

Control Number: 38354



Item Number: 190

Addendum StartPage: 0

Rick Perry

Barry T. Smitherman Chairman



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Public Utility Commission of Texas THE LUMMISSION OF TEXAS CLERK

October 28, 2009

Sherra Theisen, PhD Texas Nature Project 3226 U.S. Highway 87 South P.O. Box 300 Mason, Texas 76856

Dear Dr. Theisen;

Thank you for your letter raising your concerns about the proposed LCRA line. Because the application for a CCN by the LCRA to build transmission lines will be filed here at the Commission, I have filed a copy of your letter and my response in Docket No. 37049. I appreciate your concerns about preserving the beauty of the Hill Country and continuing your work with the Texas Nature Project. My family had a ranch in the Hill Country when I was a boy and I have very fond memories of that beautiful property.

As 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. It is not a requirement that proposed lines must follow these factors, but they are taken into account when deciding on a route. The Commission can also evaluate different ways to construct the lines, such as the use of monopole structures or lattice structures, and weigh the costs versus the benefits in its decision.

Earlier last month, LCRA requested that it delay the application to the Public Utility Commission of the transmission line to expand the study area to include areas both north and south of the original study area to evaluate new potential routes. At an open meeting on September 24, the Commission approved this request, giving LCRA until January 15, 2010 to file its application for the Twin Buttes to McCamey segment, and until July 6, 2010 to file its application for the McCamey to Kendall segment. The expanded study area now includes larger parts of Menard and Mason Counties in addition to areas along I-10. However, LCRA has not indicated what routes it may propose within the new study areas, not has the Commission received any cost estimates of any proposed routes. When LCRA files the applications, the Commission will evaluate the proposed routes based on the factors set out in statute and Commission rules, 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,

Barry T Smitherman

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OCT 0 8 2009

Chairman's Office

October 5, 2009

Barry T. Smitherman, Chair Texas Public Utilities Commission P.O. Box 13326 Austin, Texas 78711-3326

RE: PUC Docket Number 37049, Menard-Mason-Gillespie Route

Dear Chairman Smitherman,

I write as a concerned citizen, businessperson and lover of the land to urge you to deny the proposed Menard-Mason-Gillespie route for transmission facilities and transmission lines for the planned renewable wind generation.

While I am in support of any and all renewable energy use, and understand how important transmission to high use areas is for all Texans, this is a complex issue affecting all Texas residents indirectly, and many Texas residents directly, and must be intelligently, creatively, reasonably and responsibly resolved to the satisfaction of all.

CREZ requires the project be installed in "the most cost-effective manner." Clearly this is desirable for all Texans, but particularly for the end-users who will absorb costs. The Menard-Mason-Gillespie route is estimated to add \$75 million dollars to the total cost of the project over the initially proposed Junction-Kerrville route, without calculating the costs of conducting the current investigation, or likely difficulty that will be encountered in the granite geological formations present in the Menard-Mason-Gillespie route, over the Junction-Kerrville route which would utilize the already cleared I-10 corridor.

The Menard-Mason-Gillespie Route will severely compromise the rich habitat diversity of wildlife throughout the Texas Hill Country, requiring that 160 foot right of ways be cleared of trees, underbrush, outcroppings, and ground to accommodate poles and lines. These massive interruptions in the land will destroy migratory routes, native grasses, and rich soils, causing massive erosion of soils, depleting already fragile ground and surface water systems throughout the Texas Hill Country. Flooding is a necessary consequence of these same practices, which will cause environmental and property damage that is currently uncalculated.

In addition to the concrete damage done to complex and delicate eco-systems, sky lines will be compromised as will skyscapes, not only by the unsightly 18-story tall towers, but by the warning lights that will be required. Currently, the Menard-Mason-Gillespie area of the Hill Country is one of the few places in Texas where night skies are not already severely diminished by light-pollution. No one will benefit from further diminishing the natural health and beauty of this area.

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Center for Eco-Justice Studies

As CEO of Texas Nature Project, the proposed Menard-Mason-Gillespie affects me personally and professionally. When Texas Nature Project was incorporated in 2004, the Trustees and Officers devoted significant resources to research and locate an area in the rich natural area of the Texas Hill Country formed 300 million years ago by the Balcones Fault, to locate our sustainable environmental program with a suitable outdoor classroom. The 2.3 billion-year-old granite and schist formations were a critical part of our calculation, in order to awaken students to geological history and the many gifts the planet has provided to all human beings – not only some few land owners or corporate interests. Ironically, we stand to lose this most precious part of our humble 100-acre ranch if these lines go through. We purchased Northpoint Ranch with full knowledge of the existing electric lines present in the back of the property. This decision allowed us to concretely discuss how human interests can harmonize with natural, cultural and historical interests in minimally invasive ways without undue burden. The existing line provides an object lesson in the important ethical balance of the rights of individual vs. rights of the community.

The proposed Menard-Mason-Gillespie route is an object lesson in the all-too-pervasive corruption perpetrated on all of us when the political and monetary interests of some few take precedence over the rights of the many — the many who have invested and entrusted their political voice in these few.

While Texas Nature Project is a relatively small business, and represents a relatively small portion of affected land, the number of Texas residents and students who have already benefited from the outdoor classroom that currently boasts rich natural diversity is vast. We host hundreds of Texas young people on site each semester, and our strategic plan predicts thousands each year on site, as well as the tens of thousands we already serve through outreach programming each year. These individuals are each in contact with thousands more citizens of Texas, and each of those persons will be affected negatively if the currently proposed Menard-Mason-Gillespie route is approved.

I urge you do to everything within your power to put a stop to this fiscally, environmentally, and politically irresponsible proposal. Please feel free to contact me if you have any questions about our work, our location, and the devastating impact this will have on our programs, services and land. I am most anxious to make my views heard by anyone and everyone who will listen.

Thank you for your time and consideration,

Sherra N Theisen, PhD CEO, Texas Nature Project 3226 US Hwy 87 South

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