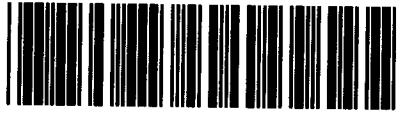




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**REBUTTAL TESTIMONY
OF LISA BARKO MEAUX, WITNESS FOR
ONCOR ELECTRIC DELIVERY COMPANY LLC**

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1 **REBUTTAL TESTIMONY OF LISA BARKO MEAUX**

2 **I. INTRODUCTION**

3 Q. ARE YOU THE SAME LISA BARKO MEAUX THAT FILED DIRECT
4 TESTIMONY IN THIS DOCKET?

5 A. Yes.

6 Q. HAVE YOU REVIEWED THE INTERVENOR AND STAFF TESTIMONY
7 FILED IN THIS DOCKET?

8 A. Yes.

9 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

10 A. The purpose of my rebuttal testimony is to respond to certain aspects of
11 the testimony of various intervening parties in this docket and specific
12 statements and comments made by the Texas Parks and Wildlife
13 Department ("TPWD regarding certain aspects of Oncor Electric Delivery
14 Company's ("Oncor" or "Company") proposed Willow Creek – Hicks 345
15 kV Transmission Line Project In Wise, Denton, Parker, and Tarrant
16 Counties, Texas ("Proposed Transmission Line Project").

17 **II. REBUTTAL RELATING TO THE COMMENTS OF TPWD**

18 Q. WHAT IS THE TPWD LETTER?

19 A. On August 19, 2010, the TPWD filed a letter with the Commission in this
20 docket, offering comments regarding the *Environmental Assessment and*
21 *Alternative Route Analysis for Oncor Electric Delivery Company LLC's*
22 *Proposed Willow Creek – Hicks 345 kV Transmission Line Project In*
23 *Wise, Denton, Parker, and Tarrant Counties, Texas* ("Environmental
24 Assessment and Routing Study") filed with the Company's Application.
25 Given that Oncor's Application, including my direct testimony, was filed on
26 June 16, 2010, I have not had an opportunity to address the TPWD's
27 comments in this Docket. Accordingly, I will respond now to certain
28 specific statements and comments made in the TPWD letter. As I
29 mentioned previously, Oncor witnesses Ms. Boyle, and Ms. Perkins also
30 respond to portions of the TPWD letter.

- 1 Q. IS THE TPWD LETTER THE FIRST TIME THAT TPWD HAS OFFERED
2 COMMENTS REGARDING THE PROPOSED TRANSMISSION LINE
3 PROJECT?
- 4 A. No. In email and letter correspondence dated May 27, 2009 and June 29,
5 2009, the TPWD provided information and recommendations regarding
6 the general study area for this specific project to POWER for consideration
7 in preparing the Environmental Assessment and Routing Study. In
8 addition, PUC Chairman Barry T. Smitherman filed a TPWD comment
9 letter on January 29, 2009 (Dated January 21, 2009, Item 1273), in Docket
10 No. 35665, providing general recommendations regarding the CREZ
11 Scenario 2 Project Area for all natural regions.
- 12 Q. DO YOU HAVE ANY GENERAL OBSERVATIONS REGARDING THE
13 CONTENT OF THE TPWD LETTERS?
- 14 A. Yes, I have a few general comments. First, the TPWD, in both its May 27,
15 2009 and June 29, 2009 correspondence, provides sound and reasonable
16 advice. POWER has attempted to utilize many, if not all of the
17 recommendations in its study, and POWER has already taken into
18 consideration several of the recommendations offered by the TPWD.
- 19 Second, in at least one instance, the TPWD letter (pages 2 through
20 3) expresses concern regarding the interpretation of federal and state-
21 listed species information, noting such information might be misinterpreted
22 by the PUC and others who read the Environmental Assessment and
23 Routing Study. This concern on the part of TPWD appears to be based on
24 a misunderstanding of Section 3 of the Environmental Assessment and
25 Routing Study. Section 3 is a study area wide view of the project and on
26 suitable habitat for endangered or threatened species, as compared to
27 Section 7 of the Environmental Assessment and Routing Study, which is
28 site specific to the areas of the proposed transmission line alternative
29 routes and focuses on known occurrences of endangered or threatened

1 species. Essentially, Chapter 3 is at a high level, 50,000-foot view, and
2 Section 7 is at a much closer, 5,000-foot view.

3 Q. ON PAGE 2 OF THE TPWD LETTER, THE TPWD RECOMMENDS THAT
4 ONCOR REVIEW PREVIOUS RECOMMENDATIONS REGARDING THE
5 ENTIRE CREZ SCENARIO 2 PROJECT, AND THE GENERAL STUDY
6 AREA FOR THIS PROJECT. DID YOU REVIEW THOSE
7 RECOMMENDATIONS AND TAKE THOSE INTO CONSIDERATION IN
8 PREPARING THE ENVIRONMENTAL ASSESSMENT AND ROUTING
9 STUDY?

10 A. Yes. POWER reviewed the TPWD recommendation email and letters
11 dated January 21, 2009, May 27, 2009, and June 29, 2009 and took
12 TPWD's recommendations into account in preparing the Environmental
13 Assessment and Routing Study. The information provided in the CREZ
14 Scenario 2 Project letter from TPWD, dated January 21, 2009 (Item 1273),
15 included general recommendations for all natural regions in the CREZ
16 Scenario 2 Project Area. The recommendations in the letter from TPWD,
17 dated June 29, 2009, regarding the study area, include, among other
18 things, recommendations on vegetation, rare and protected species, water
19 resources, and managed areas.

20 Q. ON PAGES 2 AND 3 OF THE TPWD LETTER, THE TPWD PROVIDES A
21 RECOMMENDATION AS TO THE APPROPRIATE USE OF THE TEXAS
22 NATURAL DIVERSITY DATABASE ("TXNDD") DATA. EXPLAIN YOUR
23 UNDERSTANDING OF THE TXNDD AND HOW IT WAS APPLIED TO
24 THE PROJECT.

25 A. The TXNDD is a record of occurrences for rare plant and animal
26 resources that is based upon the best available information to TPWD. The
27 TXNDD data is the best data available for potential threatened and
28 endangered species in the study area. Moreover, the data is readily
29 available to anyone doing an environmental assessment of the study area,
30 providing a common baseline and a consistent metric. This data is

1 commonly used in a study such as the one conducted in this instance, and
2 is consistent with good routing practices. As noted in the TPWD letters,
3 this information is not a substitute for on-the-ground surveys and is not
4 intended to be used for a determination of presence or absence regarding
5 a particular species. Because of the inability to access private properties
6 to conduct on-the-ground surveys during the development of the
7 Environmental Assessment and Routing Study, POWER relied on habitat
8 descriptions from various sources, including the TXNDD data and other
9 sources provided by TPWD, and observations from field reconnaissance
10 to make the determination for some species regarding the likelihood of
11 habitat presence and species occurrence within the study area.

12 POWER's presentation of the TXNDD data is to support
13 determinations (in the Environmental Assessment and Routing Study) of
14 potential species occurrence for the study area, and provide specific
15 information where available. An absence in the TXNDD data was not
16 equated to absence of a species in the study area.

17 Q. ON PAGES 2 AND 3 OF THE TPWD LETTER, THE TPWD NOTES THAT
18 THE LENGTH OF ROUTES ACROSS KNOWN HABITAT FOR
19 THREATENED AND ENDANGERED SPECIES AS REPORTED IN
20 TABLE 7-1 OF APPENDIX C OF THE ENVIRONMENTAL ASSESSMENT
21 AND ROUTING STUDY MIGHT BE MISINTERPRETED BY THE PUC
22 AND OTHERS WHO READ THE DOCUMENT. PLEASE EXPLAIN YOUR
23 DETERMINATION THAT NO PORTION OF ANY ALTERNATIVE ROUTE
24 IS LOCATED WITHIN KNOWN HABITAT FOR THREATENED OR
25 ENDANGERED SPECIES, AS REPORTED IN TABLE 7-1 OF APPENDIX
26 C.

27 A. As noted earlier in my testimony, Section 3 of the Environmental
28 Assessment and Routing Study is based on the entire study area,
29 including information regarding suitable habitat for endangered or
30 threatened species. Section 7 is focused on detail regarding the

1 alternative routes for the proposed transmission line, including information
2 associated with known occurrences of endangered or threatened species.
3 Section 3.6.1.3.4 of the Environmental Assessment and Routing Study
4 notes that species listed as threatened or endangered by the U.S. Fish
5 and Wildlife Service ("USFWS") are provided full protection under the
6 Endangered Species Act. Critical habitat is a specific geographic area(s)
7 that is important for the conservation of a threatened or endangered
8 species. Critical habitat is an example of "known" habitat, for which there
9 were none for federally listed species in the study area for this Proposed
10 Transmission Line Project.

11 Section 3.6.1.3.4 of the Environmental Assessment and Routing
12 Study also notes that "TXNDD data is not substituted for species specific
13 presence/absence survey data, but provides an indication of whether or
14 not the species of concern has historically been documented within the
15 study area."

16 As noted before in my testimony, POWER relied on habitat
17 descriptions from various sources, supplemented by TXNDD data, and
18 observations from field reconnaissance to make the determination for
19 some species regarding the likelihood of habitat presence and species
20 occurrence within the study area. Sections 7.4.1.2 and 7.4.2.4 of the
21 Environmental Assessment and Routing Study addresses potential
22 impacts to endangered and threatened plant and animal species and
23 reflects the concerns of the USFWS and TPWD. In sum, the
24 determination, as reported in Table 7-1 of Appendix C, is accurate based
25 on the best available information and no portion of any alternative route is
26 located within known habitat for threatened or endangered species. Until a
27 route is approved by the Commission and an on-the-ground survey
28 occurs, a definitive determination for state-listed species cannot be made.

1 **III. PROPOSED DEVELOPMENTS**

2 Q. NUMEROUS INTERVENORS INCLUDING RIAN MAGUIRE PAGES 12-
3 19, GARY HAZELWOOD PAGES 7-9, STEVE HOWARD PAGES 6-7,
4 CHASE ROWAN PAGES 9-10, DONALD BOSSE PAGE 4, TRENT
5 PETTY PAGES 7-15, AND RONALD RAWDON PAGE 4-5 HAVE FILED
6 DIRECT TESTIMONY REGARDING THE IMPACTS OF THE
7 PROPOSED TRANSMISSION LINE ON VARIOUS PROPOSED
8 DEVELOPMENTS. HOW DID POWER ENGINEERS CONSIDER
9 PROPOSED DEVELOPMENTS?

10 A. POWER Engineers ("POWER") became aware of the proposed
11 developments in the study area through a variety of means including the
12 data collection process, conversations with landowners and developers at
13 the public meetings, additional information Oncor received after the public
14 meetings, and visual observations made during field reconnaissance.
15 Given the amount of proposed development in the study area and the fact
16 that it was a quantifiable factor, POWER compiled this information and
17 presented it to Oncor in the Environmental Assessment.

18 Q. DID POWER ENGINEERS TAKE AFFIRMATIVE STEPS TO MITIGATE
19 THE IMPACTS OF THE PROPOSED TRANSMISSION LINE ON THE
20 PROPOSED DEVELOPMENTS DISCUSSED IN THE INTERVENOR
21 TESTIMONIES LISTED ABOVE?

22 A. Yes. Since the proposed development land in the study area is currently
23 undeveloped and proposed development is by its very nature somewhat
24 speculative, no way to be certain if, when, or how it will develop, POWER
25 did not consider proposed development areas to be an exclusion area.
26 However, recognizing that proposed development was an important issue
27 in the community, POWER attempted to affirmatively mitigate the impact
28 of the Proposed Transmission Line Project on proposed developments
29 through the routing of its alternative routes.

1 This was accomplished in two ways: 1) considering the boundaries
2 of the proposed developments in the routing process and 2) making
3 countless adjustments to preliminary links based on the input of the
4 various proposed developments. Without going through them one by one,
5 Oncor and or POWER met with and made adjustments to routes based on
6 the input received from the following proposed developments or parties
7 associated with the development: Rolling V Ranch, Chapel Hill, Letara,
8 Sendera, and the Todd Group's development. Each of these link
9 modifications were made in an attempt to mitigate the impact of the
10 Proposed Transmission Line Project on the proposed development. Thus,
11 although proposed developments were not considered exclusion areas for
12 the proposed project because currently the land use of the area is not
13 incompatible with a transmission line, proposed developments were
14 factored into the routing process and the alternative routes were routed in
15 a manner to mitigate the impacts on proposed developments.

16 **IV. MAPPING AND ROUTING**

17 Q. CERTAIN INTERVENERS INCLUDING, JAMES JOLING PAGE 7 LINES
18 1 THROUGH 13 AND HAROLD HUGHES PAGE 10 LINES 1 THROUGH
19 6 CLAIM THAT CERTAIN OIL AND GAS FACILITIES AND HABITABLE
20 STRUCTURES ARE NOT IDENTIFIED ON ONCOR'S ROUTING MAPS?
21 HOW WOULD YOU RESPOND TO THESE CLAIMS?

22 A. During the routing process POWER underwent a detailed and thorough
23 process to identify oil and gas facilities, habitable structures and any other
24 constraints located in proximity to the proposed links. This process
25 included data collection, review of aerial photography, numerous field
26 reconnaissance trips to the study area, and review of public input.
27 However, each of these activities was limited to public roads and access
28 ways by the fact that neither POWER nor Oncor has access to private
29 property during the routing process. Thus, while POWER has made every
30 effort to identify all oil and gas facilities and habitable structures on the

1 routing maps, it is possible that a limited number of facilities may not be
2 identified on the routing maps.

3 Q. THE DIRECT TESTIMONY OF MARK TURNBOUGH (PAGE 15 LINES 3
4 THROUGHT 4) ON BEHALF OF THE GROUP OF ALLIED
5 LANDOWNERS (GOAL) STATES "CONSEQUENTLY, THE STUDY [THE
6 EA] IS ESSENTIALLY A DESK-TOP EXERCISE USING AERIAL
7 PHOTOGRAPHIC AND TOPOGRAPHIC MAPS." DO YOU AGREE
8 WITH THIS STATEMENT?

9 A. No, not at all. The study that POWER conducted was vigorous, thorough
10 and was conducted at the appropriate level for the EA to be prepared in
11 compliance with the requirements of Section 37.056(c)(4)(A)-(D) of the
12 Texas Utilities Code, the Public Utility Commission of Texas CREZ CCN
13 Application form, and the PUCT Substantive Rule 25.101, including the
14 PUCT's policy of prudent avoidance. The study methodology that
15 POWER used is explained in great detail in section 2.0 of the EA and it is
16 very apparent that the study conducted was not a "desktop study" as
17 claimed by Mr. Turnbough. Furthermore, the study conducted by POWER
18 and Oncor involved scoping, numerous field reconnaissance trips, and a
19 public involvement program, none of which are typically included in a
20 "desktop study."

21 Q. THE DIRECT TESTIMONY OF MARK TURNBOUGH ON PAGE 16,
22 LINES 6 THROUGH 10 IMPLIES THAT POWER AND ONCOR SHOULD
23 HAVE CONDUCTED ON THE GROUND SURVEYS. ARE ON THE
24 GROUND SURVEYS TYPICALLY CONDUCTED AT THIS PHASE IN
25 THE PROJECT?

26 A. Field reconnaissance from public access points was conducted on
27 numerous occasions and is documented in the EA. On the ground
28 surveys are typically only performed after a route has been approved by
29 the Commission and access by landowners has been granted. POWER

1 and Oncor conducted the appropriate level of field reconnaissance and
2 study at this phase in the project.

3 Q. THE DIRECT TESTIMONY OF LARRY COLE CLAIMS THAT THE CITY
4 LIMITS OF BOYD ARE INACCURATELY REPRESENTED ON ONCOR'S
5 MAPS. WHAT PROCESS DID POWER USE TO IDENTIFY
6 CITY/MUNICIPAL BOUNDARIES WITHIN THE STUDY AREA?

7 A. POWER used readily available resources to obtain municipal boundaries
8 for all municipalities within the study area. Specific to the City of Boyd,
9 POWER accessed and obtained data layers from the Texas Natural
10 Resource Information System (TNRIS), reviewed the Texas Atlas and
11 Gazetteer, and The Roads of Texas. POWER also accessed the City of
12 Boyd website (<http://cityofboyd.com>) to obtain available GIS layers. The
13 website indicated "City Maps – Coming Soon!" in the City Documents, City
14 Maps tab, and in the Public Notices-Planning and Zoning tab, the website
15 indicated "Planning and Zoning Notices-There are no notices at this time."
16 POWER accessed the City of Boyd and TNRIS websites again on July 22,
17 2010, and again on August 18, 2010, to see if any more information
18 pertaining to the municipal boundaries had been added, updated or
19 changed. POWER did not see any new information posted to the site as
20 of August 18, 2010.

21 In addition, in an effort to solicit information from the City, POWER
22 sent three separate letters to the City of Boyd, dated May 22, 2009. Each
23 letter also included a map depicting the municipal boundaries of the City of
24 Boyd. Copies of these letters are provided in Appendix A of the EA
25 (Pages A21, A22, and A23). POWER has not received a response to any
26 of the letters that were sent to the City of Boyd.

27 Q. SINCE THE FILING OF THE APPLICATION HAS POWER RECEIVED
28 ADDITIONAL INFORMATION REGARDING THE CITY LIMITS OF
29 BOYD?

1 A. After filing the Application, POWER received additional information that
2 shows that the City of Boyd's boundaries extend farther to the north than
3 was depicted on the original routing maps. This extended northern
4 boundary of the City of Boyd will be shown on the routing maps that Oncor
5 will enter into evidence at the hearing on the merits.

6 Q. HAD POWER KNOWN THAT THE BOYD CITY LIMITS EXTENDED
7 FURTHER NORTH, WOULD THIS HAVE IMPACTED THE PLACEMENT
8 OR ROUTING OF ANY OF THE LINKS POWER PRESENTED TO
9 ONCOR?

10 A. No. The fact that a link, which complies in all ways with the Commission's
11 routing requirements, passes through municipal city limits would not
12 provide a justification for not utilizing that link. Link OO which passes
13 through the City Limits of Boyd's complies with all the Commission's
14 routing requirements.

15 Q. DO OTHER LINKS IN THE STUDY AREA PASS THROUGH THE CITY
16 LIMITS OF OTHER MUNICIPALITIES?

17 A. Yes. For example Link AAA passes through the city limits of Newark, Link
18 DDD passes through the city limits of New Fairview, Links GGG, HHH, III,
19 JJJ, OOO, QQQ, and LLLL all pass through the city limits of Fort Worth,
20 Links YY, ZZ, HHHH, and JJJJ all pass through the city limits of Rhome,
21 Links OO, TT, VV, WW, XX, NNNN and PPPP all pass through the City
22 limits of Aurora, and Link PPP passes through the city limits of Azle.

23 **V. CONCLUSION**

24 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

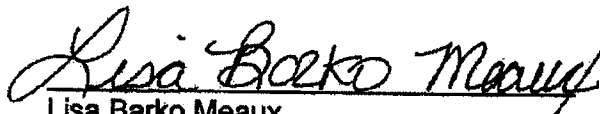
25 A. Yes.

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Lisa Barko Meaux who, having been placed under oath by me, did depose as follows:

My name is Lisa Barko Meaux. I am of legal age and a resident of the State of Texas. The foregoing testimony and exhibit offered by me are true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true and correct.

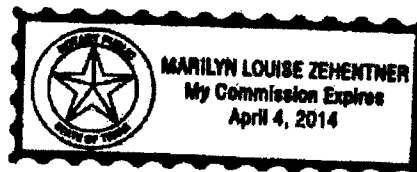

Lisa Barko Meaux

SUBSCRIBED AND SWORN TO BEFORE ME by the said Lisa Barko Meaux this 23 day of September, 2010.


Notary Public, State of Texas

My Commission Expires

April 4, 2014



PUC Docket No. 38324

Meaux - Direct
Oncor Electric Delivery Company LLC
Willow Creek - Hicks CCN