

Control Number: 38290



Item Number: 725

Addendum StartPage: 0

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

2010 NOV 24 PM 9:12
PUBLIC UTILITY BOARD

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

§
§
§
§
§
§
§
§
§
§
§
§

BEFORE THE STATE OF TEXAS

OF

ADMINISTRATIVE HEARINGS

**KENNETH EUGENE SCIVALLY'S REPLY TO THE EXCEPTIONS
TO THE PROPOSAL FOR DECISION**

Now comes Kenneth Eugene Scivally, Intervenor, as an individual and as representative for Stephen Reid Scivally, CSW Cattle Co. LLC, SRS Cattle Co. LLC. and Happy West Cattle Co. LLC to file our Reply to Exceptions in the above captioned case and respectfully show the following. The word "we" in the following refers to the above named intervenors collectively.

We elected not to file an Exception to the Proposal for Decision because of the following:

1. The Administrative Law Judge agreed with our position as stated in our Brief that there was insufficient evidence to include location of wind resources or future wind development as a supporting factor for Route 1.
2. None of the Links in Route 1 cross any of our properties.

Masterson and Stinnett Ranch, Bush Emeny Properties, Seewald Ranch, Southwestern Public Service, and the PUC Staff have filed exceptions to the Proposal for Decision in which they each proposed alternate routes that use links that cross the Scivally Properties. We therefore reply as follows:

Masterson and Stinnett

Masterson and Stinnett supports the selection of Staff Route or Staff Route with the Scivally modifications as agreed to by Staff. We will continue to object to the original Staff Route but do not object to the Staff Route with our modification of substituting Links C + L + L' for Links B + D. Sharyland provided analysis of this modification in Sharyland Response to Scivally first RFI (Item Number 545). There were no Parties that expressed opposition to the Scivally proposal to use Link C for any crossing of the Scivally Properties.

Masterson and Stinnett also supports the possible use of Route 5. We would continue to object to Route 5 because it also uses Links B + D to cross our properties. However, if Links C + L + L' were substituted for Links B + D (as in the Staff Route modification) then we would not object to selection of Route 5.

Bush Emeny Properties and Seewald Ranches

Bush Emeny and Seewald in their conclusion recommend selection of Route 5 or Staff Route with the Scivally modification. We appreciate the support of our modification to the Staff Route and would ask the Commission to include the same modification as stated above if they consider Route 5 as an alternative.

PUC Legal

We will continue to oppose the Staff Route using Links B + D to cross our properties but do not oppose the Staff Route with the Scivally modification of substituting Links C + L + L' for Links B + D. The Staff agreed under testimony this was an acceptable modification.

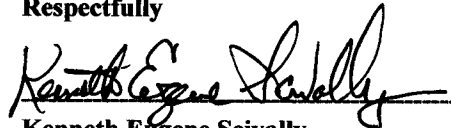
Southwestern Public Service

SPS supports the selection of Route 12. In the event that the Commission rejects the Proposal for Decision we would join with SPS in recommending selection of Route 12 which crosses our properties with Link C.

SPS also mentions Route 4 or Route 5 as possible alternatives but recommends that they also be modified by substituting Links C + L + L' for Links B + D (reference pg. 12). We would not object to Route 4 or Route 5 with this modification.

We will be attending the December 2, 2010 meeting of the Public Utility Commission and would appreciate the opportunity to answer any questions the Commissioners may have when this Docket is heard.


Respectfully



**Kenneth Eugene Scivally
1506 South Lamar
Amarillo, Texas 79102
806-679-7405 (voice)
kes5@suddenlink.net**

CERTIFICATE OF SERVICE

I certify that I have served a copy of Kenneth Eugene Scivally Reply to Exceptions upon all known parties of record by Fax, E-mail and /or first class mail on this 22nd day of November, 2010.


Kenneth Eugene Scivally