



Control Number: 38230



Item Number: 581

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4398

PUC DOCKET NO. 38230

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

RESPONSE OF BOB L. HERD (INTERVENOR) TO COMMISSION STAFF'S
FIRST SET OF REQUESTS FOR INFORMATION AND FIRST SET OF
REQUESTS FOR ADMISSION TO ALL INTERVENORS

Staff 1-1

Do you have a habitable structure, as defined by PUC Subst. Rule 25.101 (a) (3), near one or more of the segments of the proposed transmission line? If so, describe the structure, identify the segments(s) and estimate how far the proposed line is from the habitable structure. P.U.C. SUBST. R.25.101 (a) (3) defines "habitable structures" as follows: "Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to, single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes and schools."

ANSWER: Yes

Structure	Segment	Distance (ft)
Lodge (Single Family)	ee	1,070
Foreman House (Single Family)	ee	2,275
Office/Shop	ee	2,400
Arena	ee	2,675
Lake Cabin (Single Family)	ee	3,600
Lake Cabin (Single Family)	ff	3,478

Staff 1-2

Does one or more of the segments of the proposed transmission line cross your property? If so, identify the segments and any

features including but not limited to a property line, pipeline, power line or road that the segments follow through your property.

ANSWER: Yes.

Both segments "ee" and "ff" cross this property. Both proposed segments of the proposed transmission line cross our roads, fences, cultivated fields and pastures.

Staff 1-3 Do any existing transmission or distribution lines cross your property? If so, please describe how and where they cross your property.

ANSWER: Other than a single distribution line that transits the most northeastern portion of this property, there are no existing transmission or distribution lines on or across this property other than those servicing the electrical needs of this property.

Staff 1-4 Are any existing transmission or distribution lines visible from your property? If so, please describe them from where the lines are visible, approximately how far away the lines are located and how the current lines affect your property, if at all.

ANSWER: As stated in 1-3, the only distribution line that crosses this property is only visible from the pasture through which the line runs. This line is not visible from any "habitable structure."

Staff 1-5 Do you currently have any windmills located on your property? If so, please describe the location of the windmills and how many are located on your property?

ANSWER: No.

Staff 1-6 Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from Lone Star? If so, please identify the landowner and describe as best possible the location of the property affected. A directly affected landowner is any landowner from which Lone Star would need to obtain an easement or other property interest if it built the transmission line using one or more of the segments of the proposed transmission line, or whose land contains a habitable structure that is within 500 feet of the centerline of one or more of the segments of the proposed transmission line.

ANSWER: No.

Staff 1-7 Have you discussed any modifications to the proposed transmission line route on your property with a representative of Lone Star? If so, what were the modifications to the proposed route that you suggested and what was the response of Lone Star?

ANSWER: Yes.

We have contacted representatives of Lone Star and found that their first choice is segment "cc" which is north of our property. We concur that this is indeed the best option for the routing of this transmission line.

Staff 1-8 What are your specific concerns about the proposed transmission line?

ANSWER: We are concerned that the proposed segments across our property are going to be difficult to construct and maintain due to the rugged terrain of our property. Access to the transmission line would be extremely difficult from within the transmission right-of-way.

Staff 1-9 Did you attend any open houses presented by Lone Star concerning this proposed transmission line? If so, when and where? Did you provide written comments to Lone Star at or after the open house?

ANSWER: Yes.

We attended the Albany open-house meeting in October, 2009. We did not provide written comments at or after the open house.

Staff 1-10 Are your property boundaries for the property you own represented accurately on the maps provided by the Lone Star in its Application? If not, please explain any discrepancies and provide a modified Lone Star map or drawing to indicate the discrepancies. On-line versions of the maps can be viewed at <http://www.lonestar-transmission.bgtpartners.com/open-house-materials.html>. In addition, Lone Star will provide hard copies of these maps at each location where its Application is available for public view (such locations are listed in Lone Star's notice) and will provide a hard copy to any party upon request.

ANSWER: Yes.

Staff 1-11 What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line?

ANSWER: The primary purpose of this property is a natural game habitat with a working cattle ranch. This property and the associated facilities are also used as a business-meeting place for Mr. Herd's various companies. The value and use of this property will be materially and adversely affected by the construction and maintenance of transmission lines.

Staff 1-12 In your opinion, is there any feature about your land that you believe should be considered when routing a transmission line on your property? If so, please explain.

ANSWER: Yes.
The rugged terrain and abrupt elevation changes will be problematical and costly for construction and maintenance for such a transmission line. Extraordinary improvements have been made to this property in the context of a ranch located in this region of the State.

Staff 1-13 Please identify all persons with an ownership interest in your property

ANSWER: Bob L. Herd

Staff 1-14 If the transmission line is routed on your property, please identify specifically the location that you would prefer for the right-of-way of the line. Use a map to show the location. Online versions of the maps can be viewed at <http://www.lonestartransmission.bgtpartners.com/open-house-materials.html>. In addition, Lone Star will provide hard copies of these maps at each location where its Application is available for public view (such locations are listed in Lone Star's notice) and will provide a hard copy to any party upon request.

ANSWER: If the construction of this transmission line on our property were inevitable, the segment identified as "ff" would have the least adverse impact.

SOAH DOCKET NO. 473-10-4398

PUC DOCKET NO. 38230

**RESPONSE OF BOB L. HERD (INTERVENOR)
TO COMMISSION STAFF'S FIRST SET OF REQUESTS
FOR ADMISSIONS TO ALL INTERVENORS**

Staff RFA 1-1: Admit or deny that you do not own or reside in a habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket.

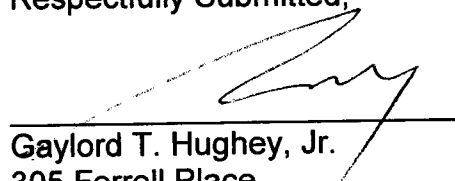
ANSWER: Admit.

Staff RFA 1-2: Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the map provided by the Lone Star,

ANSWER: Admit.

Stipulation under oath pursuant to the P.U.C. Proc. R. Subchapter H Section 22.144 (c), (2), (F): Each of the foregoing answers and admissions to Staff Requests for Information 1-1 through 1-14 and Staff Request for Admission 1-1 and 1-2 has been prepared by Gaylord T. Hughey, Jr., attorney representing Bob L. Herd, as responded to by Bob L. Herd, stipulating and agreeing in writing that said answers and admissions shall be treated by all parties as if filed under oath by Bob L. Herd.

Respectfully Submitted,



Gaylord T. Hughey, Jr.
305 Ferrell Place
Tyler, Texas 75702
Telephone: 903-597-6192
Facsimile: 903-597-9584
Email: gaylord@gthlaw.net

ATTORNEY FOR BOB L. HERD

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of July, 2010, a true and correct copy of the foregoing Response to Request for Information and Admissions of Bob L. Herd was served upon all parties of record by U. S. Mail, facsimile, or email.



Gaylord T. Hughey, Jr.