



Control Number: 38230



Item Number: 908

Addendum StartPage: 0

**SOAH DOCKET NO. 473-10-4398
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**

FILED
AUG 13 PM 2:47
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**LONE STAR TRANSMISSION LLC'S RESPONSE TO
JAMES O. (JAY) HOLZEM JR. AND DELOACHE ENTERPRISES CO., LLC'S
FIRST REQUEST FOR INFORMATION**

Lone Star Transmission, LLC ("Lone Star") submits this response to James O. (Jay) Holzem Jr. and Deloache Enterprises Co., LLC's First Request for Information. The requests were received on August 3, 2010, so these responses are timely filed under Proc. R. 22.144(c)(1) and Order No. 1. These answers may be treated by all parties as if the answers were filed under oath.

Parties wishing to review voluminous responses may make arrangements to do so by contacting Edie Heuss, Brown McCarroll, L.L.P., 111 Congress Ave., Suite 1400, Austin, TX 78701, (512) 479-1132, ehauss@brownmccarroll.com.

Respectfully Submitted,



Chris Reeder

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ATTORNEYS FOR LONE STAR
TRANSMISSION, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served on the party propounding these requests for information and notice of the filing of the foregoing has been sent to dk38230@soah.state.tx.us on this 13th day of August, 2010, consistent with SOAH Order No. 5.



Chris Reeder

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Holzem's RFI Set No. 1
Request No. 1-1
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QUESTION

Identify the description of habitat in the study area that Lone Star supplied to TPWD for them to provide specific comments or recommendations regarding potential impact to rare, threatened or endangered species.

RESPONSE

Lone Star provided TPWD a hard copy of the Environmental Assessment and Routing Study as well as the digital files of the alternative routes. Also, please see Lone Star's response to Jerry Swank First Set of RFIs, Request No. 1-1.

Prepared by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsored by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

Lone Star Transmission, LLC

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Holzem's RFI Set No. 1

Request No. 1-2

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QUESTION

What TXNDD information did you review that was on or near route RR?

RESPONSE

Please see Lone Star's response to Jerry Swank First Set of RFIs, Request No. 1-2.

Prepared by: Mark A. Van Dyne Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

Sponsored by: Mark A. Van Dyne Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

Lone Star Transmission, LLC
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Request No. 1-3
Page 1 of 1

QUESTION

Identify all areas that Lone Star conducted ground reconnaissance surveys during the course of the data collection.

RESPONSE

The response to this question is voluminous, and contains map plots depicting the areas covered during all ground and helicopter reconnaissance surveys. A voluminous index will be provided.

Prepared by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsored by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

QUESTION

What cost factor did Lone Star use for the expense of mitigation of loss of habitat for endangered and threatened species?

RESPONSE

Lone Star has not identified the need for an incidental take permit for endangered species; therefore, Lone Star has not estimated mitigation costs, Habitat Conservation Plan development costs, or any other "cost factor for the expense of mitigation of loss of habitat for endangered and threatened species." In general, Lone Star intends to avoid impacting habitat for endangered and threatened species. If clearing of habitat for endangered species cannot be avoided, Lone Star will consult with the U.S. Fish and Wildlife Service to determine appropriate minimization and/or mitigation measures to be taken. Lone Star is aware that mitigation costs in other projects have been approximately \$10,000 to \$12,000 per acre. Please also refer to Lone Star's response to 10 Star Ranch First Set of RFIs, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Co-Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Co-Sponsor: Dan Mayers

Title: Director of Trans./Subst. Engineering,
NextEra Energy Resources, LLC

QUESTION

What time factor did Lone Star use for the complying with the ESA?

RESPONSE

Lone Star's compliance with the Endangered Species Act is not predicated on a time factor. Lone Star understands an incidental take permit for endangered species could take up to 18 months to acquire; however, Lone Star has not identified the need to seek an incidental take permit from the United States Fish and Wildlife Service. Also, please refer to Lone Star's responses to Holzem First Set of RFIs, Request No. 1-4; 10 Star Ranch First Set of RFIs, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

Lone Star Transmission, LLC

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Request No. 1-6

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QUESTION

Does Lone Star plan on strictly following TPWD recommendations for Electrical/Transmission/Distribution Line Design and Construction? If not, what is the additional cost and schedule impact in doing so?

RESPONSE

Lone Star is aware that TPWD has submitted its recommendations for Electrical/Transmission/Distribution Line Design and Construction in various PUC Dockets and further has forwarded a letter of recommendation to the PUC Staff on July 19, 2010 after reviewing Lone Star's EA and Alternative Route Analysis. Lone Star is not aware of any requirement to strictly follow TPWD's recommendations and many of these recommendations are not reasonable or feasible and cannot be incorporated into this 345-kV transmission line project. Thus, the additional cost and schedule issue is moot.

Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Co-Sponsor: Dan Mayers

Title: Director of Trans./Subst. Engineering,
NextEra Energy Resources, LLC

Co-Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

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Request No. 1-7
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QUESTION

What measures does Lone Star plan to take to prevent bird electrocutions and collisions with their lines?

RESPONSE

Please refer to the Direct Testimony of Mr. David K. Turner, P.E. at page 13, line 1 to line 5, and page 15, line 8 to line 16.

Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Does Lone Star have an Avian Protection Plan (APP) in place? If so, what cost factor was budgeted for this plan?

RESPONSE

Lone Star does not have a project, route, or link-specific Avian Protection Plan (APP); however, Lone Star will comply with provisions of the Migratory Bird Treaty Act and the Endangered Species Act. Lone Star will install bird diverter devices within one mile of suitable whooping crane stop-over habitat. The areas of suitable habitat will be determined once a route has been approved. Lone Star will also prepare an Environmental Management Plan (EMP) prior to construction. The EMP will detail protection measures to be employed during construction to protect migratory birds and threatened and endangered species. Concerning measures that Lone Star will use to protect raptors and migratory birds, please refer to the Direct Testimony of Mr. David K. Turner, P.E. at page 13, line 1 to line 5, and page 15, line 8 to line 16. Also see Lone Star's response to Staff's Second Set of RFI's, Request No. 10.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

What design standards does Lone Star plan to use in their APP?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFI's, Request No. 1-8. Concerning the measures that Lone Star will use to protect raptors and migratory birds, please refer to the Direct Testimony of Mr. David K. Turner, P.E. at page 13 line 1 to line 5 and page 15 line 8 to line 16.

Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Sponsor: David K. Turner, P.E.

Title: Project Director
Lone Star Transmission, LLC

Co-Sponsor: Dan Mayers

Title: Director of Trans./Subst. Engineering,
NextEra Energy Resources, LLC

Lone Star Transmission, LLC

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Request No. 1-10

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QUESTION

Does Lone Star plan to train all utility personnel including managers, supervisors, line crew, engineers, dispatchers and design personnel on avian issues? If so, specify the level of training to be given to each.

RESPONSE

Concerning measures that Lone Star will use to protect raptors and migratory birds, please refer to the Direct Testimony of Mr. David K. Turner, P.E. at page 13, line 1 to line 5, and page 15, line 8 to line 16. Concerning Lone Star's Environmental Management Plan that will be used by trained individuals during construction, please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-8. Lone Star will provide adequate training to those individuals.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

QUESTION

What provisions has Lone Star taken to insure that it will be able to obtain "take permits" as defined by the ESA?

RESPONSE

Lone Star has not identified the need for an incidental take permit for endangered species. In general, Lone Star intends to avoid impacting habitat for endangered and threatened species. If clearing of habitat for endangered and threatened species cannot be avoided, Lone Star will consult with the U.S. Fish and Wildlife Service to determine appropriate minimization and/or mitigation measures. Please also refer to Lone Star's responses to 10 Star Ranch First Set of RFIs, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

QUESTION

What studies has Lone Star undertaken to insure that the EMF is not harmful to endangered or threatened species?

RESPONSE

Lone Star has not conducted any specific studies concerning EMF and threatened/endangered species nor is Lone Star aware of any proven effect of EMF on threatened/endangered species. Lone Star is also aware of many electric transmission lines constructed in, across, or near habitat for threatened/endangered species.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Please identify Lone Star's representative that is knowledgeable with the Migratory Bird Treaty Act of 1918, as amended.

RESPONSE

Allen Wynn is most knowledgeable of the Migratory Bird Treaty Act and represents Lone Star Transmission as the Environmental Manager for this project.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Please identify Lone Star's representative that is knowledgeable with the Endangered Species Act (ESA)

RESPONSE

Allen Wynn is most knowledgeable of the Endangered Species Act and represents Lone Star Transmission as the Environmental Manager for this project.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

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Request No. 1-15
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QUESTION

What is Lone Star's assumed definition of "take" under the ESA

RESPONSE

Lone Star understands that the USFWS defines "take" as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Does Lone Star anticipate having to get a permit to take in areas of habitat for endangered or threatened species? If so, on which routes?

RESPONSE

No. Please refer to Lone Star's responses to Holzem First Set of RFIs, Request No. 1-4; Holzem First Set of RFIs, Request No. 1-5; 10 Star Ranch First Set of RFI, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

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Request No. 1-17

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QUESTION

What does Lone Star assume the time frame is in acquiring a permit to take?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-5.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Lone Star Transmission, LLC

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Request No. 1-18

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QUESTION

What is the budgeted cost and time requirement for Lone Star to acquire a take permit?

RESPONSE

Please refer to Lone Star's responses to Holzem First Set of RFIs, Request Nos. 1-4 and 1-5.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Lone Star Transmission, LLC

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Request No. 1-19

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QUESTION

Does Lone Star intend to acquire a take permit for nest relocation of endangered or threatened birds? If so, how many and on which routes?

RESPONSE

Lone Star intends to avoid impacting endangered species habitat including taking nests and other impacts. If clearing of habitat for endangered and threatened species cannot be avoided, Lone Star will consult with the U.S. Fish and Wildlife Service to determine appropriate minimization and/or mitigation measures. Please refer to Lone Star's responses to Holzem First Set of RFIs, Request No. 1-4; Holzem First Set of RFIs, Request No. 1-5; 10 Star Ranch First Set of RFIs, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

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Request No. 1-20
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QUESTION

Does Lone Star intend to acquire a take permit for temporary possession of endangered or threaten birds if encountered?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-19.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

Lone Star Transmission, LLC

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Request No. 1-21

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QUESTION

Does Lone Star intend to acquire a take permit for depredation, salvage or collection of endangered or threatened birds? If so, on which routes are they intended?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-19.

Co-Preparer: Allen Wynn

Title: Environmental Manager

NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,

Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,

Lone Star Transmission, LLC

QUESTION

In evaluating potential routes, how much weight did Lone Star place on fragmentation of habitat for endangered or threatened species?

RESPONSE

Lone Star did not apply a specific weight on fragmentation of habitat for endangered and threatened species. Prior to identifying the preliminary alternative routes, Burns & McDonnell evaluated the study area vegetation, hydrology, known occurrences of threatened and endangered species, the list of threatened/endangered species by county, etc. and mapped environmentally sensitive areas within the study area. Burns & McDonnell considered habitat for the black-capped vireo, golden-cheeked warbler and other threatened or endangered species by establishing alternative routes that paralleled existing compatible corridors and existing rights-of-way, such as existing transmission lines and pipelines, as well as roadways and property boundaries, and avoided water crossings, paralleling streams and riparian areas, and wetlands, where feasible. Burns & McDonnell also considered the location of agricultural land versus wooded areas when identifying and analyzing the alternative routes.

Co-Preparer:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Co-Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

QUESTION

Has Lone Star developed a Habitat Conservation Plan? If so, does Lone Star plan on using this plan in conjunction with a take permit? If not, what is budgeted for the cost of this plan?

RESPONSE

No. Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-4.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Has Lone Star developed a site specific APP for link RR?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-8.

Co-Preparer:	Allen Wynn	Title:	Environmental Manager NextEra Energy Resources, LLC
Co-Preparer:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Has Lone Star developed a site specific APP for any links?

RESPONSE

Please refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-8.

Co-Preparer: Allen Wynn

Title: Environmental Manager
NextEra Energy Resources, LLC

Co-Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

QUESTION

What is the basis for the assertion that route RR had 4.7 miles of GCW habitat.

RESPONSE

Please see Lone Star's responses to the following RFIs:

Sarah Lew Link, et. al. Third Set of RFIs, Request Nos. 3-9 and 3-11

Sarah Lew Link, et. al. Sixth Set of RFIs, Request Nos. 6-7 and 6-28

Staff First Set of RFIs, Request No. 1-6

Yellowbird Second Set of RFIs, Request Nos. 2-6 and 2-17

Please see Section 3.3.8 (page nos. 3-15 through 3-20) and Section 7.1.6.1 (page nos. 7-7 through 7-13) of the Environmental Assessment and Routing Study.

Figure 3-2 and Figures 3-2A through 3-2F of the Environmental Assessment and Routing Study depict the location of potential suitable habitat for the golden-cheeked warbler as identified by Horizon Environmental, Inc. as well as known occurrences for other species as identified by the Texas Parks and Wildlife Department.

Prepared by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsored by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

QUESTION

Did Lone Star survey for the presence/absence of the GCW and BCV? If so, specify what areas were surveyed and if the surveys were conducted by federally permitted biologist familiar with the life history and habitat requirements of both species.

RESPONSE

No. For routing studies, it is not standard practice to conduct presence/absence surveys or on-the-ground detailed surveys for threatened or endangered species or their habitat. Upon approval of a final route by the Commission, species-specific surveys in accordance with U.S. Fish and Wildlife approved survey protocol will be conducted along the approved (*i.e.*, ordered) route to determine if the project crosses, or will potentially impact, habitat that is occupied by either of these two species or any other threatened or endangered species. If the final approved route crosses any habitat for endangered species, then Lone Star will coordinate with the U.S. Fish and Wildlife Service to identify mitigative steps or avoidance measures that can be taken to minimize any potential impacts. Please also refer to Lone Star's response to 10 Star Ranch First Set of RFIs, Request No. 1-6; Yellowbird Second Set of RFIs, Request No. 2-17; and Staff First Set of RFIs, Request No. 1-8.

Co-Preparer: Mark A. Van Dyne

Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

Co-Preparer: Allen Wynn

Title: Environmental Manager,
NextEra Energy Resources

Co-Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Co-Sponsor: Mark Van Dyne

Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

QUESTION

Did Lone Star consider all possible route alignments in the planning phase to specifically avoid fragmentation of habitat for the BCV and GCW?

RESPONSE

Prior to identifying the preliminary alternative routes, Burns & McDonnell evaluated the study area vegetation, hydrology, known occurrences of threatened and endangered species, the list of threatened/endangered species by county, etc. and mapped environmentally sensitive areas within the study area. Burns & McDonnell considered habitat for the black-capped vireo, golden-cheeked warbler and other threatened or endangered species by establishing alternative routes that paralleled existing compatible corridors and existing rights-of-way, such as existing transmission lines and pipelines, as well as roadways and property boundaries, and avoided water crossings, paralleling streams and riparian areas, and wetlands, where feasible. Burns & McDonnell also considered the location of agricultural land versus wooded areas when identifying and analyzing the alternative routes.

Please also refer to Lone Star's response to Holzem First Set of RFIs, Request No. 1-27.

Prepared by:	Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsored by:	Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsored by:	Dan Mayers	Title: Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

QUESTION

Did Lone Star consider all possible route alignment in the planning phase to specifically avoid fragmentation of habitat for the Yellow Billed Cuckoo and Bell's Vireo?

RESPONSE

Both the Bell's vireo and Yellow-Billed Cuckoo are known to be summer residents in central and northern Texas. Lone Star did consider and was aware that these bird species are two of the many that could potentially reside within the study area.

In addition, prior to identifying the preliminary alternative routes, Burns & McDonnell evaluated the study area vegetation, hydrology, known occurrences of threatened and endangered species, the list of threatened and endangered species by county, etc. and mapped environmentally sensitive areas within the study area. Burns & McDonnell considered vegetation, hydrology, wildlife habitat, etc. by establishing alternative routes that paralleled existing compatible corridors and existing rights-of-way, such as existing transmission lines and pipelines, as well as roadways and property boundaries, and avoided water crossings, paralleling streams and riparian areas, and wetlands, where feasible. Burns & McDonnell also considered the location of agricultural land versus wooded areas when identifying and analyzing the alternative routes.

Prepared by:	Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsored by:	Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsored by:	Dan Mayers	Title: Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

QUESTION

Does Lone Star consider habitat for the GCW, BCV, Yellow Billed Cuckoo or Bell's Vireo valuable?

RESPONSE

Lone Star considers all land valuable, including land with habitat for both endangered and non-endangered species. Both the black capped vireo and golden-cheeked warbler and their habitat are protected under the Endangered Species Act and the yellow billed cuckoo and Bell's vireo are protected under the Migratory Bird Treaty Act. As such, these bird species are afforded protection and Lone Star will coordinate with the U.S. Fish and Wildlife Service to identify mitigative steps or avoidance measures that can be taken to minimize any potential impacts to these bird species.

Preparer: Mark Van Dyne

Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

Co-Sponsor: Dan Mayers

Title: Director of Trans./Subst. Engineering,
NextEra Energy Resources, LLC

Co-Sponsor: Mark Van Dyne

Title: Marketing Director, Environmental Studies
& Permitting, Burns & McDonnell

QUESTION

In the developmental phase, why did Lone Star consider link RR given the longer distance, undesirable soil types and wildlife habitat?

RESPONSE

Please see Section 4.2 of the Environmental Assessment and Alternative Route Analysis for a description of the identification of the preliminary alternative routes in the Central C to Sam Switch segment of the project. Link RR was identified as an alternative route that provided numerous routing options to the south of Whitney Lake (i.e. the northern, north-central, south-central and southern alternative routes could all potentially utilize Link RR as routing options to the south of Whitney Lake). Link RR is neither the longest or shortest link. Link RR crosses similar soils and wildlife habitat as the other links in the area. Lone Star evaluated the alternative routes in their entirety and considered issues such as distance, constructability and wildlife habitat on a route by route basis, not a link by link basis.

Co-Preparer:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Co-Sponsor:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

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QUESTION

Has Lone Star determined whether potentially suitable habitat for the BCV and GCW exists within 300 feet of link RR?

RESPONSE

Yes. Potential suitable habitat for the GCW was identified within 300 feet of Link RR. No potential suitable habitat for the BCV was identified within 300 feet of Link RR. Please see Lone Star response to Swank First Set of RFIs, Request No. 1-1.

Preparer:	Mark A. Van Dyne	Title: Director of Environmental Studies & Permitting, Burns & McDonnell
Sponsor:	Mark A. Van Dyne	Title: Director of Environmental Studies & Permitting, Burns & McDonnell

QUESTION

What is the basis of your assertion that "no black capped vireo habitat is crossed by any segment"?

RESPONSE

Please see the report prepared by Horizon Environmental Services, Inc. provided in Lone Star's response to Sarah Lew Link, et. al. Sixth Set of RFIs, Request No. 6-28d.

Prepared by:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsored by:	Mark A. Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

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QUESTION

Was Lone Star aware of any habitat on any link on the Central C to Sam Switch segment for the Yellow Billed Cuckoo or the Bell's Vireo?

RESPONSE

Burns & McDonnell is aware that the Yellow Billed Cuckoo and the Bell's Vireo range includes the project area, and as such these birds (and their habitat) could exist within the Central C to Sam Switch project area. Please see Lone Star's response to Holzem First Set of RFIs, Request No. 1-29.

Preparer:	Mark Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsor:	Mark Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

QUESTION

Does Lone Star consider habitat for the Yellow Billed Cuckoo or the Bell's Vireo as Critical?

RESPONSE

Lone Star considers all wildlife habitats as important, regardless of species; therefore, Lone Star will consider minimization and avoidance measures where needed and where reasonable and feasible. The term "Critical" as used when referring to a specific species' habitat is a term that is used in recovery planning by the USFWS. When a species is designated either as threatened or endangered under the Endangered Species Act (ESA) it is a requirement that the federal government designates "critical habitat" for any species it lists under the ESA. Neither the Bell's vireo or Yellow Billed Cuckoo are listed as a threatened or endangered species by the USFWS and therefore there is no designated critical habitat, as defined by the ESA, within the study area or along any of the preferred or alternate routes.

Co-Preparer: David K. Turner, P.E.	Title: Project Director, Lone Star Transmission, LLC
Co-Preparer: Mark Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor: David K. Turner, P.E.	Title: Project Director, Lone Star Transmission, LLC
Co-Sponsor: Mark Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

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QUESTION

Admit or deny that you spoke with James O. Holzem (Holzem) at the open house in Meridian in October 2009.

RESPONSE

Admit. Lone Star representatives did speak with James Holzem at the Open House in Meridian, Texas in October 2009.

Preparer: Amy Mullin

Title: Assistant Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

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QUESTION

Admit or deny that you received written comments from James Holzem after the open house. If so, what was the date the package was received and how many pages did you receive?

RESPONSE

Admit. Lone Star did receive written comments from James Holzem following the Open House. The package was received on November 2, 2009 and contained 33 pages.

Preparer:	Amy Mullin	Title:	Assistant Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

Identify the individual and provide all documents and communications that you have had with any and every landowner along or adjacent to all routes on the Central C to Sam Switch segment after the meeting in Stephenville on July 20th , 2010 through July 28th , 2010.

RESPONSE

Lone Star has timely filed an objection to this RFI. Subject to that objection, Lone Star is aware of no such communications (*i.e.*, communications with landowners from July 20, 2010 through July 28, 2010) outside of settlement discussions which are confidential.

Preparer: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

Sponsor: David K. Turner, P.E.

Title: Project Director,
Lone Star Transmission, LLC

QUESTION

How many landowners made you aware of habitat for endangered or threatened species existed on their property? Please identify them and indicate by link designation.

RESPONSE

The propounding party has agreed to narrow the question to include only the links that Horizon identified the potential for endangered species habitat (EF, RR, II, and KK).

Lone Star is aware of 21 individual landowners who sent correspondence communicating that endangered or threatened species habitat existed on their property. Additionally, Lone Star received information from a group of landowners collectively known as the Chalk Mountain Wildlife Management Association (CMWMA), which is described to include a number of private property owners that have voluntarily formed the CMWMA and work cooperatively on various wildlife habitat and management projects.

Link RR:

Arthur Redland, PO Box 98, Manchaca, TX 78652
Louis Schaufele, 4411 Belfort St., Dallas, TX 75205
R.G. Hendershot, PO Box 147, Cranfills Gap, TX 76637
Jeanne Fehler, 2495 FM 1473, Meridian, TX 76665
Richard D. Bass, 6905 Vassar Drive, Dallas, TX 75205
Patrick & Susan Spoor, 1771 County Road 2160, Iredell, TX 76649
Gay Podzemmy, 2091 County Road 2130, Meridian, TX 76665
Walter J. Humann, Bee Creek Ranch, 1900 N. Akard St, Dallas, TX 75201
Jay Holzem, Deloache Enterprises Co., PO Box 25335, Dallas, TX 75225

Link KK:

Allen & Jimmie Sumners, PO Box 1795, Glen Rose, TX 76043
David Cook, PO Box 789, Glen Rose, TX 76043
Larry Abernathy, 2808 Mescalero Ct, College Station, TX 77845
Heather Bienko, 3131 Maple Avenue # 10F, Dallas, TX 75201
Dorothy Jean Lane, 3131 Maple Avenue # 10F, Dallas, TX 75201
George Best, Chalk Mountain Foundation, PO Box 2809, Glen Rose, TX 76043
J. Martin English, 4E Ranch Ltd Partnership, 3419 Westminster #33, Dallas, TX 75205
Kirk Blackmon, Counselor Properties, 303 Arthur Street, Fort Worth, TX 76107
Tommie J. and Sylvia Huckabee, TSH Management, LLC, PO Box 611, Stephenville, TX 76401
James E. Strode, Pony Springs Ranch, Ltd., 5950 Berkshire Lane, Ste 1600, Dallas, TX 75225
Scott Mooring III, MMM Ranch Ltd., 2308 Winton Terrace East, Fort Worth, TX 76109
Ricky Fain, Address Unknown

Link KK, as it pertains to Eastern Erath and Western Somervell Counties:
Chalk Mountain Wildlife Management Association (CMWMA)

Preparer:	Amy Mullin	Title:	Assistant Project Director, Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director, Lone Star Transmission, LLC

QUESTION

How many landowners supplied proof of habitat for endangered or threatened species existed on their property? Please identify them and indicate by link designation.

RESPONSE

The propounding party has defined "proof" as outside documentation other than a statement by the landowner. Lone Star does not necessarily regard these submissions as "proof" of endangered species habitat. The propounding party has also agreed to narrow the question to include only the links that Horizon identified the potential for endangered species habitat (EF, RR, II, and KK).

Lone Star is aware of 3 individual landowners who provided "proof" (*i.e.*, outside documentation other than a statement by the landowner) of endangered or threatened species or potential habitat on their property. Additionally, Lone Star received information from a group of landowners collectively known as the Chalk Mountain Wildlife Management Association (CMWMA), which is described to include a number of private property owners that have voluntarily formed the CMWMA and work cooperatively on various wildlife habitat and management projects.

Link RR:

Jay Holzem, Deloache Enterprises Co., PO Box 25335, Dallas, TX 75225

Link KK:

Dorothy Jean Lane, 3131 Maple Avenue # 10F, Dallas, TX 75201
Ricky Fain, Address Unknown

Link KK, as it pertains to Eastern Erath and Western Somervell Counties:
Chalk Mountain Wildlife Management Association (CMWMA)

Co-Preparer:	Allen Wynn	Title:	Environmental Manager,
			NextEra Energy Resources, LLC
Co-Preparer:	Amy Mullin	Title:	Assistant Project Director,
			Lone Star Transmission, LLC
Sponsor:	David K. Turner, P.E.	Title:	Project Director,
			Lone Star Transmission, LLC

QUESTION

Admit or deny that rangeland is the most desirable land cover for transmission line routing.

RESPONSE

Admit. As stated on Page 7-1, section 7.1.1 Physiography and Land Cover of the Environmental Assessment and Alternative Route Analysis for the Proposed Central A to Central C to Sam Switch to Navarro 345kV Transmission Line Project" (EA), rangeland is the most desirable land cover for transmission line routing based on the low potential for impacts. As detailed on Page 2-10, section 2.7 of the EA, there were 34 environmental and land use criteria considered as well as the results of the public involvement program that were used to determine the alternative routes/links proposed by Lone Star in its CCN application. Land cover was addressed in this list, along with numerous other factors.

Co-Preparer:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Co-Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

QUESTION

Admit or deny that wooded areas are the least desirable as transmission ROWs.

RESPONSE

Deny. Wooded areas are the least desirable land cover for transmission right-of-way, as stated on Page 7-1, section 7.1.1 Physiography and Land Cover of the "Environmental Assessment and Alternative Route Analysis for the Proposed Central A to Central C to Sam Switch to Navarro 345kV Transmission Line Project" (EA).

Co-Preparer:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Co-Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

QUESTION

Admit or deny that link RR has the most wooded area of any link on the Central C to Sam Switch segment.

RESPONSE

Deny. Link RR would cross approximately 17.4 miles of upland woodland, which is neither the most nor least amount of wooded area along the links considered for the Central C to Sam Switch segment.

Co-Preparer:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Sponsor:	Mark Van Dyne	Title:	Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Co-Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Co-Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

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QUESTION

Admit or deny that link RR has the most undesirable soil type of any link on the Central C to Sam Switch segment.

RESPONSE

Lone Star can neither admit nor deny that Link RR has the most undesirable soil type of any link on the Central C to Sam Switch segment. Lone Star has no specific geotech data for any link on the Central C to Sam Switch segment. Geotech work will begin once the Commission orders a route for Lone Star's line. Furthermore, Lone Star evaluated the alternative routes in their entirety and considered issues such as woodland crossed, length, and those other factors as defined by P.U.C. Subst. R. 25.174 on a route by route basis, not a link by link basis.

Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC

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QUESTION

Describe specifically how link RR was modified after the open-house meetings in regards to concerns for sensitive species habitat.

RESPONSE

Please see the last paragraph on Page 6-59, and Figures 6-34, 6-35 and 6-36 of the Environmental Assessment and Routing Study.

Prepared by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell
Sponsored by: Mark A. Van Dyne	Title: Marketing Director, Environmental Studies & Permitting, Burns & McDonnell

QUESTION

Admit or deny that link RR has the most topographical relief of any link on the Central C to Sam Switch segment.

RESPONSE

Lone Star can neither admit nor deny that line RR has the most topographical relief of any link on the Central C to Sam Switch segment. Lone Star has not conducted a study to compare the topographical relief for each link on the Central C to Sam Switch segment.

Preparer:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC
Sponsor:	Dan Mayers	Title:	Director of Trans./Subst. Engineering, NextEra Energy Resources, LLC