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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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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DIRECT TESTIMONY

OF

MICHAEL HERD

ON BEHALF OF

BOB L. HERD

AUGUST 7, 2010

TESTIMONY INDEX

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A. Michael Herd

4 3901 Manhattan, Tyler, Texas 75701

5 **Q. HAVE YOU EVER PROVIDED TESTIMONY BEFORE THE PUBLIC**
6 **UTILITY COMMISSION?**

7 A. No.

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

9 A. Bob L. Herd

10 **Q. WHAT IS THE SUBJECT OF YOUR TESTIMONY?**

11 A. To make it known that Bob L. Herd opposes Lone Star Transmission's
12 proposed alternative routes EE and FF as currently configured.

13 **II. SUMMARY**

14 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

15 A. a) To provide the basis for Bob L. Herd's opposition to the current
16 configuration of lines EE and FF;

17 b) to bring to The Commission's attention that the property boundaries as
18 shown in Lone Star's Commission filings of the Bob L. Herd's tracts are
19 incorrect; and

20 c) to provide a revised alignment on routes EE and FF across Bob L.
21 Herd's property that would lessen his opposition should routes EE and FF
22 be selected by The Commission.

1 **III. BOB L. HERD'S PROPERTY IS DIRECTLY AFFECTED BY THE**
2 **ALTERNATE TRANSMISSION LINES EE AND FF**

3 **Q. WHERE IS THE LOCATION OF THE PROPERTY THAT WILL BE**
4 **AFFECTED BY THE PROPOSED TRANSMISSION LINE?**

5 A. The property affected is a 7,172.32 parcel of land which consists of seven
6 individual adjacent tracts located in Shackelford and Callahan Counties,
7 Texas.

8 **Q. PLEASE DESCRIBE YOUR PROPERTY.**

9 A. The property consists of the following described tracts:

10

Tract	Document	Date	Volume/Page	County
1	Warranty Deed	05/13/94	425/491	Shackelford
2	Warranty Deed	05/10/95	37/533	Callahan &
3	Warranty Deed	05/10/95	434/138	Shackelford
4	Warranty Deed	01/13/97	55/764	Callahan &
5	Warranty Deed	01/13/97	449/278	Shackelford
6	Warranty Deed	05/07/97	452/386	Shackelford
7	Warranty Deed	04/14/03	128/357	Callahan
8	Special Warranty Deed	05/13/03	129/671	Callahan
9	Special Warranty Deed	06/18/03	130/946	Callahan

11 Tracts 3, 5, and 6 were omitted from Lone Star Transmission's
12 property descriptions depicted on Lone Star's Intervenor Map #2 of 6.

13 These omitted tracts are shown as Shackelford County property map
14 #4-212A and are depicted on the Lone Star's property map as presented
15 in the original Owner meetings.

16 **IV. POSITION ON ROUTES**

17 **Q. WILL ANY OF THE ROUTES AFFECT BOB L. HERD'S PROPERTY**
18 **AND HIS NEIGHBORS LESS THAN OTHERS?**

1 A. Yes. The "preferred route" or any other "alternative routes" excepting
2 EE and FF do not affect Bob L. Herd's property.

3 **Q. DO YOU OPPOSE ANY ROUTES AND EXPLAIN WHY?**

4 A. Yes. Bob L. Herd opposes the EE and FF "alternative" routes.
5 The Ranch is approximately 7,200 acres. It is a showcase business
6 entertainment complex. The land and building sites were selected due to
7 the aesthetics. There's rugged terrain similar to the Hill Country. It is a
8 natural wildlife habitat with approximately 30 miles of improved roadway.
9 Within the complex is the main lodge, an indoor arena with guest quarters
10 and meeting facilities. The site and buildings were located to take
11 advantage of the vistas from each. The guest quarters include long
12 porches with sweeping views. The entertainment complex also includes a
13 lake house, fishing, water skiing and other recreational facilities. If the
14 transmission lines are constructed along the EE and FF alternative routes,
15 they unnecessarily place in jeopardy the justification for the improvements
16 and capital investments. The underground pipeline rights-of way across
17 the Herd property used for alternative routes EE and FF were, in part,
18 initially constructed to support the Cold War efforts by transporting jet fuel
19 to Carswell Air Force Base located in Fort Worth. They contain no above
20 ground structures and do not interfere with the primary purpose of the
21 entertainment complex. In this instance, I believe it is inconsistent with
22 the Governor's policy to minimize private land owner impact by placing

1 aerial structures arbitrarily on underground pipeline rights-of-ways in this
2 context. This is underscored since there are viable aerial structure routing
3 alternatives available on the northern boundary lines of the Herd property
4 which do not jeopardize the justification for the location of the
5 entertainment complex.

6 **Q. DO THE ADJOINING NEIGHBORS OBJECT TO THE**
7 **TRANSMISSION LINE RUNNING ON THEIR PROPERTY?**

8 A. I am unaware of the adjoining neighbors' objections to the
9 transmission line running on their property.

10 **Q. ARE THERE ANY OTHER ROUTES IN THE AREA TO RUN THE**
11 **TRANSMISSION LINE THAT WOULD NOT AFFECT THE HERD**
12 **PROPERTY?**

13 A. Yes. The preferred route AA or the alternate route CC would not
14 affect the Herd property.

15 **Q. Are there alignment adjustments to alternative routes EE and FF**
16 **across Bob L. Herd's property that would make them less**
17 **objectionable?**

18 A. Yes. If The Commission decides to utilize alternative routes EE or FF,
19 a revised routing across the Herd property along the northern-most
20 boundary would help mitigate the negative impact to the Herd property.
21 In Lone Star's initial filings, the tracts encompassing the Herd property's
22 northern boundaries were omitted as I identified in my earlier testimony.

1 A map roughly indicating the most desirable routing across the northern
2 boundary is submitted as part of my testimony

3 **V. CONCLUSION**

4 **Q. WILL YOU SUMMARIZE YOUR TESTIMONY?**

5 A. The alternative routes EE and FF are opposed by Bob L. Herd
6 for reasons stated previously. Should The Commission decide to utilize
7 routes EE and FF, The Commission can mitigate damage to the
8 Herd property by revising the alignment and utilizing the Herd property's
9 northern-most boundary.

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

11 A. Yes. I reserve the right to supplement my testimony if The Commission
12 approves a supplemental order or other Commission's procedures or
13 orders allow for the same.

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THE STATE OF TEXAS

COUNTY OF SMITH

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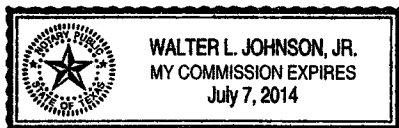
AFFIDAVIT OF MICHAEL HERD

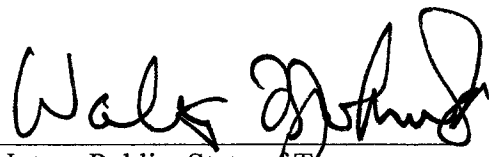
BEFORE ME, the undersigned authority, on this day personally appeared
Michael Herd, who, having been placed under oath by me did depose as follows:

"My name is Michael Herd. I am of legal age and a resident of the State of
Texas. The foregoing testimony offered by me is true and correct, and the opinions
stated therein are, to the best of my knowledge and belief, accurate, true and correct."


MICHAEL HERD

SUBSCRIBED AND SWORN TO BEFORE ME by the said Michael Herd this 10TH
day of August, 2010.




Notary Public, State of Texas

ATTACHMENT

HERD RANCH ALTERNATE TRANSMISSION ROUTE

