



Control Number: 38354



Item Number: 2011

Addendum StartPage: 0

Bill Neiman  
September 13, 2010

SOAH DOCKET NO. 473-10-5546  
PUC DOCKET NO. 38354

APPLICATION	OF	LCRA	§	
TRANSMISSION		SERVICES	§	BEFORE THE STATE OFFICE
CORPORATION	TO	AMEND ITS	§	
CERTIFICATE	OF	CONVENIENCE	§	
AND NECESSITY	FOR THE	MCCAMEY	§	OF
D TO KENDALL	TO GILLESPIE	345-KV	§	
CREZ	TRANSMISSION	LINE IN	§	
SCHLEICHER,	SUTTON,	MENARD,	§	ADMINISTRATIVE HEARINGS
KIMBLE,	MASON,	GILLESPIE,	§	
KERR,			§	
AND KENDALL	COUNTIES		§	

**INTERVENOR BILL NEIMAN'S RESPONSE TO COMMISSION  
STAFF'S FIRST SET OF REQUESTS FOR INFORMATION  
AND FIRST SET OF REQUESTS FOR ADMISSION TO INTERVENORS**

COMES NOW, Bill Neiman to file these responses to Commission Staff's ("Staff") First Set of Requests for Information ("RFIs") and First Set of Requests for Admission to Intervenors and shows as follows:

**I. Written Responses**

Attached hereto and incorporated herein by reference is Bill Neiman's written response to the aforementioned requests for information and requests for admission. Each response is set forth on or attached to a separate page on which the request has been restated. All responses are made without waiver of Bill Neiman's right to contest the admissibility of any matters upon hearing. Bill Neiman stipulates that his responses may be treated by all parties exactly as if they were filed under oath.

## **II. Inspections**

In those instances where materials are to be made available for inspection or where the materials are voluminous, the response will so state. Voluminous materials and materials available for inspection may be inspected at the offices of Casey, Gentz & Magness, L.L.P., attorneys for the Clear View Alliance. The Clear View Alliance is Bill Neiman's authorized representative in this case. Please call Brad Bayliff at the number listed below in advance for an appointment to view any voluminous materials.

Respectfully submitted,

**Casey, Gentz & Magness, L.L.P.**  
98 San Jacinto Boulevard, Suite 1400  
Austin, Texas 78701  
(512) 480-9900  
(512) 480-9200 (Fax)

By:

*Bradford W. Bayliff*  
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**ATTORNEYS FOR CLEAR VIEW ALLIANCE  
AUTHORIZED REPRESENTATIVE OF  
BILL NEIMAN**

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document has been served in accordance with SOAH Order Nos. 1 and 2 on this 13<sup>th</sup> day of September, 2010.

*Bradford W. Bayliff*  
Bradford W. Bayliff  
*by Candice Sloss*

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-1**

**Staff 1-1** Do you have a habitable structure, as defined by P.U.C. Subst. R. 25.101(a)(3), near one or more of the segments of the proposed transmission line? If so, describe the structure, identify the segment(s) and estimate how far the segments are from the habitable structure. P.U.C. Subst. R. 25.101(a)(3) defines "habitable structures" as follows: "Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to, single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools."

**Response to Staff RFI 1-1:**

- 1) Native American Seed (NAS) Sales office – within 500'
- 2) NAS Tool Shop – within 500'
- 3) NAS Farm Office – within 500'
- 4) NAS Seed Cleaning Plant – within 500'
- 5) NAS workman's residence – within 500'
- 6) Main residence (+/- 750')
- 7) Numerous Eco-tourist guest lodging facilities (1000' to 2000')

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-2**

**Staff 1-2** Does one or more of the segments of the proposed transmission line cross your property? If so, identify the segments and any features including but not limited to a property line, pipeline, power line or road that the segments follow through your property.

**Response to Staff RFI 1-2:**

Yes. Segment b88 follows the north fence line along US Hwy 377 interfering with two main entrances to the property.

Segment b24b enters property at the northwest corner cutting diagonally across two of three entrances to the property seeming to follow no features on the property.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-3**

**Staff 1-3** Do any existing transmission or distribution lines cross your property? If so, please describe how and where they cross your property.

**Response to Staff RFI 1-3:**

No transmission lines cross the property. A single 4kv distribution line on approximately 28' height wooden poles crosses the property east to west, generally parallel to US Hwy 377.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-4**

**Staff 1-4** Are any existing transmission or distribution lines visible from your property? If so, please describe from where the lines are visible, approximately how far away the lines are located and how the current lines affect your property, if at all.

**Response to Staff RFI 1-4:**

A distant southwest view of an existing 69kv transmission line on monopole structures approximately three miles away can be seen from the porch of the main residence.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-5**

**Staff 1-5** Do you currently have any windmills located on your property? If so, please describe the location of the windmills and how many are located on your property.

**Response to Staff RFI 1-5:**

Yes, one windmill is located at the southwest corner of the historic Native American Seed Farm Office, built in 1910.

Responsible Party: Bill Neiman



**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-6**

**Staff 1-6** Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from LCRA TSC? If so, please identify the landowner and describe as best possible the location of the property affected. A directly affected landowner is any landowner from which LCRA TSC would need to obtain an easement or other property interest if it built the transmission line using one or more of the segments of the proposed transmission line, or whose land contains a habitable structure that is within 500 feet of the centerline of one or more of the segments of the proposed transmission line.

**Response to Staff RFI 1-6:**

No.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-7**

**Staff 1-7** Have you discussed any modifications to the proposed transmission line route on your property with a representative of LCRA TSC? If so, what were the modifications to the proposed route that you suggested and what was the response of LCRA TSC?

**Response to Staff RFI 1-7:**

At LCRA's Open House, the LCRA TSC representative was questioned as to why property lines were not being followed. The representative responded by saying it was not practical. The CCN as filed shows a new segment option added which now follows the property line (b88).

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-8**

**Staff 1-8**      What are your specific concerns about the proposed transmission line?

**Response to Staff RFI 1-8:**

We are concerned about the negative economic and environmental impacts to Native American Seed owners and employees, operations, customer events, training and public awareness events, and eco-tourist overnight guests. No entry to the property could be made without traveling under or very near either b88 or b24b proposed 345kv transmission lines.

Periodic prescribed burning to increase seed production occurs in the fields with proposed segment b24b across the middle of it.

Business expansion and construction of needed facilities closer to Hwy 377 have already been curtailed pending final routing decisions.

Serious concerns regarding devaluation of the value to the remainder of the property is a major consideration.

Considering that "need" for the M-K-G line is being questioned by the Commission and the pending ERCOT study, if the line must be built, my preference of the most logical routing from the proposed, unbuilt McCamey D substation are:

1) Develop a new segment running approximately 60 miles NE to the intersection of existing 345kV Twin Buttes to Brown line and the Horse Hollow Next Era Gen-Tie, near Doole, TX. Add a sub-station to meet reliability criteria, then utilize the existing 345kV Horse Hollow Next Era Gen-Tie line to Kendall. *See Attachment A* concept map.

OR, if Gen-Tie concept is found to be inadequate,

2) Follow existing highway corridors US 277 South to Sonora, then IH-10 East to Kendall.

Responsible Party:    Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-9**

**Staff 1-9** Did you attend any open houses presented by LCRA TSC concerning this proposed transmission line? If so, when and where? Did you provide written comments to LCRA TSC at or after the open house? If so, please provide them.

**Response to Staff RFI 1-9:**

Yes, Junction and Kerrville in May 2009. In February 2010, we attended Junction, Menard, Mason, Fredericksburg, Kerrville, El Dorado and Sonora.

We also attended USFWS Scoping meetings sponsored by LCRA at Junction, San Angelo, Fredericksburg and Comfort.

Yes, written comments are attached from May 26, 2009 (*Attachment B*).

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-10**

**Staff 1-10** Are your property boundaries for the property you own represented accurately on the maps provided by LCRA TSC in its Application at Attachment 3 (Sheets 1-28)? If not, please explain any discrepancies and provide a modified LCRA TSC map or drawing to indicate the discrepancies.

**Response to Staff RFI 1-10:**

No. Property boundaries are not accurate for our property with regard to Tract ID numbers (B23A-004). Our property boundaries are marked on the attached *Attachment C*. Three other Tract ID numbers (B23A-004) that are not our properties are also marked.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-11**

**Staff 1-11** What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line? If so, please explain.

**Response to Staff RFI 1-11:**

Our property serves as:

- 1) Headquarters for Native American Seed and Neiman Environments, Inc.
- 2) The property supports numerous eco-tourism business activities such as overnight lodging, small-scale ecological conferences, retreats, training programs and field trips. Numerous NGO and government agencies including state, federal and international groups visit the property each year. With approximately one mile of the pristine Llano River and several miles of walking trails, the family farm is a popular destination in the western Hill Country.
- 3) The owner's primary residence is on the property, as well as the residence of the owner's daughter who has returned to work in the family business. Four other men who work full-time on the farm also reside on the property.
- 4) The use of this property has already been affected. Near-term development and expansion plans for the Native American Seed family business include construction of a major facility in the path of b24b. The construction project has been postponed until this CREZ line siting process is determined.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-12**

**Staff 1-12** In your opinion, is there any feature about your land that you believe should be considered when routing a transmission line on your property? If so, please explain.

**Response to Staff RFI 1-12:**

None, other than those mentioned in 1-11.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-13**

**Staff 1-13** Please identify all persons with an ownership interest in your property.

**Response to Staff RFI 1-13:**

Bill Neiman  
Jan Neiman

Responsible Party: Bill Neiman



**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR INFORMATION NO. 1-14**

**Staff 1-14** If the transmission is routed on your property, please identify specifically the location that you would prefer for the right-of-way of the line. Use a map to show the location.

**Response to Staff RFI 1-14:**

I prefer the line not be located on any part of the high quality open space throughout the Hill Country. It is difficult for me to contemplate such an assumption, but if the transmission line were to be forced on me, the least destructive location might be along the northern boundary.

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR ADMISSION NO. 1-1**

**Staff 1-1** Admit or deny that you do not own or reside in a habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket.

**Response to Staff RFA 1-1:**

Deny. (We DO own habitable structures within approximately 500 feet of the centerline.)

Responsible Party: Bill Neiman

**BILL NEIMAN'S RESPONSE TO STAFF'S  
FIRST REQUEST FOR ADMISSION NO. 1-2**

**Staff 1-2** Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the maps provided by LCRA TSC in its Application at Attachment No. 3, Sheets 1-28.

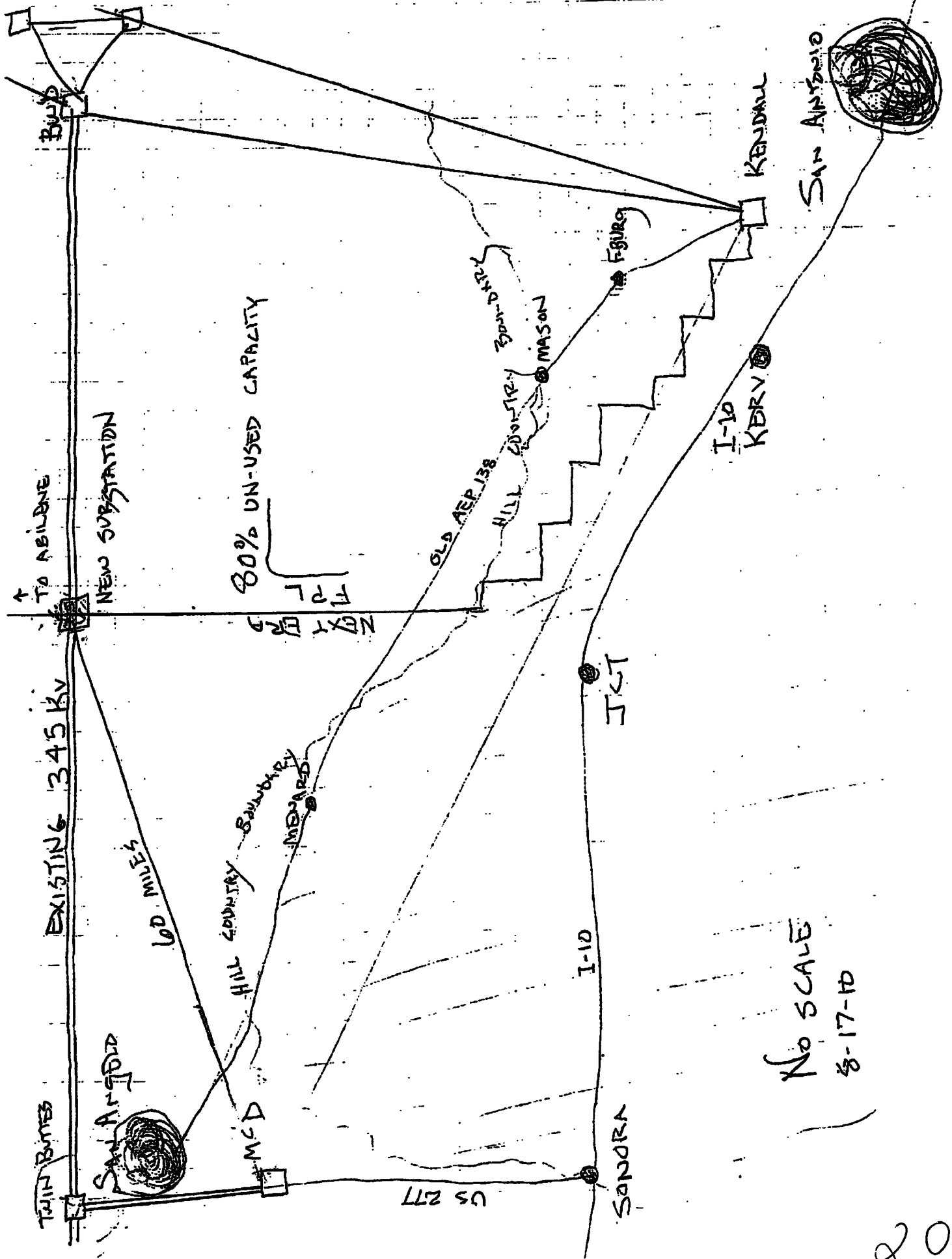
**Response to Staff RFA 1-2:**

Deny, *see Attachment C.*

Responsible Party: Bill Neiman

**ATTACHMENT A**

**GEN-TIE CONCEPT**



NO SCALE  
8-17-10

**ATTACHMENT B**

**WRITTEN COMMENTS PROVIDED TO LCRA**



## Twin Buttes to McCamey D to Westwind to Kendall Transmission Line Project

### Questionnaire

May 7, 2009

This questionnaire is designed to help LCRA Transmission Services Corporation (LCRA TSC) understand public interests and concerns about the proposed Twin Buttes to McCamey D to Westwind to Kendall 345 kilovolt (kV) transmission line project. Your input is important to us. The information you provide is one element that is considered in the transmission line environmental assessment and route selection process. Once you have viewed the exhibits, please complete this questionnaire and either leave it at the entrance or send it to the address below by May 29, 2009. \*

Sara Morgenroth  
Senior Regulatory Case Manager  
LCRA Regulatory Services  
Mailstop BTC151  
P.O. Box 220  
Austin, Texas 78767-0220  
Fax: (512) 369-4193

1. Which of the following apply to your situation? (Check all that apply)

- ☒ I am located in the project area.
- ☒ Potential line route is near my home.
- ☒ Potential line route is near my business.
- ☐ Proposed substation site is near my home.
- ☐ Proposed substation site is near my business.
- ☐ Existing transmission line is on my land or near my home.
- ☐ Other. Please specify (e.g. I lease land and/or I am responsible for land improvements or upkeep near a potential line route or proposed station site.) \_\_\_\_\_

2. Do you understand why this project is needed? Yes ☐ No ☒

If not, what information would be helpful to you in understanding either the project or the need for the project? FPL is already building 345KV line across, why is there a need for LCRA line also? Why was the LCRA Study Area located and fixed without public input? Locations for stations McCamey D and

\* LCRA TSC is subject to Chapter 552 of the Texas Government Code, commonly known as the Public Information Act. Responses to this questionnaire are subject to release as public information unless parts are determined to be exempt from disclosure under the Act. Marking portions of your response as "confidential" will not guarantee that information will not be released under the Act, but it will help us in evaluating whether an exception might apply.

Westwind are not fixed. It appears the Study Area between them was drawn as the shortest distance between two points without careful consideration of existing RCW's just outside the Study Area.

22



**Twin Buttes to McCamey D to Westwind to Kendall Transmission Line Project**

**Questionnaire**

**May 7, 2009**

3. LCRA TSC and its consultant for this project, PBS&J, consider many environmental and land use features when routing electric transmission facilities, including, but not limited to:

- Nearby residences, businesses, schools, churches, hospitals, nursing homes and other structures, and cemeteries
- Nearby commercial radio transmitters, microwave relay stations or similar electronic installations
- Nearby parks and/or recreational areas
- Nearby airport runways, airstrips or heliports
- Nearby historical or archeological sites
- Agricultural areas irrigated by traveling irrigation systems
- Environmentally sensitive areas
- Threatened or endangered species
- Floodplains
- Wind leases

PBS&J has shown all of these features known to them on the Environmental and Land Use Constraints Map. Are those features accurately located?

Yes ☐ No ☒ Don't Know ☐

If no, please list them below and mark their correct locations on the Environmental and Land Use Constraints Map. *Between Hwy 377 N and Llano River b24 and b25*

*• 3 residences, 2 within b25 ROW, 1 just outside the b25 ROW*  
*• Native American Seed Farm production fields and traveling irrigation systems within b24 and b25 ROW. Business headquarters within b24 and b25 ROW*

Are you aware of any other features that are not shown on the Environmental and Land Use Constraints Map or the Aerial Photography?

Yes ☒ No ☐

If yes, please list them below and mark them on the Environmental and Land Use Constraints Map.

*There is no road at b25 across the Llano River*  
*(assumption of road mentioned by Derek PBSJ at*  
*Kimble County 'open house'.*





**Twin Buttes to McCamey D to Westwind to Kendall Transmission Line Project**

**Questionnaire**

**May 7, 2009**

4. There are numerous potential route segments on the route map for the proposed transmission line. Which route(s) or route segment(s) do you favor and why? Please note: Completion of this question does not constitute a "vote" for or against any proposed route segments.

We do not favor any route within LCRA proposed  
Study Area. Proposed Study Area needs further work as  
stated in #2 above.

5. Which route(s) or route segment(s) do you not favor and why? Please note: Completion of this question does not constitute a "vote" for or against any proposed route segments.

b23, 24, 25 are not acceptable routes for 345KV line. The properties  
in the river valley this close to Junction are too populated and  
valuable to absorb the impact.

6. The routing and construction of transmission lines involves many considerations. Please rank the following factors in the order of their importance to you. Indicate the most important factor with the number 1, second most important with a 2, third most important with a 3, and so on.

- 11 Maintain reliable electric service
- 4 Use or parallel existing compatible right-of-way (e.g. pipelines, railroads, highways, existing transmission lines) where ~~possible~~ sensible
- 10 Parallel property lines where possible
- 5 Maximize distance from residences
- 7 Maximize distance from schools, churches, nursing homes, etc.
- 8 Maximize distance from commercial buildings
- 9 Maximize distance from historic sites or areas
- 6 Maximize distance from parks and recreational areas
- 3 Minimize visibility of the lines
- 2 Minimize environmental impacts
- 1 Other Create a multiuser ROW corridor based on existing parallel  
ROWs and pay fair compensation and damages to all

7. Is there any other information you would like the project team to know about or to take into accurate consideration when evaluating the alternative locations for the new line? responses

please see attached answer to #7



**Twin Buttes to McCamey D to Westwind to Kendall Transmission Line Project**

**Questionnaire**

**May 7, 2009**

*Your name and address are optional, but are necessary if you would like to be contacted regarding this project.*

Name: Bill and Jan Neiman Date: 5/26/2009

Address: 4111 N. US Hwy 377

City, State, Zip: Junction, TX 76849

Telephone: 325-446-4141 Email: 

- ☒ Please check here if you would like an LCRA TSC representative to contact you to discuss this project. Be sure to provide your contact information above or call the dedicated project number at 800-776-5272, Ext. 4546, to leave a message and receive a return call.

***Thank you for your comments!***

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7.

The whole Hill Country of Texas is unique in the world for its scenic beauty. Great care must be taken to preserve not only the aesthetics, but also the economy built here: recreation, tourism, nature, rivers, clean air, wildlife, property values, open space.

Our company, Native American Seed, is within the proposed ROW as stated above. Attached is one of our seed catalogs to show the extent of our native seed operation and ecotourism activity.

We currently have a customer base of 98,000 citizens within Texas whom have requested our catalog, products and services. We are experiencing an increase in numbers of groups and individuals visiting our facilities on an annual basis.

**ATTACHMENT C**  
**PROPERTY BOUNDARIES**

