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38354

Public Utility Commission of Texas

September 18, 2009

Ann and Howard Kiecke
915 Millpond Dr.
Sugar Land, Texas 77498

Dear Mr. and Mrs. Kiecke,

Thank you for your letter raising your concerns about the proposed LCRA line and its effect on your property. Because the application for a CCN by the LCRA to build transmission lines from the Twin Buttes to McCamey to Kendall substations will be filed here at the Commission in the near future, I have filed a copy of your letter and my response in Docket No. 37049. I appreciate your concerns about preserving your land. My family had a ranch in the Hill Country when I was a boy and we still have very fond memories of that beautiful property.

As a Commissioner and, more recently, Chairman of the Public Utility Commission, one of the most important factors I consider when evaluating applications for transmission lines is the impact that the line would have on landowners. Statutes require that the Commission must consider various factors when evaluating an application for a transmission line, such as the community, historical, and aesthetic values, and the environmental integrity associated with the transmission line. Commission rules also include other factors for consideration, such as whether the proposed routes utilize or parallel existing compatible rights-of-way, property lines or other features, and whether the routes conform to the policy of prudent avoidance.

The Commission designated the LCRA to construct this transmission line as part of a legislative requirement to develop renewable resources in areas of West Texas and the Panhandle. The legislation also requires that the Commission make a decision on any application within 180 days, otherwise the proposal is deemed approved. Despite the short timeframe, the Commission will fully evaluate the application and make a decision based on the statutory and regulatory factors within the deadline. You should know that the Commission, at our July 30 Open Meeting, directed the LCRA to consider as many route options as possible in its application on this transmission line. Also, earlier this week, LCRA filed a request to delay the filing date of its application to "expand the study area to adequately study additional routes and routing concepts." When the application is filed, the Commission will evaluate the routes using the statutory and regulatory factors, and attempt to minimize the impact of the line on landowners and the cost of the line to ratepayers.

Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "Barry T. Smitherman".

Barry T. Smitherman

RECEIVED
PUBLIC UTILITY COMMISSION
SEP 21 AM 9:45
FILING CLERK



134

Mr. Barry T. Smitherman, Chairman
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711

September 4, 2009
RECEIVED
SEP 08 2009
Chairman's Office

Dear Chairman Smitherman,

Last summer my husband, a high school math teacher in Sugar Land, and I purchased some land in the Whiskey Ridge subdivision near Kerrville. It is an extraordinarily beautiful neighborhood with white tail deer, exotic deer, and wild turkeys roaming freely. The air is fresh and breezy on the hilltop where our land is situated and birds and butterflies are everywhere, including the endangered golden cheeked warbler. We spent a lifetime saving enough money to buy a piece of land such as this and we plan to build a home there soon. We were attracted by the Homeowners Association's attitude that the land and wildlife must be preserved in as natural a state as possible and we will gladly uphold this policy and want to be good conservators.

This spring my husband and I received word from our Homeowners Association Board of Directors that the preferred route for the proposed LCRA high voltage transmission lines was Alternate Route C1 from I-10 to the proposed Westwind substation on Highway 16. When we went to the Association meeting in March and were shown a map that one of our neighbors drew up showing where the towers would go, we were shocked to see that they would diagonally cross our property, not even following the PUC rules for following property boundaries and staying away from houses. They would cut a huge swath right through the beautiful old oak trees, cross our driveway, destroy the appearance of the land, and make it impossible to sell in the future. They would also go directly over our neighbors' house, directly over the home site of another neighbor, and across other neighbors' properties. Since eminent domain would be in force and hardly any monetary compensation would be given to us by the LCRA, we would stand to lose a large part of our investment since this is a tiny piece of acreage compared to the large ranches in the area. We had just experienced the stock market crash when we were hit with the news that we might also lose a huge chunk of the land we had just begun to pay off.

We are shocked that the people at the LCRA were so cold-hearted as to put the shortest route between substations above the consideration of Texas citizens despite the objections of their elected officials and to cross platted subdivisions instead of following established right of ways. They did not even have the courtesy to send us a letter stating their intentions or notifying us of the upcoming public meetings. We would not have known about any of it except for the vigilance and kindness of our neighbors who have banded together and kept us informed. The LCRA sent notices to the other landowners affected but not us. Initially, we thought that our property would not be affected because we had not received a notice. We were horrified when some of our neighbors who went to the second public meeting finally got to see the map and learned that the transmission route would cross right over Whiskey Canyon Ranch, Whiskey Ridge subdivision, and our property. When one of our neighbors asked the LCRA spokesperson why we didn't receive a notice, the response was that it wasn't important for us to know since we were not living there yet. According to the Kerrville Daily Times, the LCRA told the Kerr

County Commissioner's Court that everyone affected would be notified. We weren't notified. How inconsiderate is that? Would they simply build the towers in our front yard without even working out an agreement with us? We have no way of knowing what they would do! For a state agency to even consider destroying someone's property and causing so much stress and financial hardship is inconceivable to us. We bought land in the Hill Country because it is refreshing to the soul. We have lived all our lives looking at power lines and phone lines in the congested city of Houston and we thought we were escaping those things by purchasing this land.

Mr. Smitherman, please do what is right for us and for our Texas neighbors all over the Hill Country. We understand that wind power is on the move, but these transmission lines would not benefit anyone in the Hill Country. In fact, they would harm it and its citizens. Is it right for them to destroy so much of the most beautiful part of Texas, the part where Texans have always come to play and live?

Recently, we read in the Kerrville paper that the Westwind substation will no longer be built, but that the LCRA still plans to build high power transmission towers in the area. We are still holding our breath and hoping that the lines will no longer cross Whiskey Canyon Ranch, Whiskey Ridge, and Grotto Springs subdivisions or anywhere else in the Hill Country, for that matter. We are truly grateful that the Westwind substation has been cancelled if only because it wasn't profitable, but we are still fearful that power lines will cross our property and that of our neighbors. Please expand the "study area" and find more suitable and economical routes for all those lines that will not impact so many people or such pristine countryside.

Sincerely,
Ann and Howard Kiecke
915 Millpond Dr.
Sugar Land, TX 77498