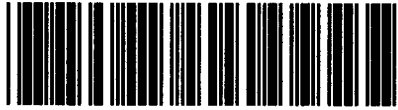




Control Number: 38324



Item Number: 517

Addendum StartPage: 0

Position Statement/ Testimony of Barbara A. Alt  
Owner of land tract # 392, CR 4681, Wise County  
SOAH Docket No. 473-10-4789  
PUC Docket No. 38324

**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 FOR  
THE WILLOW CREEK-HICKS 345-KV  
CREZ TRANSMISSION LINE IN  
DENTON, PARKER, TARRANT, AND  
WISE COUNTIES, TEXAS**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

RECEIVED  
FILED  
JULY 1 11 AM '10  
CLERK

**STATEMENT OF POSITION AND TESTIMONY OF  
INTERVENOR BARBARA A. ALT  
OPPOSING ALTERNATE TRANSMISSION LINE SEGMENT TT ON THE  
FOLLOWING ROUTES:**

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353 366

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## I. INTRODUCTION AND STATEMENT OF POSITION

I own the 20 acres of land identified as Tract # 392 and located on CR 4681 in the Keeter community south of Boyd, Texas in Wise County. This acreage, part of the Benjamin Jones survey, is my share of the farm that has been in my family for three generations. My brother John D. Niblett, who owns 30 acres, a home, and several outbuildings directly south of my property, currently uses my acreage for a variety of farm operations including grain, hay, and pasture for his cattle. My sister owns 25 acres directly north of me, and there are currently two operating gas wells on her property. The east-west dimension (depth) of my property is approximately 1,359 feet, and the north-south dimension (road frontage) is only 641 feet or so. Oncor's proposed line segment TT would run the full length of my property from west to east, thus dividing my property along the full depth. (See Exhibit A.) There would be a tower at the intersection of segments NN and PP across CR 4681 west of my property, and due to the maximum distance between towers, at least one tower (and possibly two) would also need to be placed on my property.

Although I have lived out of state for a number of years, I am still vitally interested in the property, and now that I am retired, my children and I look forward to spending more time there and possibly even building a home there and/or eventually platting and selling part of the land for residences. The proposed alternate transmission line segment TT would severely restrict our ability to use the land as planned. Therefore, I strongly oppose the construction of the transmission line along route segment TT. My reasons are set forth below.

## II. ARGUMENT--LIST OF CONCERNS

### 1. Health and Safety Concerns

- 1.1 I believe that Oncor's Transmission Line Segment TT is dangerously close to the two natural gas lines, two operating gas wells, tank batteries, gas lines, meter, and water frac pit on my sister's property just north of mine. The Oncor map that I have seen indicates that route line segment TT would run west to east across the full length of my property (See Exhibit A). Although exact boundaries and distances are not shown on the map, an Oncor representative told my brother that the segment TT would be approximately 80 feet south of the boundary between me and my sister. The gas well farthest south is approximately 148.6 feet north of my north boundary,

and the oil and water tank battery on the west end is approximately 205 feet north of that boundary. The east end of the transmission line would be quite close to my sister's pond and the water pit that the petroleum company still has on site for providing water for fracturing rock while drilling future wells. I am concerned about the danger of having a high-voltage transmission line within 270 feet or so of the gas wells, pipelines, and oil and water tank battery, which are highly volatile, and close to the large water pit and pond. I fear that a lightning strike or a tower knocked down during a violent storm could result in shock, explosion, and/or fire. Within the last year tornadoes in Oklahoma, South Dakota, and other places have taken out transmission towers. In fact, in May 2010 a tornado destroyed 11 towers along transmission lines near Bowdie, South Dakota. Another tornado destroyed towers in Oklahoma during recent months. If it can happen in South Dakota and Oklahoma, it can happen in Texas; and given the power of such storms, it's very conceivable that transmission lines and towers placed this close to gas and oil facilities could have dire consequences in the event of a tornado or a lightning strike in the area.)

1.2 . Another concern is the health hazard to both humans and cattle due to exposure to the EMFs emitted by the transmission line. (See Exhibit B.) If the line is built along segment TT, these health concerns will ruin my family's plans to build a home on my property or subdivide it for residential lots. Both of my parents, as well as other family members, have suffered from cancer, so my children and I have an "inherited" predisposition toward cancer as is. We don't need the additional risk added by EMFs from high-voltage power transmission lines. And even running cattle in the area could be fraught with risk for both the animals and the humans who eat the beef.

## **2. Economic Factors: Effect on Property Value and Income**

I own both the surface rights and mineral rights on my property, and the placement of the proposed Oncor transmission line could result in a loss in the value of both:

### **2.1 Effect on Value of Surface Property**

Transmission line alternate segment TT would divide my land and reduce my surface property value forever. A 160-foot electrical power line Right-o-way easement would take 25% of my property, and the presence of the huge towers and transmission lines would render the remaining 75% of the land much less attractive for development and hence severely lower the property value of it as well.

## **2.1 Effect on Value of Surface Property--continued**

If line segment TT is moved farther south (as I have been told may happen due to some problems with the location of the node connecting segments NN and PP on the west), there would hardly be room left for good building lots on either side of the transmission line. So routing the transmission line over route segment TT would result in extensive devaluation of all my property, not just the part included in the easement. Similar property in the area has sold for \$12,000 per acre in recent years for residential building lots, but if this line goes through, very few people (or maybe no one) would consider purchasing or building a home on property so close to such a transmission line.

## **2.2 Effect on Value of Existing Mineral Lease**

Aruba Petroleum, Inc. currently has a mineral lease on my property, as well as that of my brother on the south, my sister on the north, and our neighbors to the east. There are currently two operating gas wells on my sister's property. The Texas Railroad Commission lease numbers on these wells are 253657 (Arthur Stevens Well No. 1H) and 253207 (Arthur Stevens Well No. 2H). (See Exhibit C--Memorandum of Oil and Gas Lease), and an Aruba representative has told my brother that more wells are planned on our lease. (Hence the water pit was left on my sister's property to facilitate the drilling of more wells.) Oncor's proposed overhead high-voltage transmission line would limit Aruba Petroleum's access to further discovery and development of gas and oil reserves, thus robbing Aruba Petroleum, me, my siblings, and our neighbors of income from the mineral reserves on our property.

## **3. Quality of Life/Environmental Concerns**

My family and I, as well as most landowners who live in areas like the one my property is in, value the rural "flavor" of meadows, grain fields, pastures, woods, wildlife, and unobstructed blue sky. They live in such areas because that rural flavor is important to them. Many people move to such areas to escape things like high-voltage transmission lines and towers that frighten people. The proposed Oncor transmission line would rob us of the quality of life that we treasure and make us live in fear. The huge towers and high-voltage transmission lines would both mar the landscape and cause much concern over health and safety, as iterated in argument number 1 above.

#### **4. Inadequate compensation**

A profit-making utility company should not be able to take away a landowner's duly deeded property rights for a one-time easement fee. A utility easement, for all practical purposes, is a "forever" lease. Therefore, compensation must be at least a lease with annual payments to compensate the property owner for the resulting loss of economic value, income, use of the property, and quality of life. With a utility easement I would still have to pay taxes while losing the intended use of the property. Meantime, the utility company would use my land and get generous revenue from it. Utility company appraisers typically recommend values considerably below actual market value, resulting in offers of woefully inadequate compensation. Then the landowner is left with a long-term liability while the multi-billion dollar utility company makes a huge profit off the landowner's property. That arrangement is neither fair nor just. Property owners and residents in rural areas should not have to sacrifice income, property use, and quality of life to facilitate the delivery of power to urban areas.

#### **5. Texas landowner property rights**

I believe the taking of my property for the Oncor transmission line would be a violation of the original land grant signed by Texas Governor E.M. Pease on February 28, 1856, in which all rights in the property known as the Benjamin Jones Survey (of which my property is one part) were surrendered by the State of Texas unto Benjamin Jones, his heirs and assigns forever. (See Exhibit D.) My parents later bought this property, and the rights in the property became theirs; they subsequently passed the property and those rights on to me and my siblings. (Note: At that time the property was in Denton County. Wise County had not yet been established.) I believe governor Pease's Letter Patent and the record of the filing and recording of it (which occurred in 1877) can be found in the office of the Wise County Recorder of Deeds and perhaps also in Denton County records. Apparently the land grant was first recorded by S. Crosby, Commissioner of the General Land Office, as No. 394 in Vol 12 of the records of the General Land Office, then recorded in Book N, page 710 of the Denton County records, and later in Deed Book N, page 201 of the Wise County records.

### III. CONCLUSION AND RECOMMENDATION

**Conclusion:** Selection of an alternate route including Segment TT will adversely affect my and my family's property value and property rights, reduce the aesthetic and therapeutic value of the rural landscape, thus robbing us of both income and quality of life, and induce anxiety and fear about the safety of our property and that of our neighbors nearby.

**Recommendation:** I concur with Ellis Sloan Turner's recommendation (PUC Docket 38324 Item 396) that the PUC select route 537, require installation methods with the smallest feasible footprint, and require that Oncor make annual lease payments to affected landowners. With Turner, I believe this choice would reasonably protect property owners' rights, meet statutory requirements, and serve the overall public good with minimal damage and impact on the environment, communities, and private landowners. I further recommend that underground installation be considered wherever possible and that Oncor be required to provide shielding or other protection to reduce the emission of EMFs from overhead lines.

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**The information contained herein is true and correct to the best of my knowledge and belief.**

**SIGNED SEPTEMBER 1, 2010**



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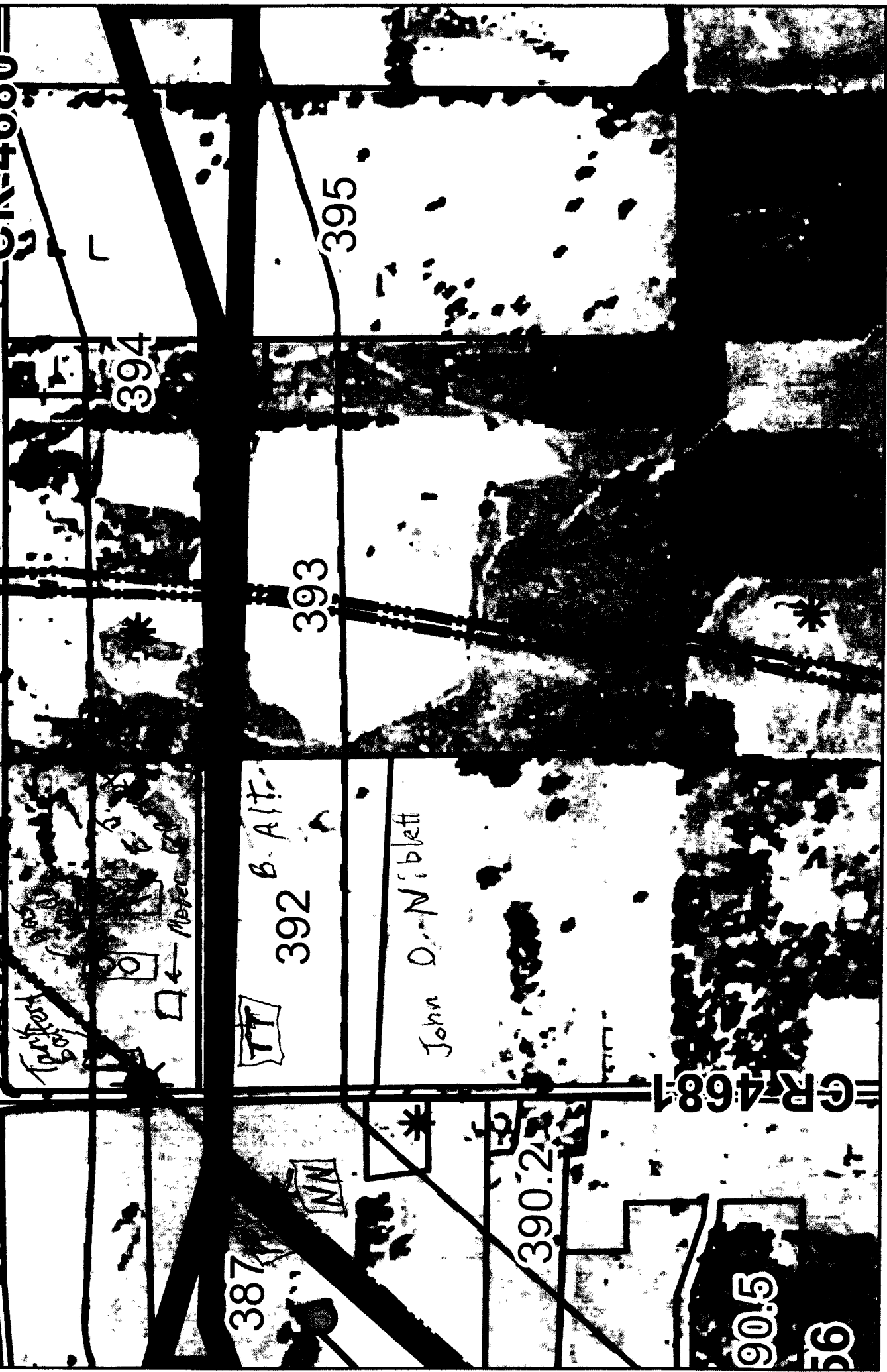
**Barbara A. Alt**  
1951 Patricia Lane  
Pacific, MO 63069  
Phone (636) 257-4349 or (636) 257-0951  
or (314) 374-6668  
email: [pananer@yahoo.com](mailto:pananer@yahoo.com)



B. Alt Exhibit A SOAH Docket 47310-4789 PUC Docket 38324

GR-4680

GR-4681



Not To Scale P. Alt - page 8

## EXHIBIT B

### Quotes about Health Hazards of EMF Exposure

- "I am now convinced that EMFs pose a health hazard. There is a statistical association between magnetic fields and cancer that goes beyond the shadow of reasonable doubt. I think there is clear evidence that exposure to EMFs increases the risk for cancer. This is most clear with leukemia and brain tumours, but in the residential studies, statistical significance increased for all kinds of cancer. And we're just beginning to have a whole body of evidence that reproductive cancers are increased by exposure."

*Dr. David Carpenter, former Executive Secretary of the New York Power Lines Project and now Dean of the State of New York School of Public Health*

- "In the Department of Health, we've been answering questions about the dangers by telling people to avoid fields at the level of 3 mG. The utilities recently complained to the governor's office about it and the governor has tried to make us stop saying this when people call. But we feel strongly that we can't just pass the buck the way they do. After all, we're responsible for the public health."

*Patti Miller, Washington State Department of Health EMF Task Force*

- "In summary, I believe that there is ample evidence that EMF exposure is associated with increased cancer in humans."

*Dr. Sam Milham, Washington State Department of Health*

- "In all my years of looking at chemicals, I have never seen a set of epidemiological studies that remotely approached the weight of evidence that we're seeing with ELF electromagnetic fields. Clearly there is something here."

*Martin Halper, Director of Analysis and Support, Environmental Protection Agency (United States)*

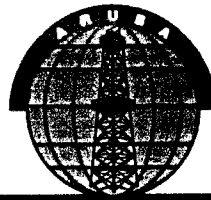
- "Based on the data base we have right now, I think the probability of hazards to human health from exposure to EMFs is high. It has been pretty well accepted by most scientists now.... The issue is not whether there is biological effects or possible harm, but at what level and what duration of exposure - that question we have not answered."

*Dick Phillips, Director of Experimental Biology Division, Environmental Protection Agency (United States)*

- "We will proceed on the assumption that there is a connection between exposure to lower frequency magnetic fields and cancer, in particular, childhood cancer."

*Swedish National Board of Industrial and Technical Development*

Exhibit C  
B. Alt



PAC Docket 38324  
SOAH Docket 473-10-4789

Aruba Petroleum, Inc.™

April 7, 2009

Ms. Barbara Ann Alt  
1951 Patricia Lane  
Pacific, MO 63069

DELIVERED VIA FEDEX

Dear Ms. Alt:

Thank you for your prompt attention to this lease process. We are sending you a copy of the executed Memorandum of Lease which is being sent to be recorded in the Wise County records.

Also, enclosed is your check for the agreed upon amount of \$400 per net mineral acre; i.e., \$400 x 20 ac = \$8,000.00.

We expect to complete all of the preliminary work and move a rig onto the lease within 60 days or less; and, hopefully, we will be fortunate enough to have two or more producing wells on the property.

Should you have any questions, please give me a call.

D. Michael McAlister  
Vice President

B A H - 10

PUC Docket 38324  
SSAH Docket 473-10-4789

Exhibit C  
B. Alt

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER. Texas Property Code Section 11.008.**

**MEMORANDUM OF OIL AND GAS LEASE**

STATE OF TEXAS \*

COUNTY OF WISE \*

WHEREAS, BARBARA ANN ALT, Individually, whose mailing address is 1951 Patricia Lane, Pacific, Missouri 63069, referred to as "Lessor", has granted, executed and delivered a written Oil and Gas Lease in favor of and to ARUBA PETROLEUM, INC., a Texas corporation whose address is 555 Republic Dr, Suite 505, Plano, Texas 75074 (hereinafter "Lessee"), dated/effective April 4th, 2009, by which said Lessor has GRANTED, LEASED and LET unto said Lessee, for a valuable consideration(s) and subject to the terms, conditions and provisions of said Lease, those certain lands in Wise County, Texas, being more particularly described in the attached Exhibit "A", which is incorporated herein by this reference as if set forth verbatim. The Lease is for a primary term of one (1) year from the effective date of said Lease, and as long thereafter as oil, gas or some other hydrocarbon substance is being produced or operations are being conducted on the hereinabove described land (or lands pooled therewith), according to the terms and provisions of the Lease. Said Lease with all of its terms, covenants and other provisions is hereby referenced and referred to and incorporated into this memorandum for all purposes. The Lease gives the Lessee the right to explore and produce oil, gas and other hydrocarbons, subject to the royalty payments provided for therein and the performance by Lessee of the other obligations therein undertaken. This instrument is to be placed of record to serve as notice of the execution and existence of the Lease and is in no way intended to supersede the Lease or abrogate, change, alter or modify any of the terms and conditions or any rights or obligations of either of the parties thereto, all of which is set forth in detail in the Lease.

Executed by each party as of the dates indicated below, such Lease to be effective as of the date thereof. This Memorandum may be executed in any number of counterparts, the sum of which shall constitute said Memorandum.

LESSEE:

LESSOR:

ARUBA PETROLEUM, INC.,  
A Texas corporation

BARBARA ANN ALT

By: [Signature]  
Its: C.E.O.

[Signature]  
An Individual

PAC 38324  
SOAH Docket 473-10-4789

ACKNOWLEDGMENTS

STATE OF Missouri \*  
COUNTY OF Franklin \*

This instrument was acknowledged before me on this 4 day of April 2009, by Barbara Ann Alt, an individual.

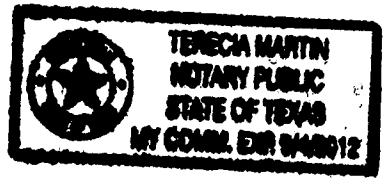
Patricia Ganey  
Notary Public, State of Missouri  
PATRICIA GANEY  
Printed Name  
My Comm'n expires: June 25, 2010



PATRICIA GANEY  
My Commission Expires  
June 25, 2010  
Franklin County  
Commission #06905186

STATE OF TEXAS  
COUNTY OF Collin

This instrument was acknowledged before me on the 7th day of April 2009, by James L. Poston, President of Aruba Petroleum, Inc., a Texas corporation, on behalf of said corporation.



TJc Post  
Notary Public, State of TEXAS  
Terecia Martin  
Printed Name  
My Comm'n expires: 9-4-2012

SOAH DOCKET 473-10-4789  
PUC 38324

Exhibit C  
B. Att

EXHIBIT "A" TO  
MEMORANDUM OF OIL AND GAS LEASE,  
DATED April 4 ~~2008~~, 2009, from  
BARBARA ANN ALT, LESSOR,  
TO  
ARUBA PETROLEUM, INC., LESSEE

---

Being 20.0 acres of land, more or less, situated in the Benjamin Jones Survey, Abstract No. 456, in Wise County, Texas, said tract being part of a tract described in deed to J. C. Niblett and recorded in Volume 166, page 123 of the Deed Records of Wise County, Texas, and being more particularly described as follows: Beginning, for the Northwest corner of the tract being described herein, at an iron pin set in the center of a public road, said point being South 813.4 feet from the Northwest corner of said Niblett tract;  
THENCE South 89.1645 East 1359.7 feet to an iron pin set in the ground;  
THENCE South 0.12 West with the general course of an old fence 641.3 feet to an iron pin set in the ground;  
THENCE North 89.1645 West 1357.5 feet to an iron pin set in the center of a public road;  
THENCE North 641.3 feet to the place of beginning;

INITIALS: B a a

WHEN RECORDED, RETURN TO:  
ARUBA PETROLEUM, INC.  
555 REPUBLIC DRIVE, SUITE 505  
PLANO, TEXAS 75074

EXHIBIT D--copy of original land grant from state of Texas

DEED N

State of Texas, : Before me, the undersigned Notary Public in and for Dallas County, Texas, personally appeared Thomas Stratton, to me made known who acknowledged that he signed and delivered the foregoing instrument for the purposes and considerations therein stated.

Witness my hand and official seal this 26th day of January, 1877. (---)P Chas. Fredwecke, Notary Public.

Filed Feb. 13, 1877 at 9 1/2 o'clock A. M. and recorded same day at 1 o'clock A. M.

W W Brady, Co Clk. By A B Foster, Deputy.

Book N page 710.

No. 394. In The Name of the State of Texas. Vol. 12.

To all to whom these presents shall come, know ye: I, E M Pease, Governor of the State aforesaid by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided do by these presents grant to Benjamin Jones, his heirs or assigns forever, One third of a league of land, situated and described as follows: In Denton County, on the waters of the West Fork of Trinity, about 25 1/2 miles S 76° West from Alton, by virtue of Duplicate certificate No. 1394/1995, is used by the Commissioner of the General Land Office on the 5th day of February, 1851, in lieu of Hedgright Certificate No. 29, issued by the Board of Land Commissioners of Montgomery County. Beginning 1000 vrs South of John W Powers S W Corner, a stake from which an Elm bears S 52° W 2/10 vrs; Thence West 500 vrs, a stake from which a Post Oak bears N 17° W 43 vrs, another bears S 52° W 8 2/10 vrs; Thence S 800 vrs a stake from which a Post Oak bears S 55° W 6 vrs, another bears N 82° E 33 1/2 vrs; Thence N 1853 vrs a stake from which a Black Jack bears S 45° W 13 vrs, another bears S 36° W 8 vrs; Thence North 1270 vrs, a branch, 3688 vrs, a stake, from which a Post Oak bears S 23° West, a Black Jack North 57° W 8 vrs; Thence East 2360 vrs Powers N W Corner, a stake from which a Post Oak bears N 44 1/2° E 2 vrs; Thence South with Powers W line, 2787 vrs to his S W Corner 2687 vrs the place of beginning, bearings marked K. Hereby relinquishing to him the said Benjamin Jones, and his heirs or assigns, forever, all the right and title in and to said land, heretofore held and possessed by the said State and I do hereby issue this latter Patent for the same.

In testimony whereof I have caused the Great Seal of the State to be affixed as well as the Seal of the General Land Office. Done at the City of Austin, on the twenty eighth day of February, in the year of our Lord, One thousand, eight hundred and fifty six.

E M Pease, Governor.

S Crosby, Commissioner of the General Land Office.

Austin, 2nd August, 1875. I, Rhodes Fisher, acting Commissioner of the General Land Office of the State of Texas, hereby certify that the foregoing is a true and correct copy of the record kept in this office.

In testimony whereof I hereunto set my hand and affix the impress of the seal of said office the date last above written.

(---) Rhodes Fisher, Chf. Clk. and Acting Commissioner Genl. Land Office.

Filed and Recorded Feb. 13, 1877.

W W Brady, Clk C C W C T. By A B Foster Deputy.

Book N page 711.

The State of Texas, : Know all men by these presents: That we, Margaret Davis, surviving widow of Benjamin Jones, deceased, and likewise surviving widow of Benjamin Jones, deceased, and Harriet E Keys, Ophelia Jones and Robert B Jones, the three last named being children of the said Margaret Davis and Benjamin Jones, deceased, all of the County of Goliad, in consideration of the sum of eight hundred dollars in gold to us in hand paid the receipt whereof is hereby acknowledged, have this day and do by these presents bargain, grant, sell and convey unto Ellisberry R Lane and Jonathan Payne, all those two certain surveys of land, lying and being situate (here)

B. Alt 14