



Control Number: 38290



Item Number: 85

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Comments in Docket No. 38290

If you want to be a PROTESTOR only, please complete this form. Although public comments are not treated as evidence, they help inform the PUC and its staff of the public concerns and identify issues to be explored. The PUC welcomes such participation in its proceedings.

Mail this completed form and 10 copies to:

Public Utility Commission of Texas
Central Records
Attn: Filing Clerk
1701 N. Congress Ave.
P.O. Box 13326
Austin, TX 78711-3326

First Name: Mike Last Name: Friemel
Phone Number: (806) 376-5613 Fax Number: (806) 349-9484
Address, City, State: c/o Lynn Tate; Underwood Law Firm; P.O. Box 9158; Amarillo, TX 79105-9158

I am NOT requesting to intervene in this proceeding. As a PROTESTOR, I understand the following:

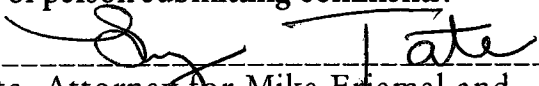
- I am NOT a party to this case;
- My comments are not considered evidence in this case; and
- I have no further obligation to participate in the proceeding.

Please check one of the following:

- I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- One or more of the utility's proposed routes would cross my property.
- Other. Please describe and provide comments. You may attach a separate page, if necessary:

_____ Please see attached _____

Signature of person submitting comments:



Lynn Tate, Attorney for Mike Friemel and
Julie Friemel, Trustees

Date: _____

UNDERWOOD

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Amarillo, TX 79105-9158

July 14, 2010

PUC Docket No. 38290; *Application of Sharyland Utilities, L.P. to Amend its certificate of Convenience and Necessity for a Proposed Hereford to White Deer 345-kV CREZ Transmission Line in Armstrong, Carson, Deaf Smith, Oldham, Potter, and Randall Counties, Texas*

PROTEST TO PREFERRED ROUTE

Our clients, Mike Friemel and Julie Friemel, Trustees of the Friemel Family Trust, object to the preferred route in your proposed Hereford to White Deer 345-kV CREZ Transmission Line in Carson County, Texas. Specifically, the Friemel Family Trust is the owner of two sections of highly productive irrigated farmland that will be affected by your preferred route. We believe the proposed transmission line will result in unnecessary risks to both persons and property. Further, damages will include both the property taken and remaining property. The claims for the remainder will exceed those of the property take for the actual easement.

These farms are irrigated by center pivot irrigation systems. Any interference on one side of the center pivot will affect the entire farm because the same system is used in a circular fashion. Thus, if it becomes necessary to reduce the length of the center pivot system additional acres of irrigated farmland will be lost on the entire field. For example, if you reduce a center pivot system by 175 feet, assuming a one half mile sprinkler of 2,620 feet, you would thereby have eliminated 64 irrigated acres. In addition to the area along the transmission line, my clients will seek damages for the 64 acres that can no longer be irrigated. When purchasing easements, the value of this property is significantly greater than either non-irrigated farmland or ranchland.

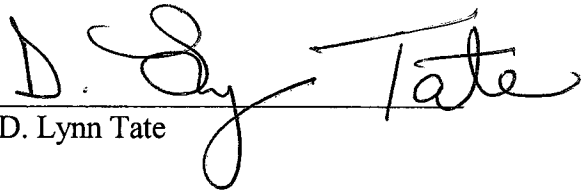
As you are probably aware, significant activities relate to the cultivation, spraying, irrigation, and harvesting of growing crops on irrigated farmland, compared to either non-irrigated farmland or ranchland. The activities associated with irrigated farming include numerous persons and equipment working on spraying, irrigation, cultivation, and harvest of crops. Because of the significant number of persons and equipment that are associated with the production of irrigated crops, we are concerned about the potential additional risks.

The remaining irrigated acres will experience increases in cost of production and loss of income associated with the issues arising from having a transmission line next to an irrigated farm. These will further increase your clients' claim. Damages to the adjacent acreage includes the inability to spray with airplanes. Such spraying activities include growth regulators, fungicides, herbicides, insecticides, and harvest aids such as defoliant. Thus if you choose this route, you

will likely be faced with the costs of the actual acreage used by the transmission line as well as the economic impact to the adjoining acreage.

In my clients' opinion, you should look for areas which have ranchland or non-irrigated crops. The risk to both my clients and Sharyland are significant if you construct this transmission line in an area of highly intensive irrigated farming. We urge you to reconsider the preferred route.

Respectfully submitted,
UNDERWOOD, WILSON, BERRY, STEIN
& JOHNSON, P.C.

By: 
D. Lynn Tate