, while routes SSN4 and SSN7 do; (4) proposed
24 routes SSN1, SSN2, and SSN5 are within the foreground visual zone of State or U.S.
25 Highways one-third (1/3) less the distance than that of routes SSN4 and SSN7; and
26 (5) proposed routes SSN1, SSN2, and SSN5 fall within the middle of the proposed
27 routes in relation to the number of habitable structures within 500 feet of the route
28 centerlines.

29 Finally, proposed routes SSN1, SSN2 and SSN5 all would use Link III rather
30 than Link HHH. This is important because Link III would cross Richland Creek at an
31 already-disturbed point where another transmission line already crosses it. On the
32 other hand, proposed Link HHH would cross Richland Creek at a point where it has

1 not been previously crossed. Therefore, construction and maintenance of Link III
2 would cause significantly less environment impact on that important water and
3 aquatic resource than would be caused by crossing a virgin and pristine area of the
4 creek as proposed Link HHH would.

5 **Q. IF THE TRANSMISSION LINE IS ROUTED ON YOUR PROPERTY, WHAT**
6 **PROPOSED LINK, FFF OR HHH, WOULD YOU PREFER?**

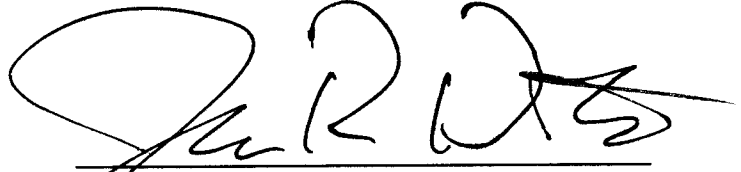
7 A. Again, my first preference is that a transmission line not be routed on or near my
8 property but rather that a proposed route that includes Link III be selected instead.
9 My second preference is that a modified Link HHH be utilized such that Link HHH
10 continues along property lines until it reaches III, rather than abruptly and inexplicably
11 changing direction to move diagonally to the southeast cutting through my property
12 and across the properties of others as proposed unmodified HHH would. But if a
13 transmission line must be routed on my property, my third preference would be that a
14 modified Link HHH be utilized such that the line would follow Richland Creek and not
15 cut across my property in a diagonal manner. My fourth preference is that Link HHH
16 be utilized as that would have significantly less of an impact on the current uses and
17 future intended uses of the property than proposed Link FFF.

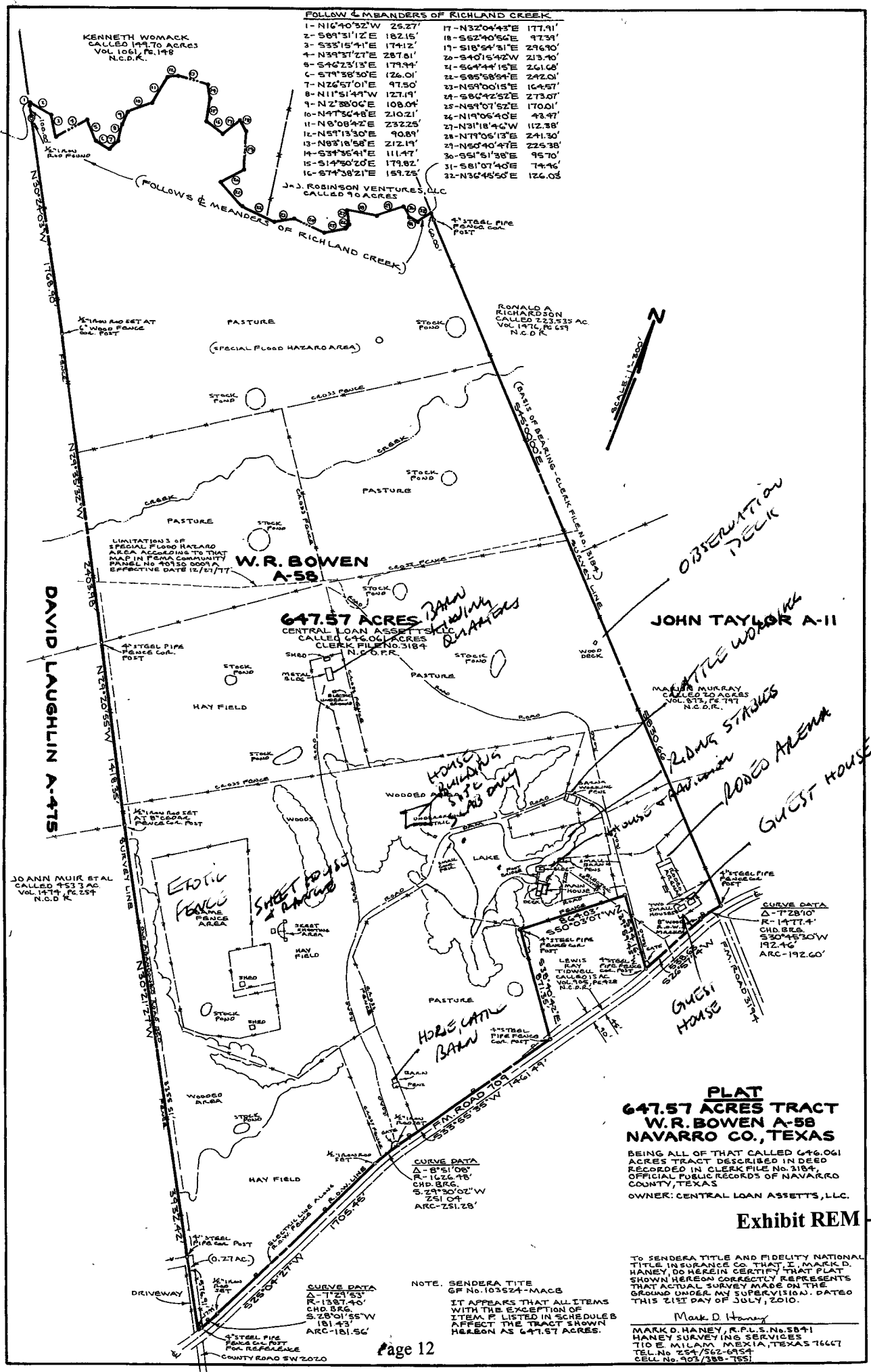
18 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

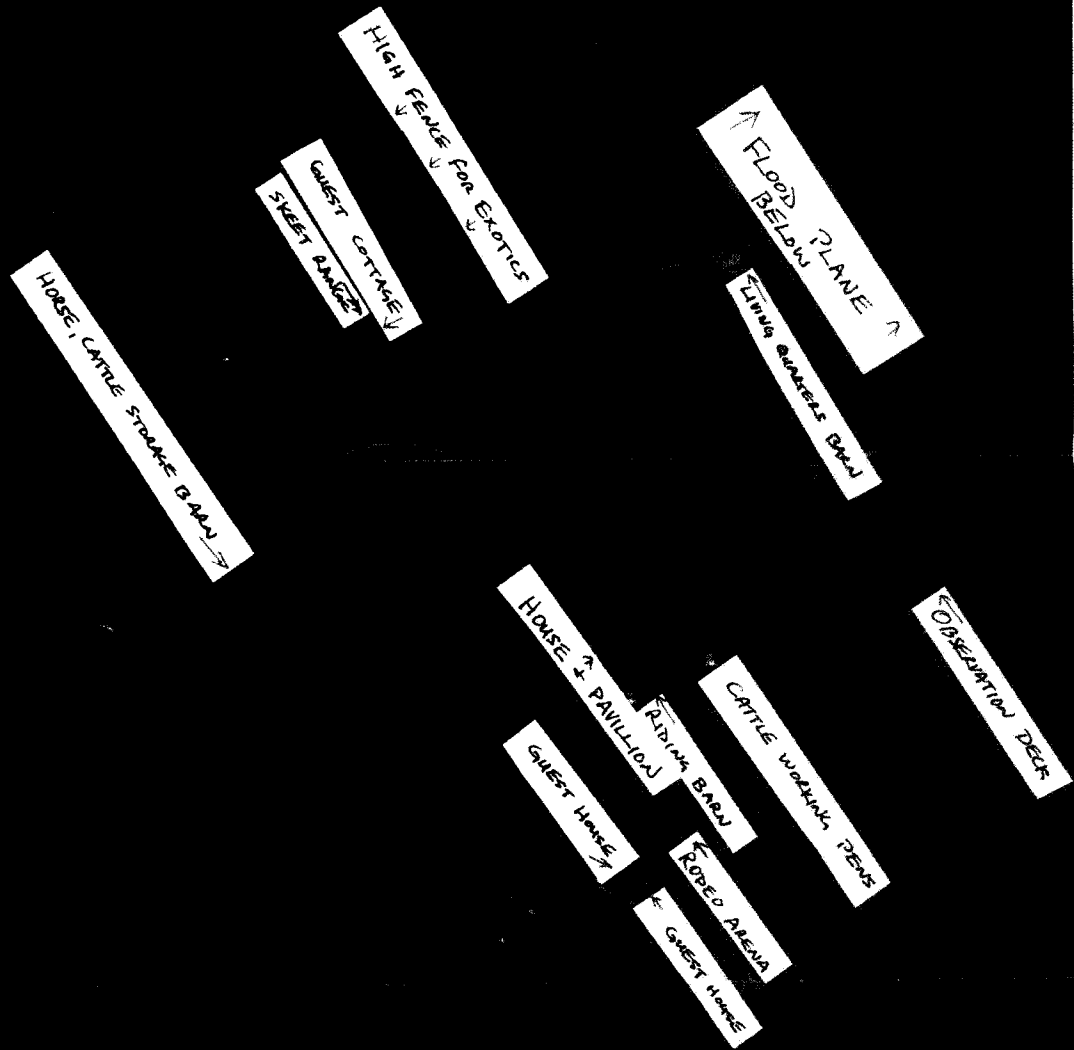
19 A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was filed and served in accordance with PUC and SOAH Rules and the Orders in this proceeding on August 16, 2010.


Jonathan R. Dotson





4 BED ROOM HOUSE WOULD BE JUST EAST OF FFF

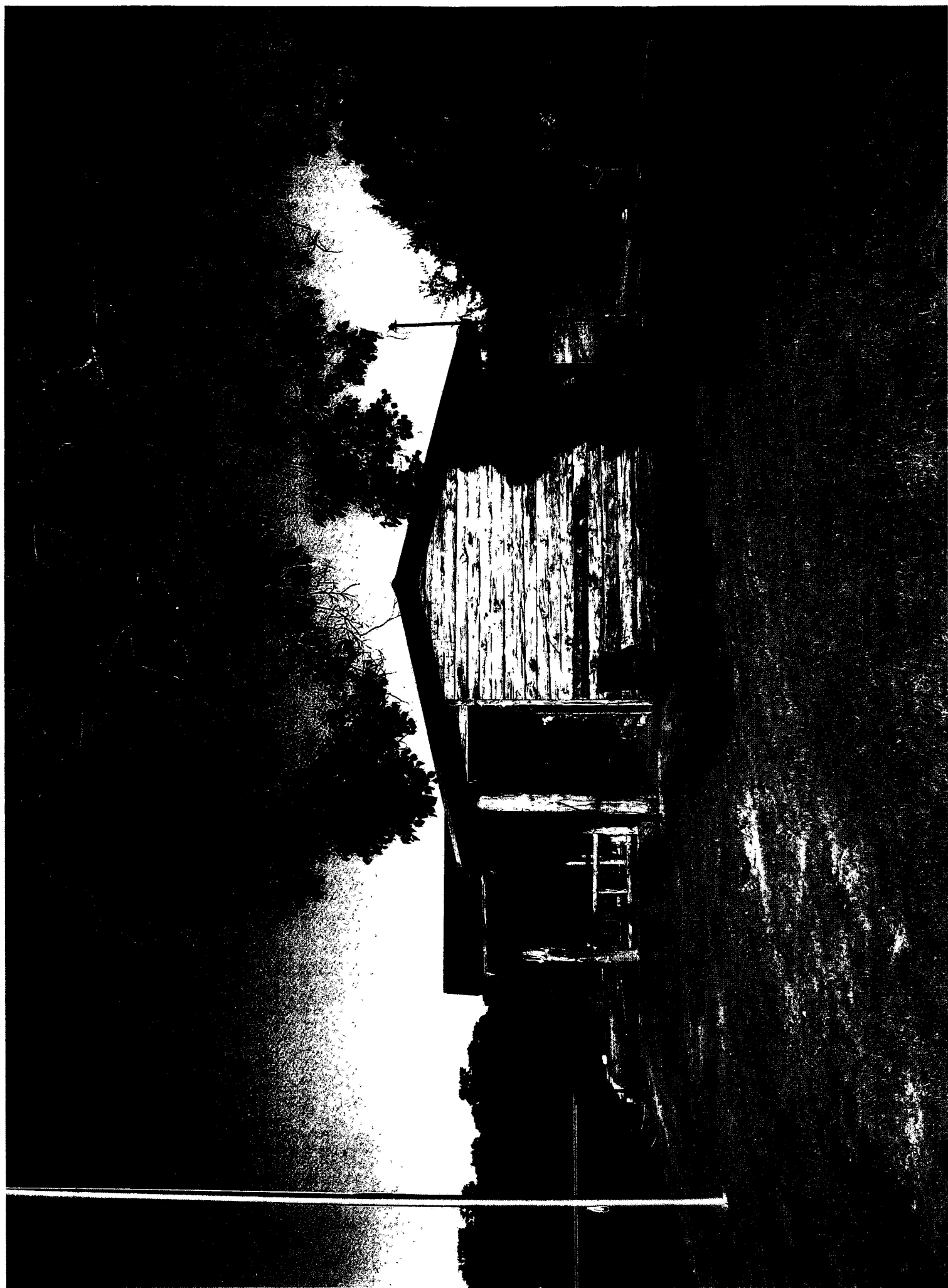


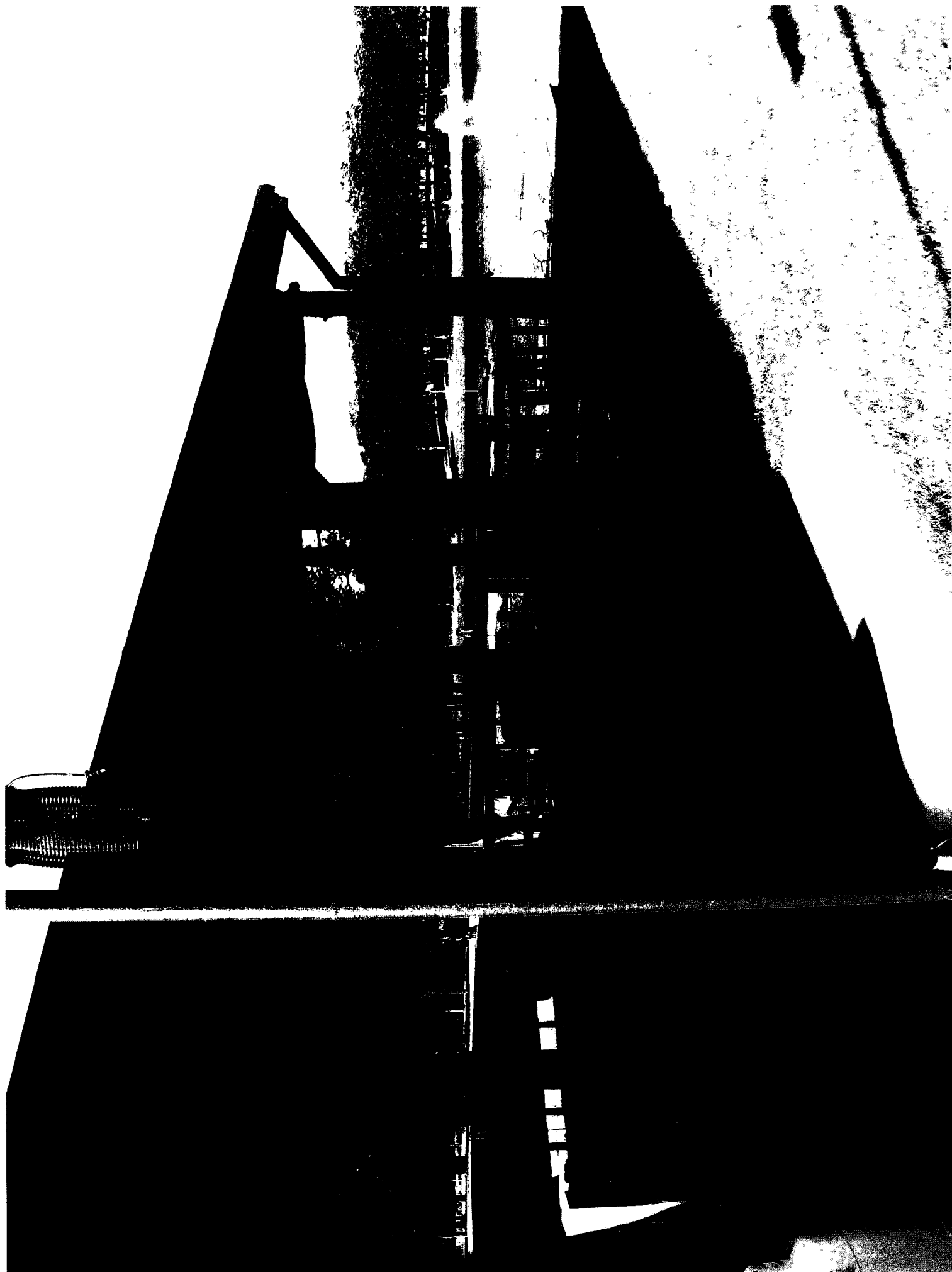
Exhibit REM - 3

fff would cross just west









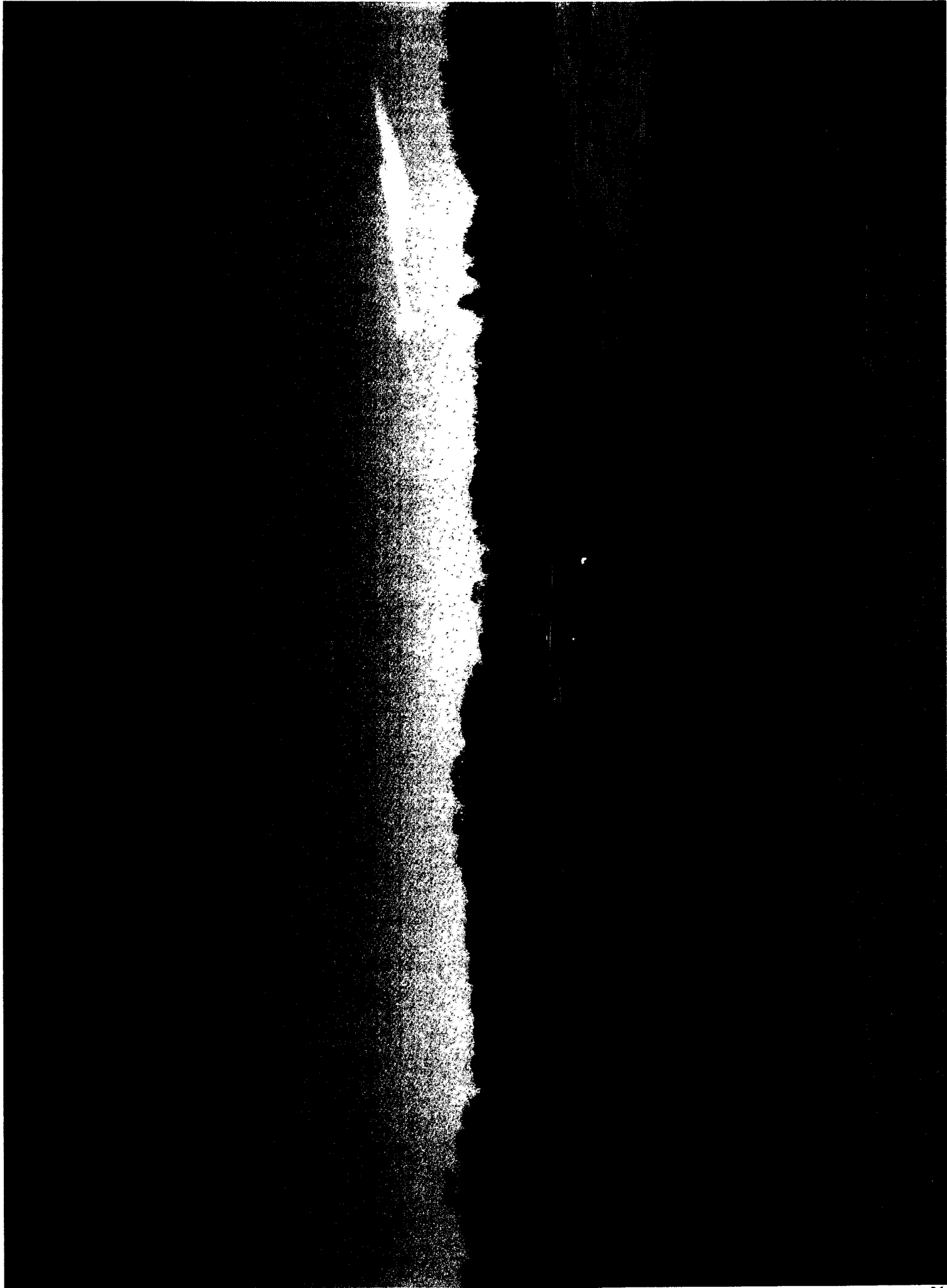
PAVILION



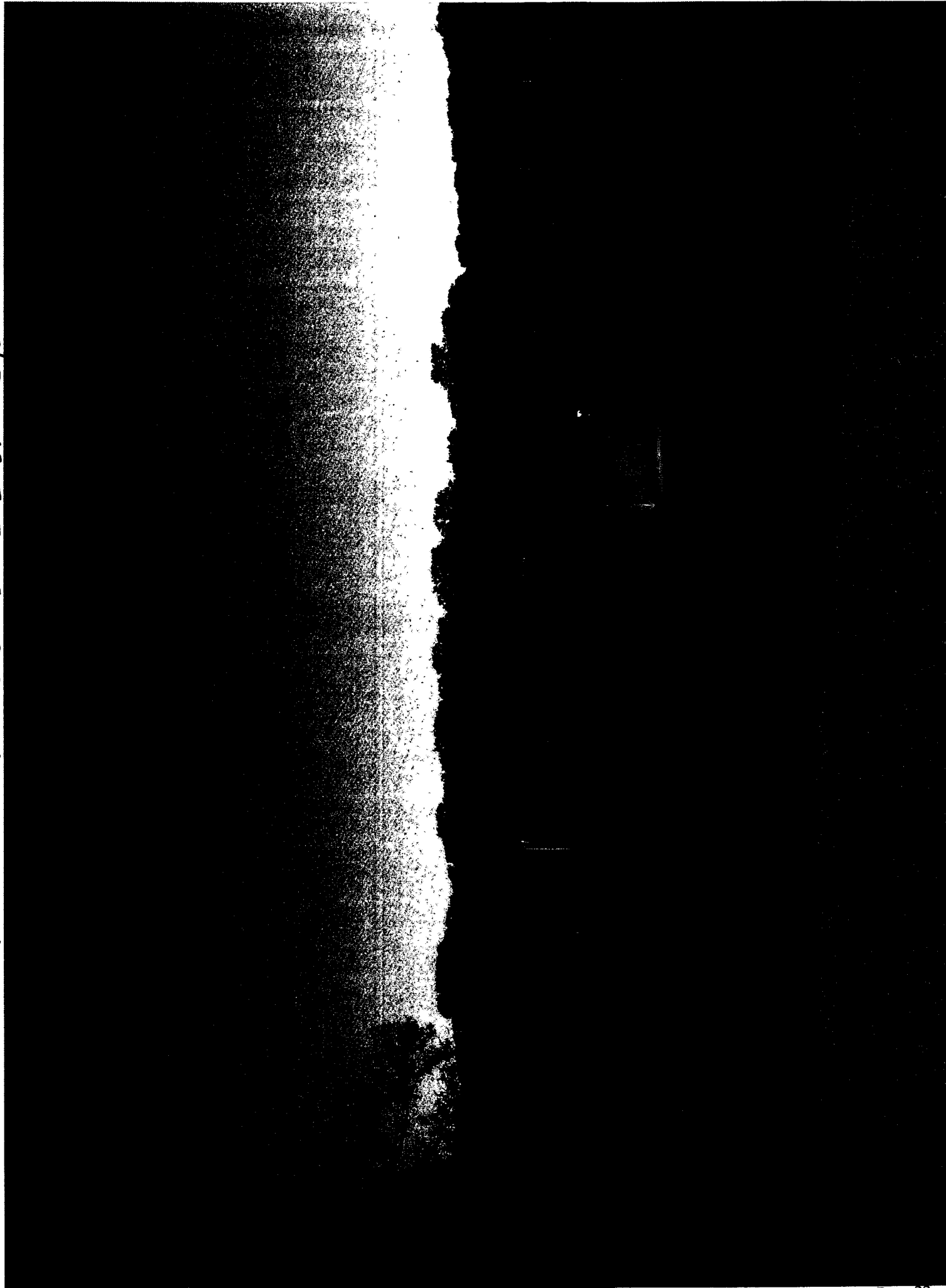
FFF WOULD RUN AT TLERS



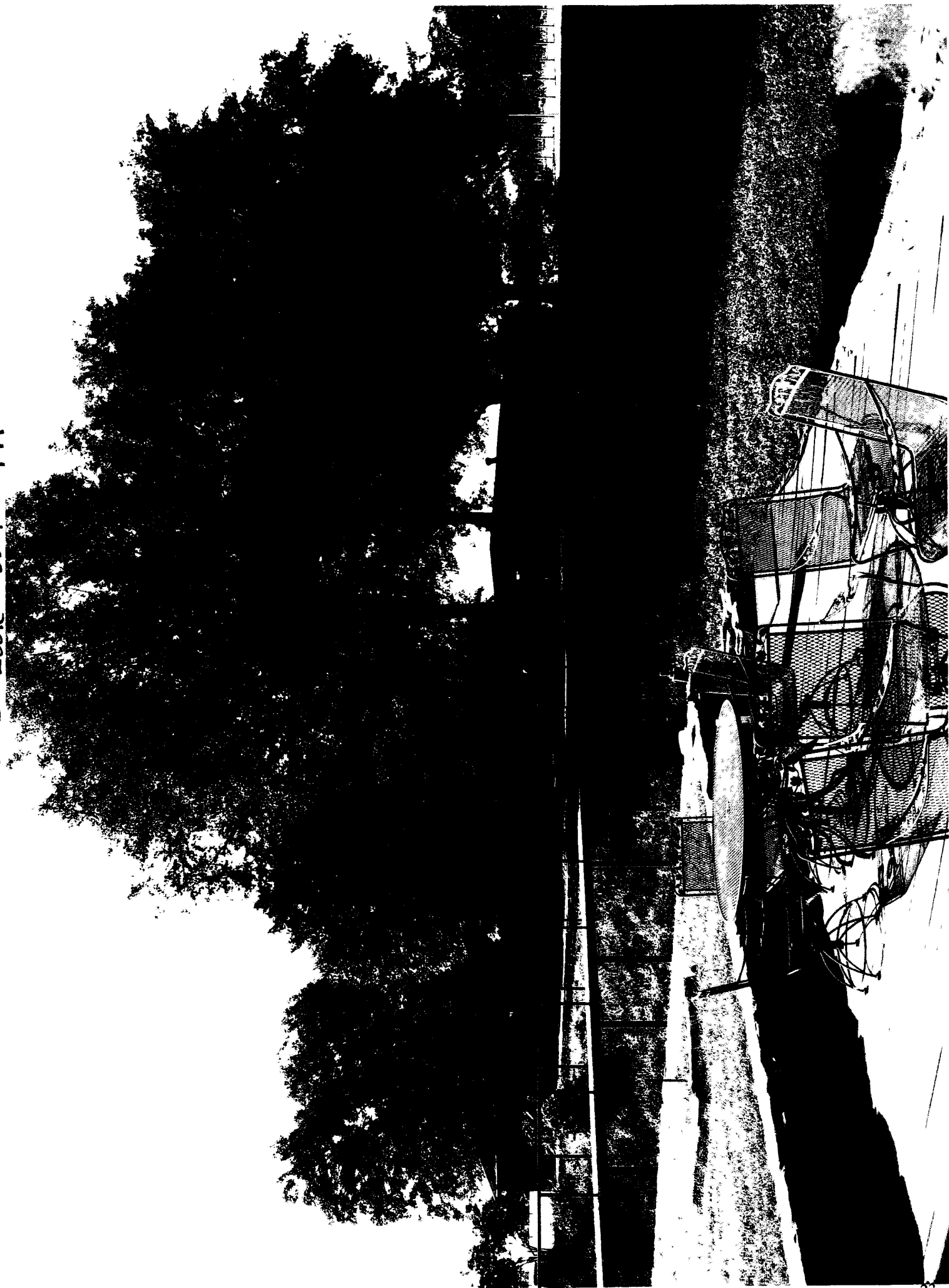
2ND LAKE FOUNTAIN FFF BEHIND TNEES



Fountain FFF would be just beyond trees

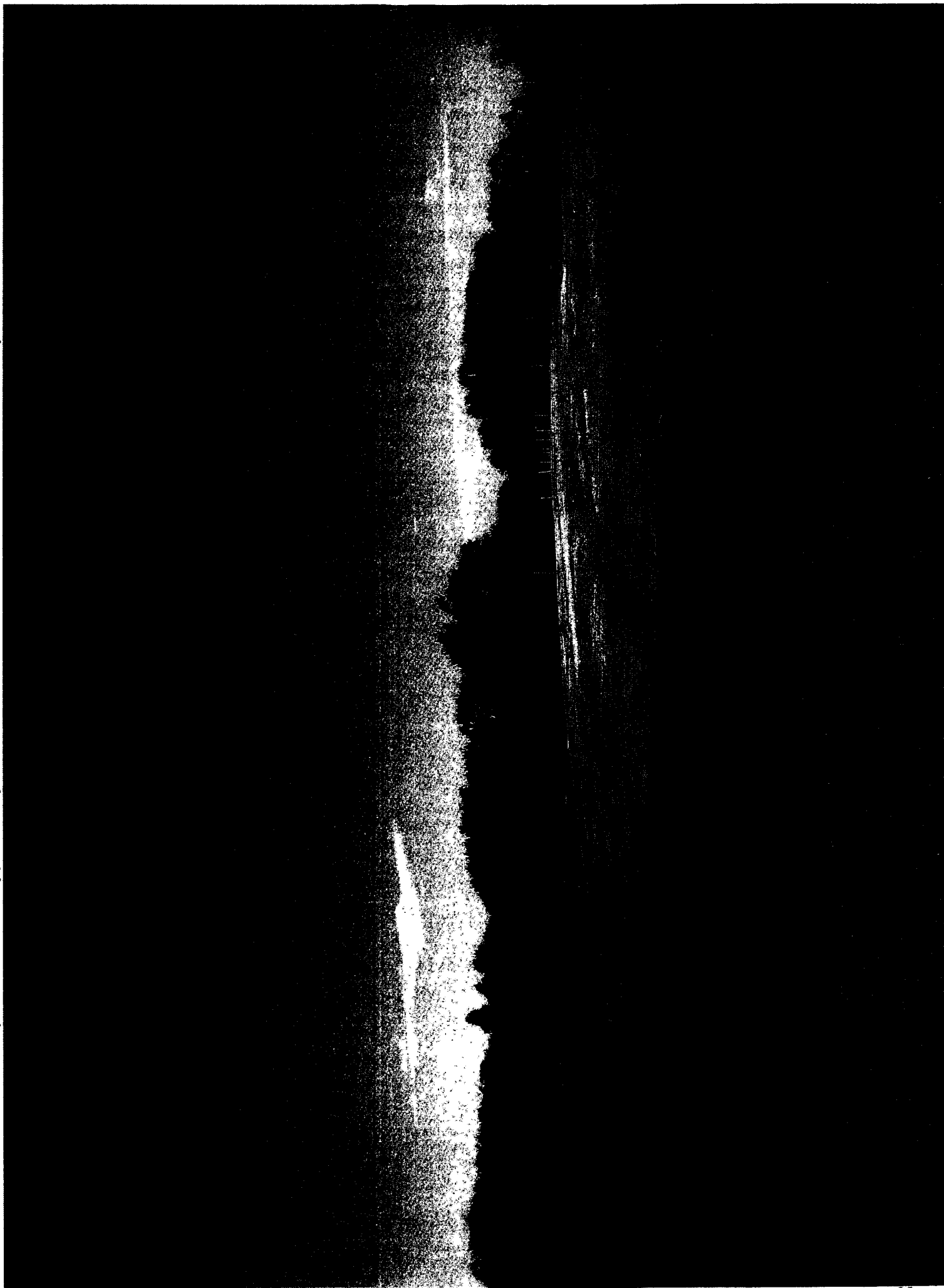


DIVER DECK WOULD LOOK OUT TO FFF





RT VIEW FROM PATICTION FFF RUNS ALONG TNEE LINE



PAVILLION BAR/KITCHEN WOULD VIEW FFF



BRIDGE FROM RANCH HOUSE TO ENTERTAINMENT HUNTER, WATER FALL, FIRE AT



VIEW FROM RANCH HOUSE DECK FFF WOULD BE AT EDGE OF TREES



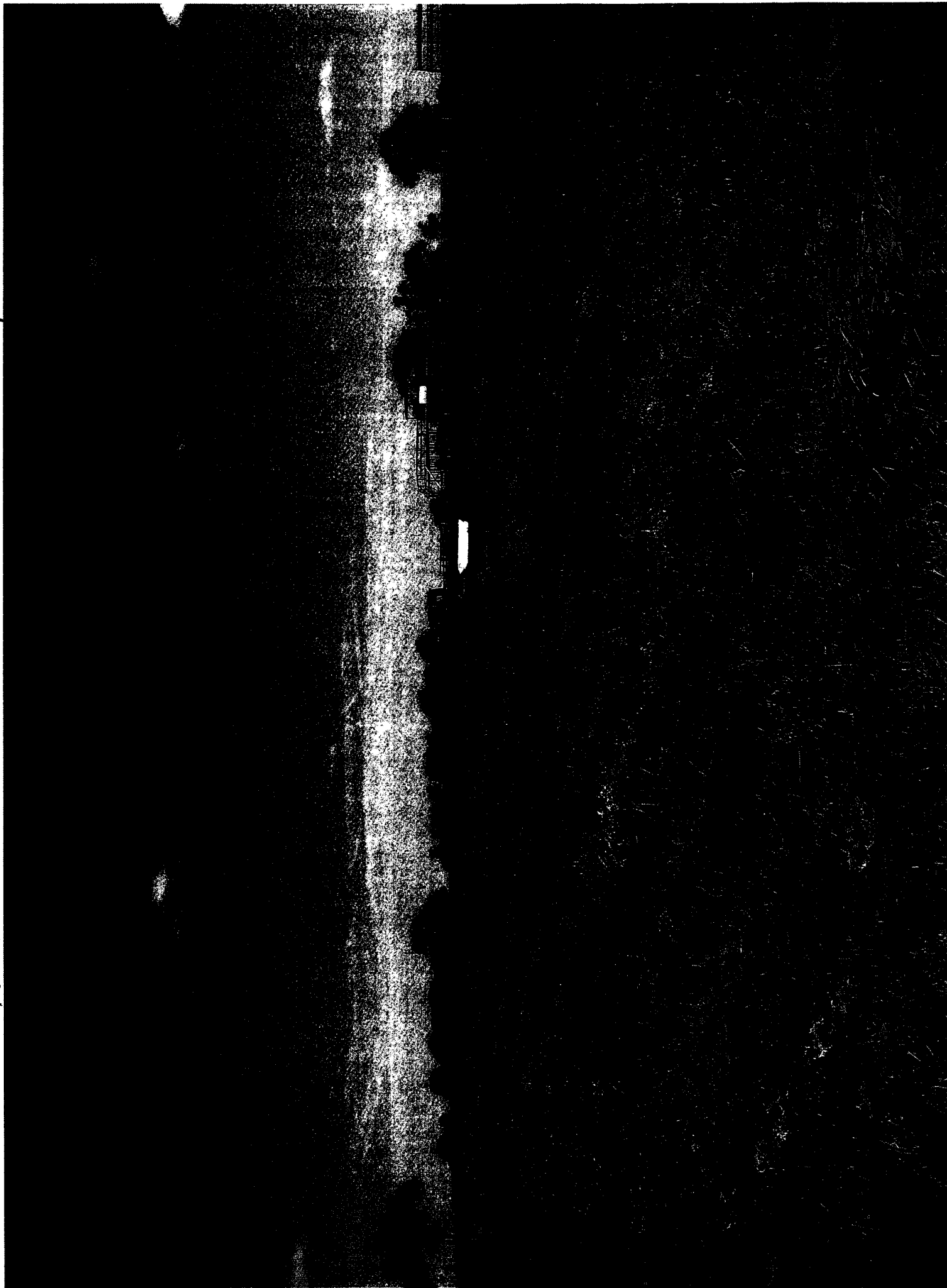
RANCH HOUSE + DECK WOULD LOOK DIRECTLY ON TO FFF



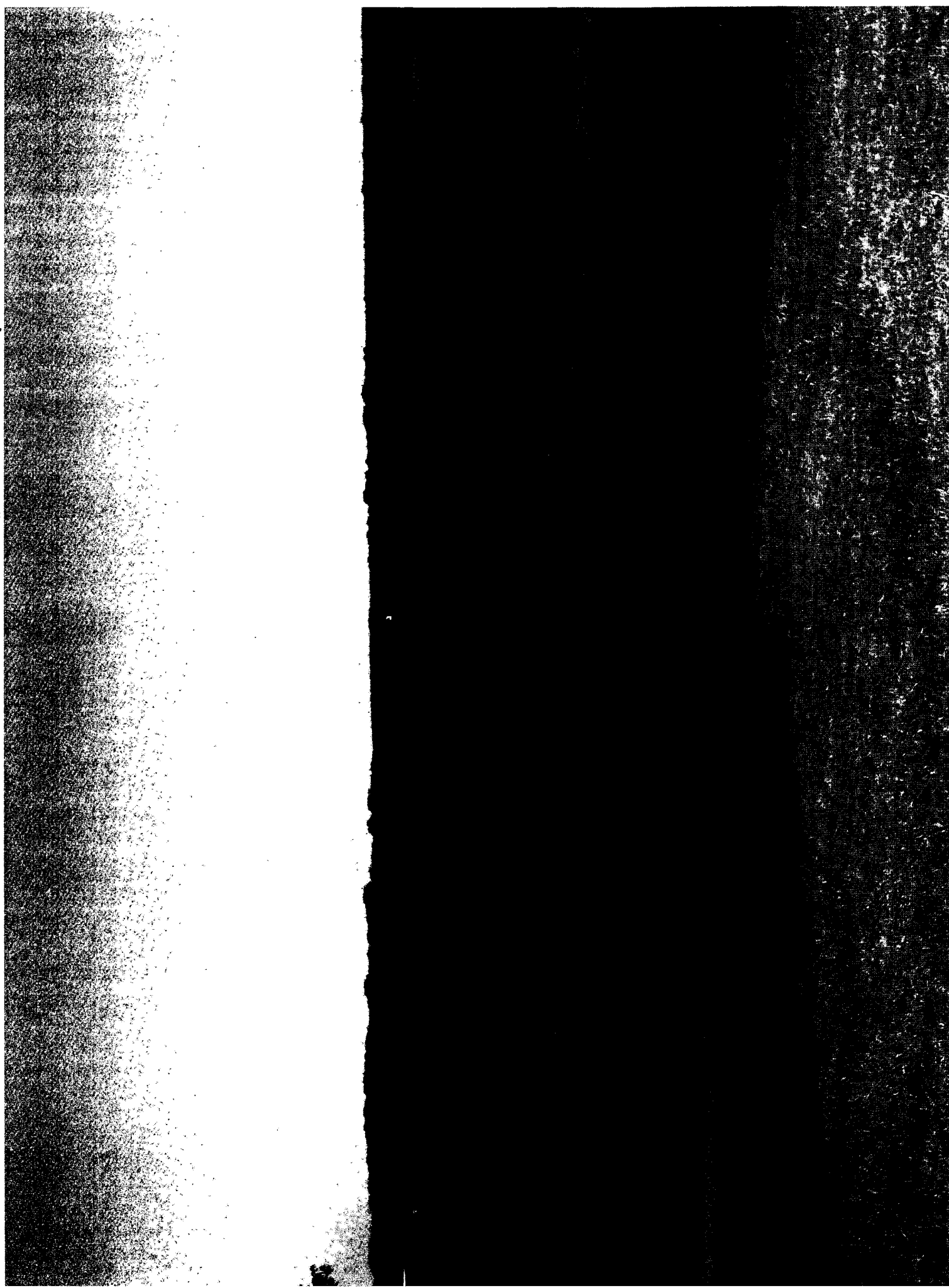
ARENA



RODEO ARENA FFF HHH WOULD BE JUST BEYOND



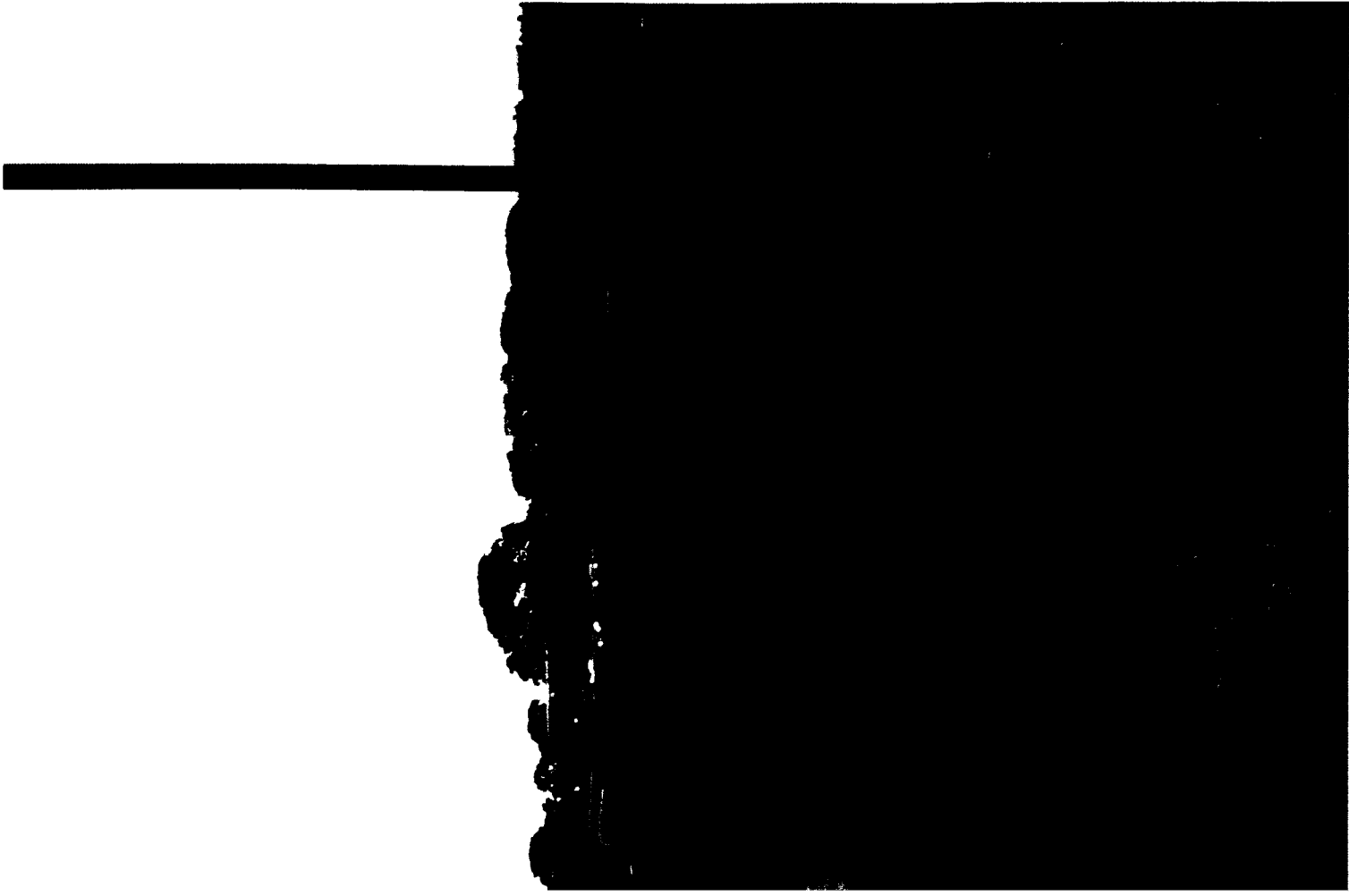
HIGH FENCE FFT WOULD BE JUST BEYOND TREE LINE



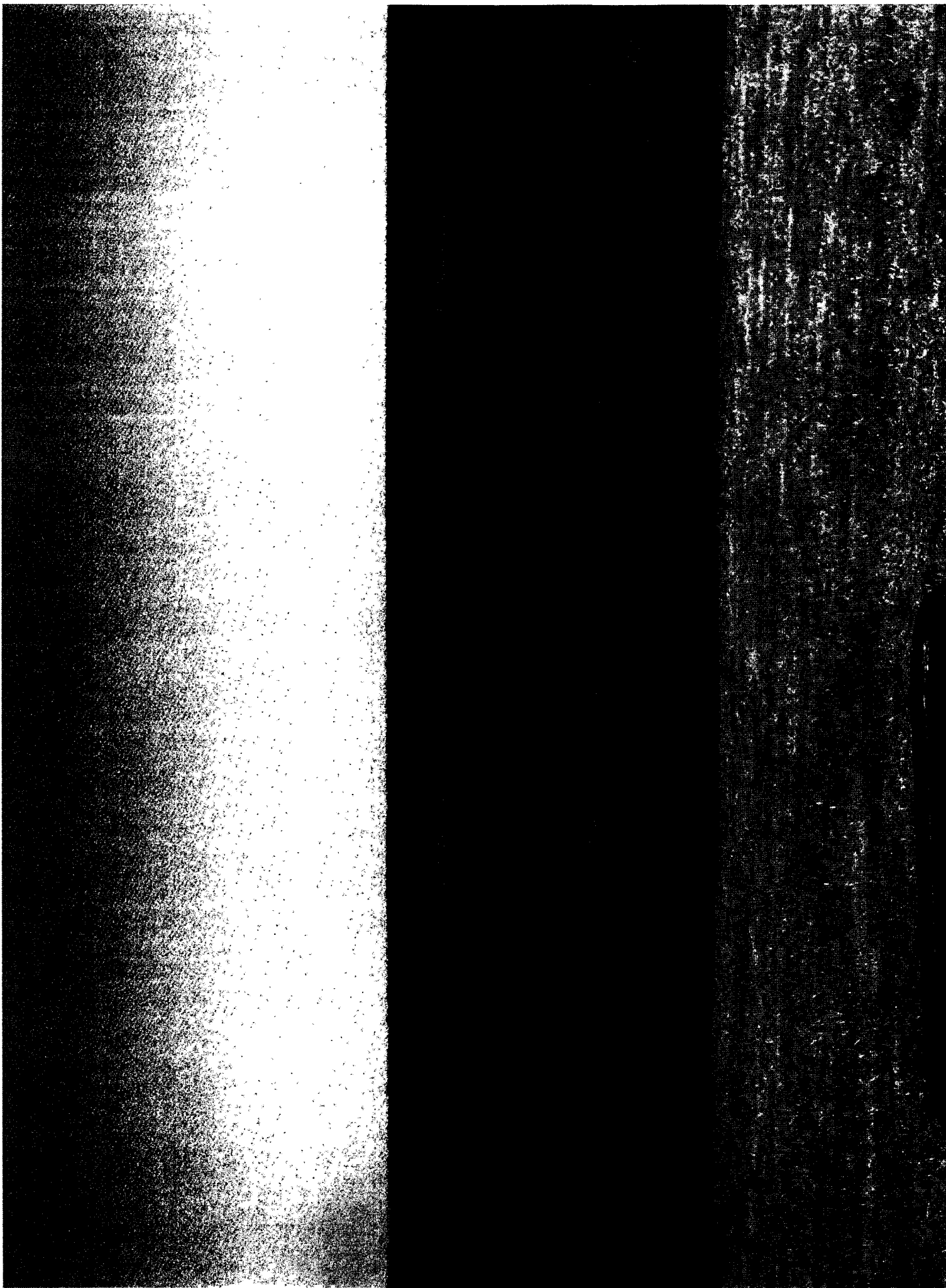
FFF WOULD TRAVEL JUST BEHIND TREE LINE



557 RANGE



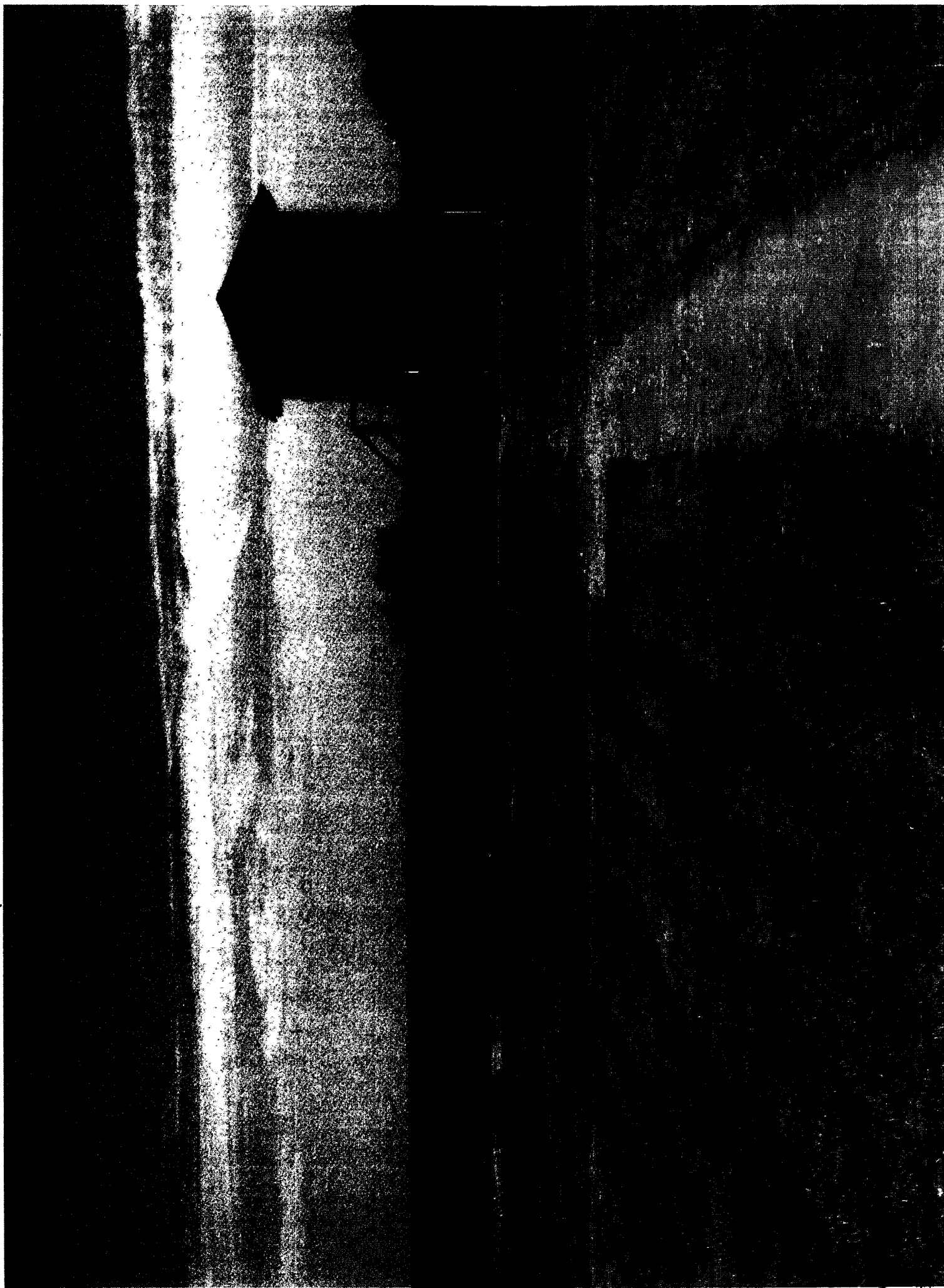
HIGH EXORC GAME FENCE



VIEW FROM STREET CORNER LINE OFF JUST BEYOND TREES



SKEET RANGE FFF WOULD BE JUST BEYOND TREES



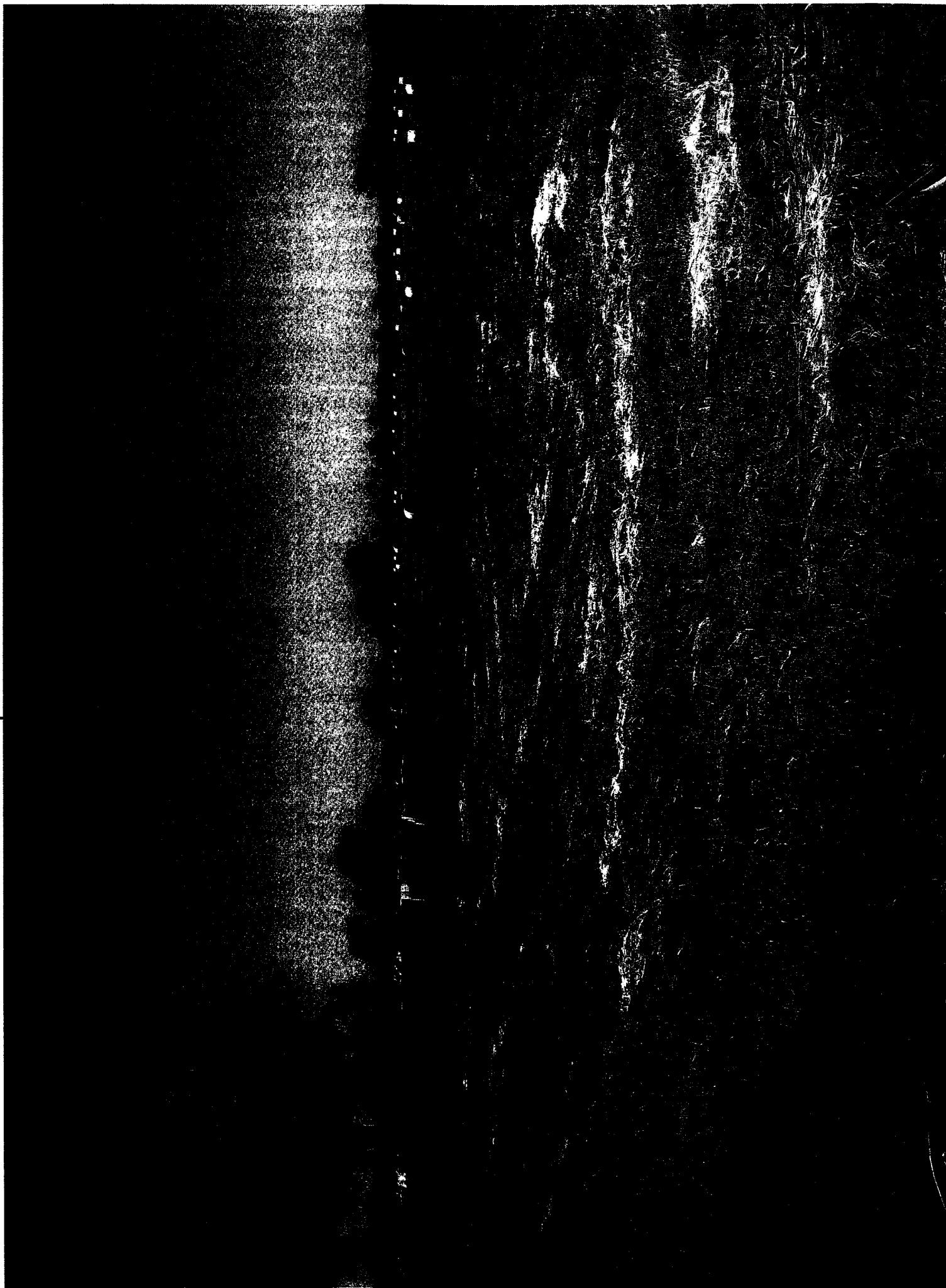
BARN LIVING QUARTERS TO LEFT



LTES (SEE AIC IN CORNER)



WALK HAY FIELDS



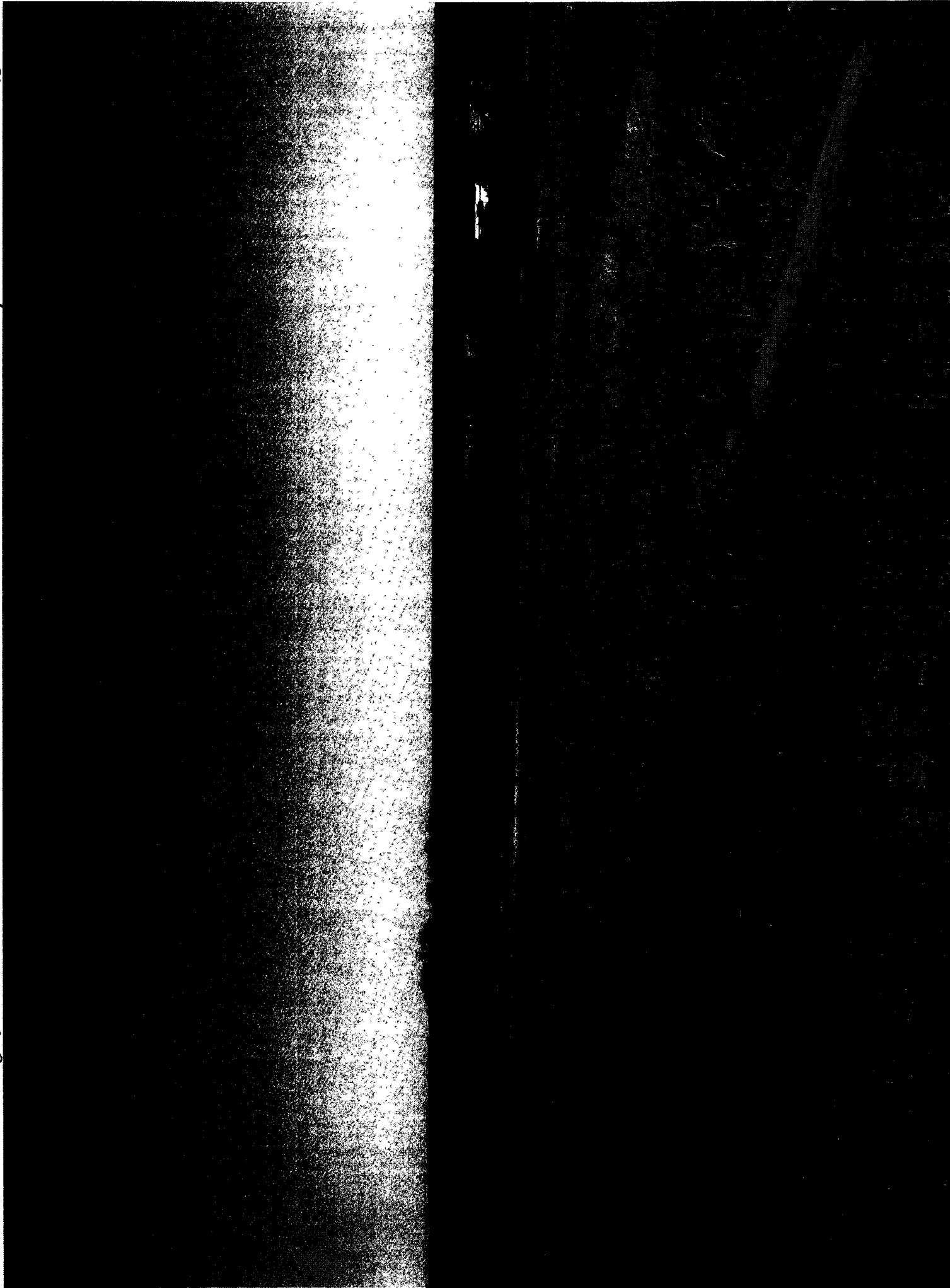
CATTLE WORKING PEN LINE FFF WOULD BE ON FENCE LINE



OBSERVATION DECK



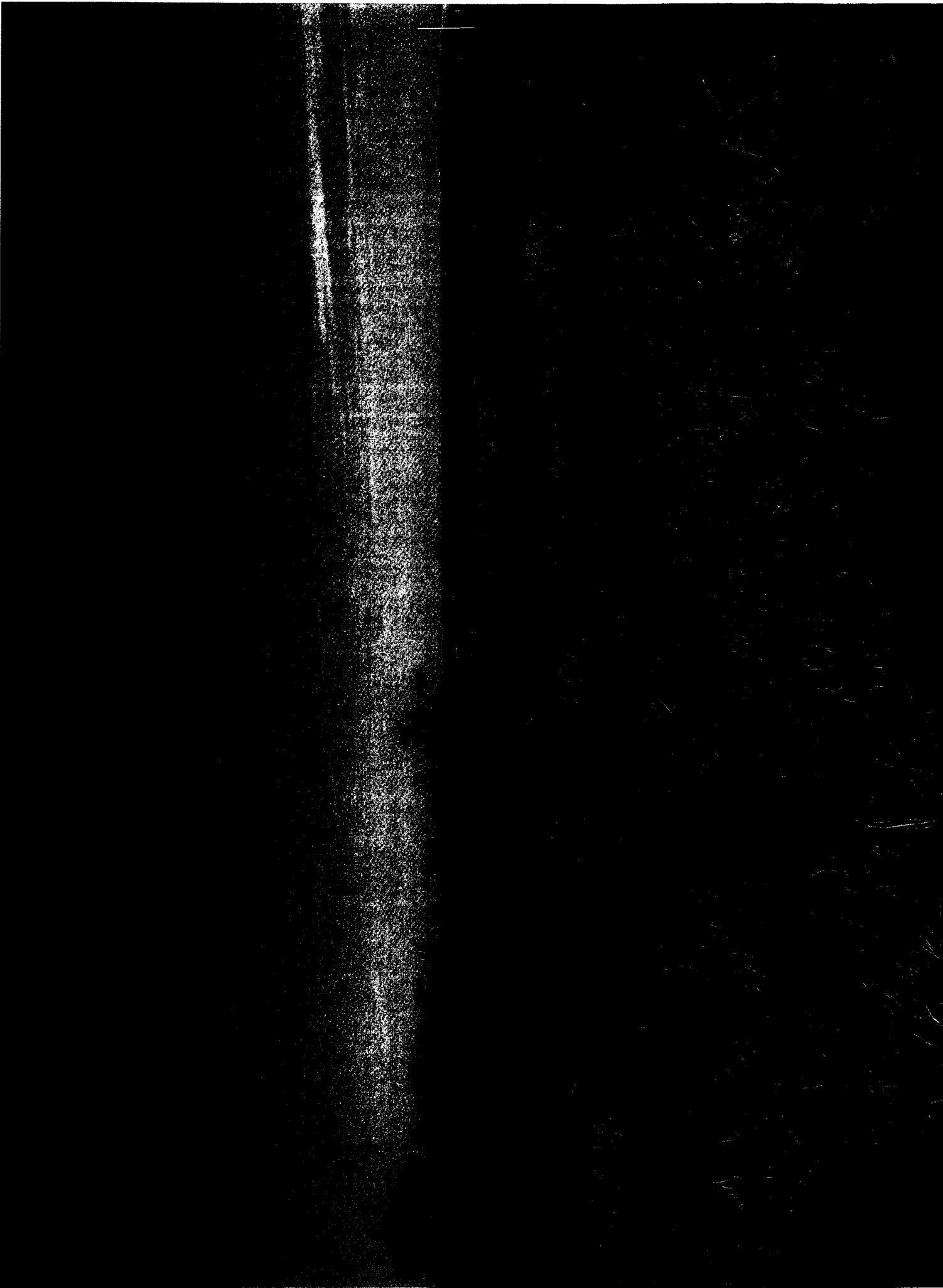
OBSERVATION DECK HHH WOULD TRAVEL DIAGONALLY ACROSS THIS VIEW



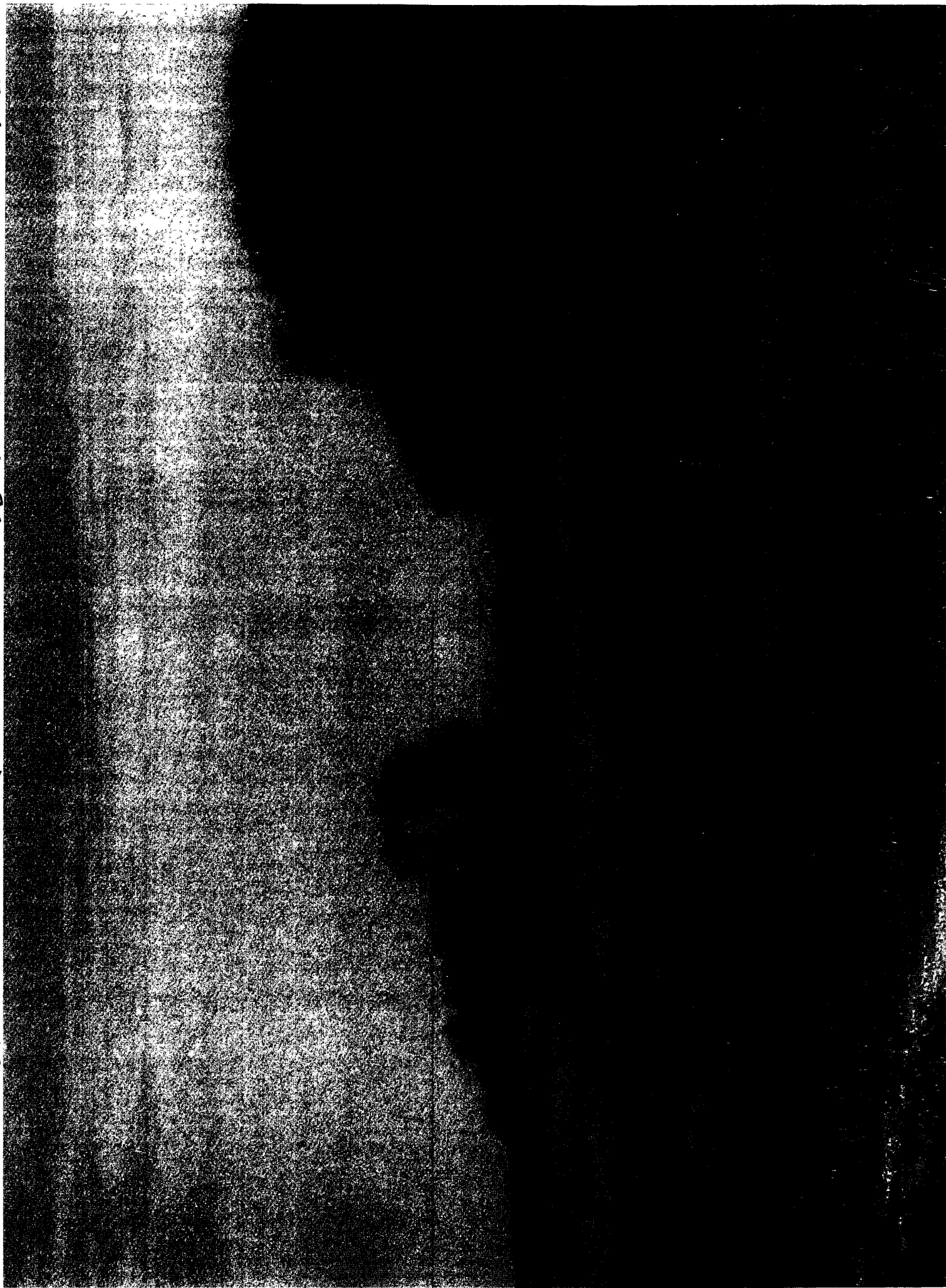
OBSERVATION DECK HHH WOULD CROSS AT 2000 TREE LINE



VIEW FROM OBSERVATION DECK FFF WOULD BE ON THIS FENCE



OBSERVATION DECK FFF WOULD BE ON THIS FENCE LINE



VOLLEY BALL COURT FFF WOULD BE JUST BEYOND TREES

