

Control Number: 38290



Item Number: 199

Addendum StartPage: 0

SOAH NO. 473-10-4790
PUC DOCKET NO. 38290;

APPLICATION OF SHARYLAND §
UTILITIES, L.P. TO AMEND ITS §
CERTIFICATE OF VENIENICE §
AND NECESSITY FOR THE §
HEREFORD TO WHITE DEER 345-KV §
CREZ TRANSMISSION LINE §
IN ARMSTRONG, CARSON, §
DEAF SMITH, OLDHAM POTTER §
AND RANDALL COUNTIES §

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

FILED
AUG 17 10:59 AM
2010

INTERVENOR HENSON FAMILY TRUST RESPONSES TO COMMISSION STAFF'S
FIRST SET OF REQUESTS FOR INFORMATION AND FIRST SET OF REQUESTS
FOR ADMISSIONS TO ALL INTERVENORS

TO: The Staff of the Public Utility Commission of Texas, by and through service upon its attorney of record, Mr. Brennan J. Foley, PUBLIC UTILITY COMMISSION OF TEXAS, Legal Division, P.O. Box 13326, Austin, Texas 78711-3326.

Henson Family Trust., Intervenor in the above entitled and numbered case, and submits the following responses to "Commission Staff's First Set of Requests for Information and First Set of Requests for Admissions to All Intervenors."

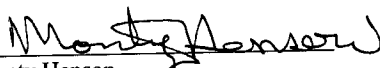
Respectfully submitted,

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By: Monty Henson
Monty Henson
SBOT 24002260
Attorney for Intervenor Henson Family Trust

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this instrument was served on this 16 day of August, 2010, upon all parties or counsel of record in this case by e-mail, facsimile or first class mail.


Monty Henson

SERVICE LIST

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RESPONSES TO REQUESTS FOR INFORMATION

Staff-1-1

1) Do you have a habitable structure, as defined by P.U.C. Subst. R. 25.101(a)(3), near one or more of the segments of the proposed transmission line? If so, describe the structure, indentify the segment(s) and estimate how far the segments are 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."

RESPONSE: No.

Person responding: Floyd Henson & Monty Henson

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.

RESPONSE:

Yes. It appears that the right-of-way of the proposed Segment A-1 would cross the property from south to north. Based on the most recent map produced by applicant and assuming that it is accurate, it appears that the proposed segment A-1 would be located near the eastern portion of the property as indicated by Applicant Sharyland's map, and labeled as "Intervenor Legend" #25.

Person responding: Floyd Henson & Monty Henson

Staff-1-3

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

RESPONSE:

Unknown for certain at current time but Mr. Floyd Henson does not recall any lines that cross the property, only distribution lines that run along the north side of the roadway. (Charlie Rd) At one point in time, there was an electrical service line for the property and Intervenor does not recall what date that was removed by the electric utility.

Person responding: Floyd Henson & Monty Henson

Staff-1-4

Are any existing transmission or distribution lines visible from your property? If so, please describe 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.

RESPONSE:

Same answer as 1-3. Visible lines would most likely be along the county roadway (Charlie Rd) across the road from the property. Intervenor at one time owned the area of real property where the roadway exists, but granted it to Armstrong County for the roadway.

Person responding: Floyd Henson & Monty Henson

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.

RESPONSE:

Yes, on the north-east corner of property less than 100 feet from roadway (Charlie Rd ?)

Person responding: Floyd Henson & Monty Henson

Staff-1-6

Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from Sharyland? 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 Sharyland 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.

RESPONSE: Unknown for sure, but "Yes". Ms. Jean Hollingsworth, is lessee of Henson farm and owns the half-section directly to the south that adjoins the Henson farm. She also owns a whole-section to the north that is not contiguous with the Henson farm but is one property away to the north. Mr. Robert Hollingsworth (son) farms the Henson farm and also is a property owner in this same general area. Intervenor Henson assumes that proposed line A-1 would also cross Ms. Hollingsworth farm to the south. Ms. Hollingsworth does not live on the farm that adjoins

the Henson farm but does live on her farm that is north of the Henson farm. Ms. Hollingsworth was spoken to but seemed unaware of this case or the deadline to file an intervention. Unknown as to Mr. Hollingsworth

Person responding: Floyd Henson & Monty Henson

Staff-1-7

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

RESPONSE: No. Intervenors' position would be the proposed transmission line A-1 be routed along the property lines and not across the middle of their farm to minimize the impact on the Henson farm. Moreover, Intervenors' position that proposed A-1 should follow existing county and state roads. For example, Highway 287, County Rd 13, County Rd-14, Highway 207, etc.

Person responding: Floyd Henson & Monty Henson

Staff-1-8

What are your specific concerns about the proposed transmission line?

RESPONSE:

Same as previous response. It is unknown exactly at current time, as Intervenors have not consulted with any type of expert. However, Intervenors are concerned about the possible negative economic impact on the property relating to its use, productivity, market value, aesthetics, and exposure to EMF. Intervenors also may have concerns regarding the farming and cattle operations, potential development, irrigation, safety, negative effects on hunting or wild-life, and possible interference with cellular phone usage.

Person responding: Floyd Henson & Monty Henson

Staff-1-9

Did you attend any open houses presented by Sharyland concerning this proposed transmission line? If so, when and where? Did you provide written comments to Sharyland at or after the open house? If so, please provide them.

RESPONSE: No, Sharyland's mail-notice in July 2010 regarding PUC# 38290 intervention was the first time Intervenor had any knowledge of any of this case.

Person responding: Floyd Henson & Monty Henson

Staff-1-10

Are your property boundaries for the property you own represented accurately on the maps provided by the Sharyland in its Application? If not, please explain any discrepancies and provide a modified Sharyland map or drawing to indicate the discrepancies. Online versions of the maps can be viewed at <http://www.sharvlandutilities.com/herefordwhitedeer.asp>. In addition, Sharyland will provide hard copies of these maps at each location where its Application is available for public review (such locations are listed in Sharyland's notice) and will provide a hard copy to any party upon request

RESPONSE:

We have just this week of August 9, 2010, received a map showing Henson family farm. We have requested additional map from Sharyland and their counsel (non-confidential) to show lessee/adjoining landowner, so that they may assist Hensons in their responses. At this time, Hensons accept that this latest map is an accurate representation of the location of their property but reserve the right to verify it is factually correct.

Person responding: Floyd Henson & Monty Henson

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?

RESPONSE:

The primary uses of the property include farming and ranching. In our opinion, all of the uses of the property may be adversely affected by the proposed transmission line. However, it is unknown exactly at current time, as Intervenors have not consulted with any type of expert. Intervenors are concerned about the possible negative economic impact on the property relating to its use, productivity, market value, aesthetics, and exposure to EMF. Intervenors also have concerns regarding the farming and cattle operations, potential future development, irrigation, safety, negative effects on hunting or wild-life, and possible interference with cellular phone usage.

Person responding: Floyd Henson & Monty Henson

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.

RESPONSE:

Unknown exactly at current time as Intervenor has not consulted with any type of expert. Intervenor's position would be the proposed transmission line A-1 be routed along the property lines and not across the middle of their farm to minimize the impact on the property. Moreover, Intervenor's position that proposed A-1 should follow existing county and state roads. For example, Highway 287, County Rd 13, Charlie Rd, County Rd-14, Highway 207, etc.

Person responding: Floyd Henson & Monty Henson

Staff-1-13

Please identify all persons with an ownership interest in your property and describe the nature and amount of their interest.

RESPONSE: Floyd and Virginia Henson Family Trust (Henson Family Trust) 100%, and as a member of Southwest Holdings Group, LLC, Series-D (A Texas Series LLC)

Person responding: Floyd Henson & Monty Henson

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.sharvlandutilities.com/herefordwhitedeer.asp>. In addition, Sharyland will provide hard copies of these maps at each location where its Application is available for public review (such locations are listed in Sharyland's notice) and will provide a hard copy to any party upon request.

RESPONSE:

Unknown exactly at current time as Intervenor has not consulted with any type of expert. However, based upon the maps provided and the information currently available, it is unclear to me where the exact proposed placement of any anticipated transmission line would be; however, in the event that the transmission line were to cross the property, the eastern boundary line would be the best location, taking into consideration variations in the location of the proposed transmission line to accommodate the uses of the property. Moreover, Intervenor's position that proposed A-1 should follow existing county and state roads. For example, Highway 287, County Rd 13, Charlie Rd, County Rd-14, Highway 207, etc. See Henson's exhibit "A-1" & "A-2"

Person responding: Floyd Henson & Monty Henson

RESPONSES TO REQUESTS FOR ADMISSIONS

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.

RESPONSE:

Admit.

Person responding: Floyd Henson & Monty Henson

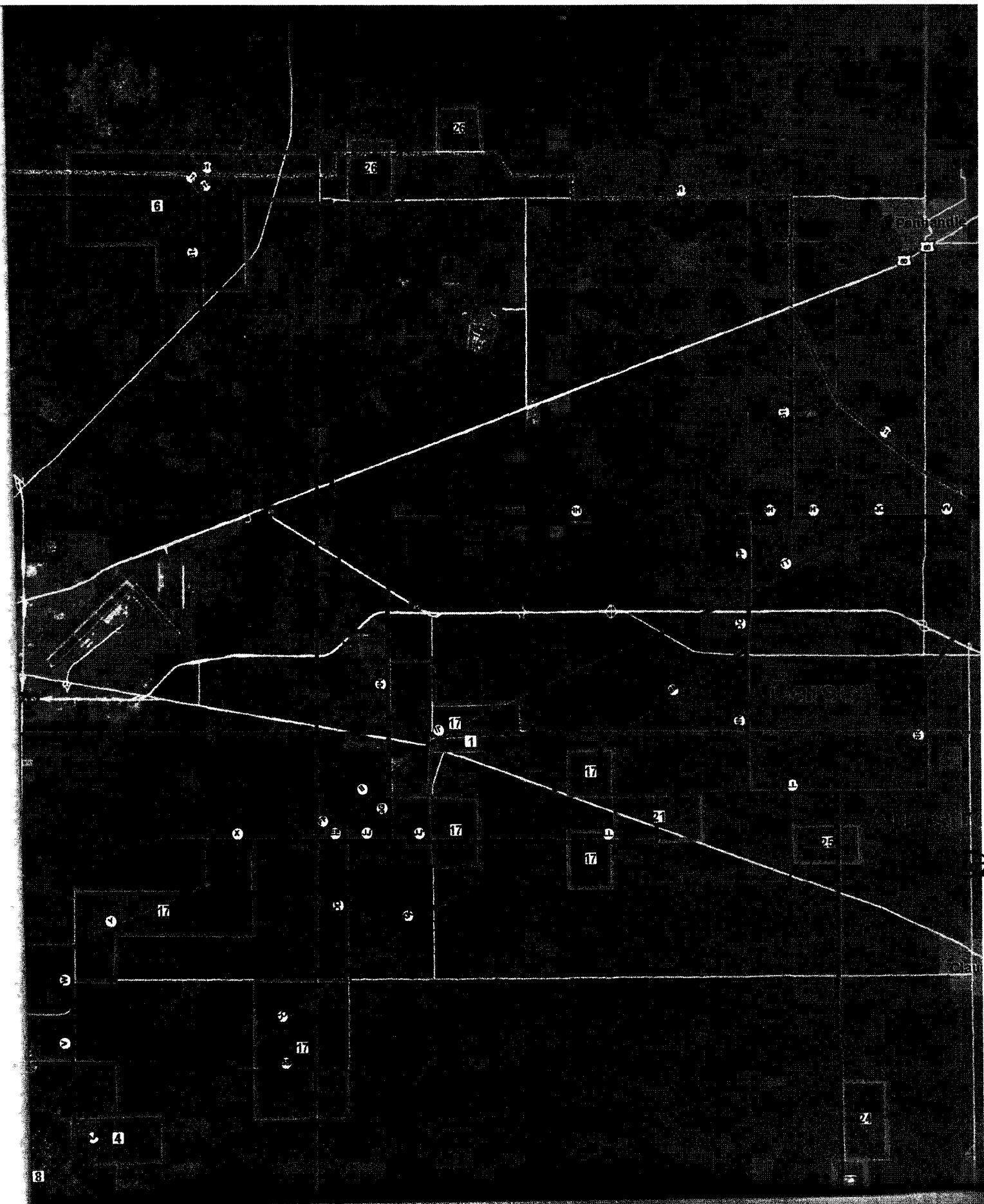
Staff RFA 1-2:

Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the maps provided by Sharyland.

RESPONSE:

Deny. Based upon the maps provided and/or available online, it is unclear whether the identified property boundary is accurately depicted on the maps made available. However, I do not believe there are any gross errors.

Person responding: Floyd Henson & Monty Henson



Exh. "A-1"

