



Control Number: 38324



Item Number: 388

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-4789
PUC DOCKET NO. 38324

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR THE WILLOW CREEK-HICKS 345kV CREZ TRANSMISSION LINE IN DENTON, PARKER, TARRANT, AND WISE COUNTIES, TX

§ BEFORE THE STATE OFFICE
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§ OF
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§ ADMINISTRATIVE HEARINGS

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**INTERVENOR F. HOWARD WALSH JR. OPERATING CO., INC's
RESPONSES TO COMMISSION STAFF'S FIRST SET OF REQUESTS FOR
INFORMATION TO ALL INTERVENORS**

All of the following responses were prepared under the supervision of Intervenor's counsel and are sponsored by F. Howard Walsh, III.

Staff-1-1 Do you have a habitable structure, as defined by P.U.C. Subst. R. 25.10(a)(3), near one or more of the segments of the proposed transmission line? If so, describe the structure, identify the segment(s) and estimate how far the segments are from the habitable structure. P.U.C.Subst.R.25.10(a)(3) defines "habitable structures," as follows: "Structure 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.

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. Segment AAA, EEE, FFF, GGG, and HHH cross portions of the Indian Creek Ranch, on which F. Howard Walsh Jr. Operating Co. owns working interests in oil and gas wells. The subject segments do not follow any property line, pipeline, power line or road associated with F. Howard Walsh Jr. Operating Co.'s property interests, though there are gathering and collection lines for its natural gas wells that will be crossed by the proposed transmission line. It also appears that one or more of the proposed segments right-of-way runs over the top

of a number of natural gas well sites as well as on top of existing pipelines and their riser structures at each juncture point where the collection lines connect to the pipeline.

Staff-1-3 Do any existing transmission or distribution lines cross your property? If so, please describe how and where they cross your property.

RESPONSE: See response to request 1-2 above, which is adopted here.

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: See response to request 1-2 above, which is adopted here.

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. There are windmills on Indian Creek Ranch used for pumping water.

Staff-1-6 Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from Oncor? 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 Oncor 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: Yes. By "landowner" it is assumed Staff means a person or entity that holds a real property interest in the subject land which will be affected by the proposed Oncor transmission line, or any easement for that line, and thus is legally entitled to notice of these proceedings and the due process right of participation. The property is crossed by various pipelines, and contains several oil and gas wells – all of which are owned or operated by persons or entities with real property interests (leases, easements, etc.) in them that may be impacted by Oncor's desired transmission line, and as to which Oncor will need to obtain the right to cross or damage to construct its proposed line (whether through negotiation or condemnation). As such, each is an owner of a property interest who should have been given notice, but it

is not believed that Oncor gave notice to any of the owners of those real property interests.

Staff-1-7 Have you discussed any modifications to the proposed transmission line route on your property with a representative of Oncor? If so, what were the modifications to the proposed route that you suggested and what was the response of Oncor?

RESPONSE: Yes. Before the application was filed, representatives of F. Howard Walsh Jr. Operating Co. met with Greg Ward and Jaren Taylor. We discussed with them the fact that their maps depicted the pipelines on the incorrect side of the existing transmission line and that the existing pipelines would be in the proposed transmission line route segment GGG if they left the segment as proposed. Also, we discussed with Mr. Ward and Mr. Taylor moving the segment FFF and EEE closer to the railroad and running that segment adjacent to the railroad right of way. Oncor did not make any modifications to their proposed segments.

Staff-1-8 What are your specific concerns about the proposed transmission line?

RESPONSE: We have many concerns about the various segments proposed to cut through Indian Creek Ranch. Those concerns include but are not limited to:

- 1. Existing natural gas wells will be in the proposed rights of way making it impossible to access those wells.**
- 2. Existing pipelines will be in the proposed rights of way and the proposed transmission line will go over the top of existing pipeline easements.**
- 3. Existing collection lines and the riser structures that connect the collection lines to the pipelines will be in the proposed rights of way making it impossible to do maintenance on the pipeline or riser structures.**
- 4. The roads on Indian Creek used to transport cranes and derricks will have to pass under the new proposed transmission line and make it impossible to get equipment to all of the well sites on the ranch.**
- 5. The proposed transmission line will interfere with or prevent the completion of a Barnett Gathering pipeline being built next to the existing pipelines which is in the proposed new transmission line easement.**
- 6. The proposed transmission line will prevent natural gas production on parts of the ranch.**

7. **All of these issues will add significantly to the cost of building a proposed transmission line on Indian Creek Ranch because the existing natural gas wells in the right of way (along with the value of their projected production) and inaccessible pipelines will have to be purchased by Oncor. These are highly productive wells and taking them through condemnation proceedings will be very costly.**
8. **If Oncor stays with its statements that it will not build a transmission line over an existing oil, gas or water well then it is not possible to build Segments EEE, FFF, GGG, HHH and those proposed segments should be removed as viable routes.**

All of these concerns will be discussed in much greater detail in the direct testimony of the witnesses for this intervenor.

Staff-1-9 Did you attend any open houses presented by Oncor concerning this proposed transmission line? If so when and where? Did you provide written comments to Oncor at or after the open house? If so, please provide them.

RESPONSE: Yes, Brandon Middleton, an engineer with Dunaway, attended open houses on behalf of Intervenor, but provided no written comments to Oncor at or after the open house.

Staff-1-10 Are your property boundaries for the property you own represented accurately on the maps provided by Oncor in its Application? If not, please explain any discrepancies and provide a modified Oncor map or drawing to indicate the discrepancies.

RESPONSE: Respondent cannot answer this request as phrased given the nature of its ownership interest.

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: See response to request 1-8 above, which is adopted here.

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: See response to request 1-8 above, which is adopted here.

Staff-1-13 Please identify all persons with an ownership interest in your property.

RESPONSE: F. Howard Walsh Jr. Operating Co. is the sole owner of its portion of the property interests it holds which is at issue in this matter.

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.

RESPONSE: There is no known route across the property at issue which addresses the concerns discussed herein; thus no alternative is acceptable.

**INTERVENOR F. HOWARD WALSH JR. OPERATING CO., INC.'S
RESPONSES TO COMMISSION STAFF'S FIRST SET OF REQUESTS FOR
ADMISSIONS TO ALL INTERVENORS**

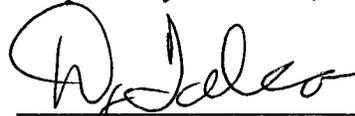
Staff RFA 1-1: Admit or deny that you do not own or reside in a habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket.

RESPONSE: Admitted.

Staff RFA 1-2: Admit or deny that the property boundaries for the property(ies) you own are accurately represented on maps provided by Oncor.

RESPONSE: Cannot admit or deny given the level of detail on the maps provided.

Respectfully submitted,

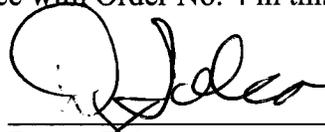


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 16th day of August, 2010 in accordance with Order No. 4 in this action.



Donya Folco