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

APPLICATION OF ONCOR)
ELECTRIC DELIVERY COMPANY,) BEFORE THE STATE OFFICE)
LLC TO AMEND A CERTIFICATE OF))
CONVENIENCE AND NECESSITY) OF)
FOR THE WILLOW CREEK-HICKS))
345-KV CREZ TRANSMISSION LINE))
IN DENTON, PARKER, TARRANT,))
AND WISE COUNTIES, TEXAS) ADMINISTRATIVE HEARINGS)

Cross-Rebuttal Testimony of
James R. Dauphinais

On behalf of
Barry K. and Robin E. Emerson

Project 9300
September 27, 2010



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673

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_____)	

Affidavit of James R. Dauphinais

State of Missouri)	
County of Saint Louis)	SS

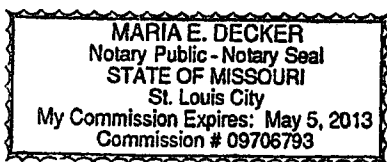
James R. Dauphinais, being first duly sworn, on his oath states:

1. My name is James R. Dauphinais. I am a principal with Brubaker & Associates, Inc., 16690 Swingley Ridge Road, Suite 140, Chesterfield, MO 63017. We have been retained by Barry K. and Robin E. Emerson to testify in this proceeding on their behalf.
2. Attached hereto and made a part hereof for all purposes is my Cross-Rebuttal Testimony which has been prepared in written form for introduction into evidence in Public Utility Commission of Texas Docket No. 38324.
3. I hereby swear and affirm that my answers contained in the testimony are true and correct.

James R. Dauphinais

James R. Dauphinais

Subscribed and sworn to before me this 27th day of September, 2010.



Maria E. Decker

Notary Public

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Cross-Rebuttal Testimony of James R. Dauphinais

1 **I. Introduction**

2 **Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A James R. Dauphinais. My business address is 16690 Swingley Ridge Road,
4 Suite 140, Chesterfield, MO 63017.

5 **Q ARE YOU THE SAME JAMES R. DAUPHINAIS WHO FILED DIRECT TESTIMONY**
6 **PREVIOUSLY IN THIS PROCEEDING ON BEHALF OF BARRY K. AND ROBIN E.**
7 **EMERSON ("THE EMERSONS")?**

8 A Yes, I am.

9 **Q WHAT IS THE SUBJECT MATTER OF YOUR CROSS-REBUTTAL TESTIMONY?**

10 A My testimony addresses the direct testimony of intervenor witness Harold L. Hughes
11 on behalf of Bonds Ranch and Chapel Hill Venture, LLLP. My testimony also
12 addresses the direct testimony filed on behalf of Wise Transmission Group, LLC.

1 **II. Response to Bonds Ranch and**
2 **Chapel Hill Venture, LLLP Witness Hughes**

3 **Q HAVE YOU REVIEWED THE DIRECT TESTIMONY OF INTERVENOR WITNESS**
4 **HAROLD L. HUGHES APPEARING ON BEHALF OF BONDS RANCH AND**
5 **CHAPEL HILL VENTURE, LLLP?**

6 **A** Yes.

7 **Q WHAT IS MR. HUGHES' RECOMMENDATION REGARDING THE SELECTION OF**
8 **A ROUTE FOR THE TRANSMISSION LINE?**

9 **A** Mr. Hughes recommends that the Commission order Oncor to build the proposed
10 transmission line on either Alternative Route 142, 206, 210 or 278. All four of these
11 routes avoid Link GGG, which appears to be the desire of Bonds Ranch and Chapel
12 Hill Venture, LLLP on whose behalf Mr. Hughes is testifying. Three of these routes
13 (142, 210 and 278) also avoid Link DDD and address the concerns of the Emersons.
14 However, Alternative Route 206 uses Link DDD and, thus, does not address the
15 serious concern raised by the Emersons.

16 **Q WHY WERE ROUTES 142, 206, 210 AND 278 NOT INCLUDED IN YOUR**
17 **RECOMMENDED LIST OF ALTERNATIVE ROUTES?**

18 **A** The routes recommended by Mr. Hughes did not meet my screening thresholds for
19 project cost and length not paralleling existing transmission lines. As a result, these
20 routes were filtered from my list of recommended alternatives in my direct testimony
21 for the proposed transmission line. As I explained in my direct testimony, I selected
22 \$102 million or more as my threshold for poor performance for cost. In addition,
23 I selected 41 or more miles in length not paralleling existing transmission lines as my
24 threshold for poor performance in regard to paralleling existing transmission lines. All

1 of Mr. Hughes' recommended routes cost over \$105 million and have length that
2 does not parallel existing transmission lines greater than 42.4 miles. As such, they
3 are not included in my recommended routes.

4 **Q DO ANY OF YOUR RECOMMENDED ROUTES AVOID LINK GGG IN ADDITION**
5 **TO LINK DDD?**

6 A Yes. Alternative Routes 10, 12, 15, 17 and 83 all avoid both Links DDD and GGG. If
7 the Commission were to determine that avoidance of Link GGG is warranted, these
8 routes would reasonably do so.

9 **III. Response to Testimony of Wise**
10 **Transmission Group, LLC Witnesses**

11 **Q HAVE YOU REVIEWED THE DIRECT TESTIMONY OF THE WISE TRANSMISSION**
12 **GROUP, LLC WITNESSES?**

13 A Yes.

14 **Q WHAT CONCERNS DOES WISE TRANSMISSION GROUP, LLC'S WITNESSES**
15 **HAVE WITH THE PROPOSED TRANSMISSION LINE?**

16 A They have raised concerns regarding the potential impact of Links J and OO if they
17 are used for the transmission route selected by the Commission.

18 **Q DO ALL OF THE ALTERNATIVE ROUTES RECOMMENDED IN YOUR DIRECT**
19 **TESTIMONY USE LINKS J AND OO?**

20 A Yes.

1 Q HAS ONCOR FILED ANY ALTERNATIVE ROUTES FOR THE PROPOSED
2 TRANSMISSION THAT AVOID LINKS J AND OO IN ADDITION TO LINK DDD?

3 A Yes, there were several. In particular, Alternative Routes 353 and 371, though not
4 included in my list of alternative routes recommended in my direct testimony,
5 reasonably avoid Links J and OO in addition to Link DDD. Selection of either of these
6 two routes would satisfy the concerns raised by Wise Transmission Group, LLC as
7 well as the concerns of the Emersons.

8 Q WHY WERE ALTERNATIVE ROUTES 353 AND 371 FILTERED FROM YOUR LIST
9 OF RECOMMENDED ROUTES IN YOUR DIRECT TESTIMONY?

10 A These routes do pass my screening thresholds for cost and length not paralleling
11 existing transmission lines. However, these routes just missed passing my screening
12 threshold for habitable structures. These two routes are only one to two habitable
13 structures (59 habitable structures for Alternative Route 371 and 60 habitable
14 structures for Alternative Route 353), over my impacted habitable structure threshold.
15 Therefore, if the Commission were to determine that the Wise Transmission Group,
16 LLC's concerns warrant avoiding Links J and OO, it would be reasonable for the
17 Commission to select either Alternative Route 353 or 371 for the transmission line
18 proposed in this proceeding.

19 Q IS THERE A REASONABLE MANNER IN WHICH LINKS GGG, J AND OO COULD
20 BE AVOIDED?

21 A Yes. If the Commission were to determine the concerns associated with Link GGG
22 and Links J and OO together warranted impacting an additional 14 to 15 habitable
23 structures, these links could be reasonably avoided by selecting the Commission

1 Staff's recommended Alternative Route 64. While Alternative Route 64 was not
2 included in my recommendations, it has the least number of habitable structure
3 impacts of those routes that avoid Links GGG, J and OO; passes my project cost and
4 existing transmission line paralleling screens; and avoids Link DDD.

5 **IV. Conclusion**

6 **Q WILL YOU PLEASE SUMMARIZE YOUR CONCLUSION AND**
7 **RECOMMENDATIONS?**

8 **A** I continue to recommend the Commission select Oncor's Preferred Route 222, or
9 Alternative Routes 10, 12, 13, 15, 17, 18, 81, 83, 86, 217 or 619 over Alternative
10 Routes 1, 69, 137, 205, 206, 273 and 323 for the reasons discussed in my direct
11 testimony.

12 If the Commission concludes it should avoid Link GGG due to the concerns
13 raised by Bonds Ranch and Chapel Hill Venture, LLLP, this can be accomplished by
14 selection of Alternative Route 10, 12, 15, 17 or 83, all of which I have recommended.
15 These five routes avoid both Link DDD and Link GGG.

16 If the Commission concludes the concerns raised by Wise Transmission
17 Group, LLC warrant avoidance of Links J and OO, I recommend the Commission
18 select Alternative Route 353 or 371. Both of the routes passed my screens for
19 estimated total project cost and transmission line paralleling, and just barely missed
20 passing my habitable structure threshold by one or two structures. They also avoid
21 Link DDD in addition to Links J and OO.

22 If the Commission concludes the concerns raised in regard to Link GGG and
23 Links J and OO together warrant impacting an additional 14 to 15 habitable
24 structures, those three links can be avoided by selecting the Commission Staff's



1 preferred route – Alternative Route 64. While Alternative Route 64 was not included
2 in my recommendations, it has the least number of habitable structure impacts of
3 those routes that avoid Links GGG, J and OO; passes my cost and existing
4 transmission line paralleling screens; and avoids Link DDD.

5 **Q DOES THIS CONCLUDE YOUR CROSS-REBUTTAL TESTIMONY?**

6 **A** Yes, it does.

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