



Control Number: 38230



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Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4398

PUC DOCKET NO. 38230

**APPLICATION OF LONE STAR
TRANSMISSION, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR THE CENTRAL A TO
CENTRAL C TO SAM SWITCH
NAVARRO PROPOSED CREZ
TRANSMISSION LINE**

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**



INITIAL BRIEF OF WILLIAM T. AND BONNIE CRUMLEY, INTERVENORS

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE POMERLEAU AND JUDGE
SHENOY**

Come now, William T. and Bonnie Crumley requesting consideration of position regarding Transmission Line for alternate route Central C to Sam Switch in Erath County.

I. INTRODUCTION AND SUMMARY

On May 24, 2010, Lone Star filed an application with the Public Utility commission for a Certificate of Convenience and Necessity (CCN) for the Central A to Central C to Sam Switch to Navarro Proposed CREZ Transmission Line. These proposed routes consisted of a Preferred Route and two Alternate Routes. One of these Alternate Routes (Central C to Sam Switch) affects our land and we are opposed to this route. In this case, we are intervening and asking for the location of the Preferred Route to be considered.

II. PROCEDURAL HISTORY, JURISDICTION AND NOTICE

On October 13, 2009, Lone Star Transmission invites landowners whose property would possibly be affected by the transmission line to a general meeting of the landowners. At this time, affected landowners were allowed to look at the maps and ask questions of the Lone Star Representatives that were present. At this time, we were given the opportunity to point out where some structures were that were not identified on the maps. On May 24, 2010, Lone Star filed application for a Certificate of Convenience and Necessity with the PUC. New maps and descriptions were sent to the landowners, and intervention deadlines for the Docket 38230 were set for June 23, 2010 for the landowners. The new map at this time showed a change, the alternate route Central C to Sam Switch at Link MM, tracts 8-641 and 8-642 the proposed line was moved from the pipeline easement to the western boundary of our property along the Erath County Road 245 crossing a crop land field and crossing Erath County Road 246 and following the western boundary of our property across another crop land field. On June, 23, 2010, we filed an intervention request opposing Alternate Route Central C to Sam Switch. We do oppose the route that involves Link MM as it directly affects our property. On July 9, 2010, I, Bonnie Crumley, attended the Prehearing Conference in Austin.

On July 20, we, William T. and Bonnie Crumley attended the Settlement Conference held in Stephenville, Texas for Central C to Sam Switch. On Aug. 17, 2010. We filed a Statement of Position to continue participation in the intervention.

On Aug. 25, 2010, we responded to John A Mathews, Jr. first RFI, and on Sept. 9, 2010, we filed our responses to Lone Star's first RFI. In both of these requests, we opposed the Alternate Route, Link MM, tracts 8-641 and 8-642 which directly affects our property.

Due to a health issue, my husband and I, William T. and Bonnie Crumley, interveners, were not able to attend the Hearing on Merits on Sept. 7 through Sept. 14, 2010.

We would like to state that we oppose the Alternate Route Central C to Sam Switch, Link MM, tracts 8-641 and 8-642.

III. ISSUES RELATING TO THE APPLICATION (The following non applicable to the interveners)

A. Adequate Number of routes (Preliminary Order Issus No. 1)

- B.** Compliance with Commission Filing Requirements (Preliminary Order Issue No. 3)
- C.** Submission of CCN Application in Fulfillment of CREZ Transmission Line Project and Achievement of Intended Result for CREZ Project (Preliminary Order Issue Nos.4 and 5)
- D.** Modifications to the Transmission Improvements Described in the CREZ Order (Preliminary Order Issue No. 9)
- E.** Cost Discrepancies between the CCN Application and the CREZ Transmission Plan (Preliminary Order Issue No. 6)

IV. ROUTE SELECTION

- A.** Which Transmission Line Route is the Best Alternative, Weighing the Factors in PURA 37.056 (c)(4), excluding (4)(E), and PUC Subst. R. 25.101 (b)(3)(B) (Preliminary Order Issue No. 6)
 - 1. Community Values:
 - 2. Recreational and Park Areas
 - 3. Historic and aesthetic Values
 - 4. Environmental Integrity
 - 5. Effect of Granting the Certificate on the Ability of this State to Meet the Goal Established in Section 39.904(a) of PURA
 - 6. Cost
 - 7. Engineering Constraints
 - 8. Using/Paralleling Existing Compatible Right of Way
 - 9. Prudent Avoidance

As interveners, we, William T. and Bonnie Crumley would like to comment on the above topics in a brief paragraph.

When Lone Star Transmission sent out the proposed routes and designated one of these as a “preferred” route (which is not the case), all of the landowners involved on the alternate routes have set back and thought they did not need to be concerned with this project anymore. The landowners from the “preferred route” (Central A to Central C) have come together individually or some have hired lawyers to represent them and are aggressively fighting the placement of the transmission lines on their property. Also, these landowners are pushing for the placement of the lines to be routed to one of the southern alternate routes. This is causing neighbor to plot against neighbor in this project.

We are as dedicated stewards of the land as anyone else. We think our vistas and hills are as beautiful as the other landowners. Our wildlife and wooded habitats are as important to us as the people on the other routes.

One thing, we can say about the landowners on our alternate route Central C to Sam Switch, is that most of the landowners own smaller properties than the landowners on the northern route Central A to Central C. We are not the larger ranch acreages; therefore, most of us are trying to make a living for ourselves and families on smaller farms and ranches. The transmission lines will have a greater impact on the smaller properties than on the larger properties.

B. Alternate Routes or Facility Configurations

1. Specific Alternatives and Cost (Preliminary Order Issue No. 7)
2. Landowner Contributions and Effect on Electric Efficiency of the Line and Reliability (Preliminary Order Issue No. 8) If Alternate Route Central C to Sam Switch is selected, we do prefer that the transmission line is on the western boundary of our property.

V. FINANCIAL COMMITMENTS TO BUILD, MAINTAIN, AND OPERATE THE PROPOSED TRANSMISSION LINE

VI. TEXAS PARKS AND WILDLIFE DEPARTMENT RECOMMENDATIONS

(Preliminary Order Issue No. 11)

VII. HB 3309 ISSUES

VIII. CONCLUSION

In conclusion of this brief, we strongly oppose Link MM of Alternate Route Central C to Sam Switch. As a landowner, we feel there would be a greater impact on the smaller landowners than on the larger landowners. The smaller landowner would suffer greater loss with crop land, pastures, pecan trees and other hardwood tree areas. Please consider the effect on the smaller landowner as far as the devaluation of property, destruction of natural habitat, destruction of wildlife habitat, erosion problems, and taking of a 100 foot easement on the smaller acreages. We are urging you to look into these factors when you make your decision. We would prefer that you choose the northern most route Central A to Central C as this would impact fewer small landowners.

**IX. PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDERING PARAGRAPHS**

Respectfully submitted,

William T. Crumley

William T. Crumley

Intervener

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