

Control Number: 38230



Item Number: 1630

Addendum StartPage: 0

SOAH Docket No. 473-10-4790  
Docket No. 38230

Application of Lone Star	§	Public Utility Commission
Transmission, LLC for a Certificate	§	
of Convenience and Necessity for	§	of
the Central A to Central C to Sam	§	
Switch/Navarro Proposed CREZ	§	Texas
Transmission Line		

**Exceptions of Judith Arnette, Intervenor, and Request for Oral Argument**

I am the owner of a 520 acre pristine wildlife preserve in Bosque County and I take exception to many of the statements in the PFD in this case.

When I purchased the property it came with a restrictive Conservation Easement that states:<sup>1</sup>

E. The parties hereto have the common purpose of preserving and maintaining the Conservation Values of the Property and acknowledge that this Conservation Easement is being reserved and retained in perpetuity.

The easement was created for:<sup>2</sup>

1. **PURPOSE.** The purpose of this Conservation Easement is to ensure that the Property will be retained forever predominantly in its natural and scenic condition; to protect animals (subject to hunting rights of Grantee provided herein); to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property while allowing for traditional uses on the Property that are compatible with and not destructive of the

Prior to my purchase in 2002. The Nature Conservancy of Texas surveyed the property for endangered and threatened species and in particular for Golden Cheeked Warblers. In the majority of their survey points, they found warblers. Black Capped Vireos were also identified on my property.

Now Lone Star Transmission wants to clear a right of way for a transmission line for over 1.75 miles through my property even though it is prohibited by the conversation easement.

<sup>1</sup> Direct testimony of Judith Arnette, page 24

<sup>2</sup> Direct testimony of Judith Arnette, page 24

### ***Items that are incorrect in the PFD***

#### ***Habitable Structures:***

Route 249 has far more habitable structures than Lone Star's preferred route 14 and TPWD and PUC staff's preferred route 246.

#### ***Habitat for endangered species:***

Route 249 through Bosque County has by far the greatest amount of habitat for endangered and threatened species. The Nature Conservancy of Texas stated in their report that this property along with Holzem's property contains "the majority of habitat in western Bosque County".<sup>3</sup>

Dr. Baccus as well as TPWD states that route 249 has the most habitat of all of the routes and that route 246 is by far a better choice.

#### ***I35 constraint:***

Lone Star has satisfied any concerns that there may have been in regards to the crossing of I35 in regards to their preferred route 14. Lone Star has even included a couple of links to be able to avoid the I35 intersection completely.

#### ***Paralleling existing corridors:***

Route 249 along our link RR does not follow any corridors. There are routes that follow existing transmission lines that should be used instead of running lines through our undisturbed natural habitat. Route 246 that parallels our area to the north is one of these routes and should be used.

#### ***Conclusion:***

A route that disturbs fewer habitable structures and follows existing transmission lines makes the most sense. The commission should use route 246 and reject route 249 as it is the most disruptive route.

I request to speak at the hearing.

---

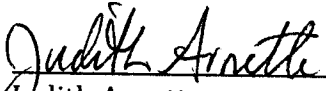
<sup>3</sup> Holzem Ex. 2, page 35

**Conclusion:**

A route that disturbs fewer habitable structures and follows existing transmission lines makes the most sense. The commission should use route 246 and reject route 249 as it is the most disruptive route.

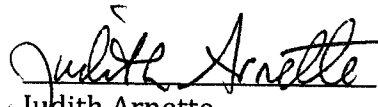
I request to speak at the hearing.

Sincerely

 *per my permission*  
Judith Arnette  
4404 Livingston  
Dallas, Texas

**CERTIFICATE OF SERVICE**

I certify that this document was served on all parties of record on October 28, 2010, by notice via e-mail to [dk38230@soah.state.tx.us](mailto:dk38230@soah.state.tx.us).

 *per my permission*  
Judith Arnette