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

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

RESPONSES FROM Clint Smyers, INTERVENOR

Pursuant to P. U. C. PROC. R 22.144. Clint Smyers states that this written response may be treated as being under oath, and further specify that Pursuant to P. U. C. PROC. R.22.144(c), we attest that this response was Prepared by Clint Smyers.

RESPONSES

Submitted below are responses to questions contained in the COMMISSION STAFF'S FIRST SET OF REQUESTS FOR INFORMATION TO INTERVENORS related to my property described as follows:

Tract #23 on Encino Loop in the Tierra Linda Ranch Subdivision of Gillespie County, Texas consisting of 10.470000000000001 acres located on or near the LCRA TSA CREZ route described as b53.

Staff Question-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."

Intervenor Answer to Question 1-1. We have 1 habitable structures on this lot. Our principal residence is a masonry and rock three bedroom home. Our structure is located less than 1.5 miles from the proposed route.

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.

Intervenor Answer to Question 1-2 The referenced proposed CREZ segment follows an existing high pressure gas pipeline across property held in common by myself and all residents of Tierra Linda Ranch.

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

Intervenor Answer to Question 1-3 No.

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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.

Intervenor Answer to Question 1-4 There are no transmission lines visible from my property.

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.

Intervenor Answer to Question 1-5 No.

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.

Intervenor Answer to Question 1-6 No.

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?

Intervenor Answer to Question 1-7 Yes, we have suggested that route MK13 is a much more appropriate route as it avoids all residential, sub-division and densely populated areas. The route is LCRA TSC preferred route and as such, should be within their construction constraints and meet the environmental constraints of such routing. Aesthetically, route MK13 also avoids any major scenic points of the Hill Country.

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

Intervenor Answer to Question 1-8 The referenced proposed CREZ segment follows an existing high pressure gas pipeline that would create an extreme fire hazard. The referenced proposed CREZ segment does not directly cross my property, but the fire hazard and visual blight it creates for our subdivision is so close to my property that it creates the same property degradation as if it did cross my property directly.

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.

Intervenor Answer to Question 1-9 Yes, I or my representative attended the Harper and the Kerrville Open Houses as well as the Open House/Special meeting held by the LCRA TSC on Tierra Linda Ranch. All residents of Tierra Linda Ranch provided written comments to the staff of the LCRA TSC and are provided herewith by our Attorney of Record, Mr. Fred Henneke.

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 No. 3 (Sheets 1-28)? If not, please explain any discrepancies and provide a modified LCRA TSC map or drawing to indicate the discrepancies.

Intervenor Answer to Question 1-10 Yes.

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.

Intervenor Answer to Question 1-11 Residential home with a secondary use as part of the Tierra Linda Ranch Homeowners Association cattle, wildlife, airport and recreational use operation. All these unique sub-division amenities will be impacted by the proposed line. The visual blight of the line will forever mar the beauty of the ranch while the fire hazard it creates in close proximity to our home will destroy our property values.

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.

Intervenor Answer to Question 1-12 My property is part of a densely populated residential sub-division and should not be considered for a transmission line at all.

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

***Intervenor Answer to Question 1-13 The following have an ownership interest in my property:
Clint Smyers***

Staff-1-14 If the transmission line 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.

Intervenor Answer to Question 1-14 A transmission line anywhere on my property is unacceptable. This is an existing sub-division with houses in such close proximity that routing through Tierra Linda without ruining people's homes and land use is impossible.

Staff RFA 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.

Intervenor Response to Staff RFA 1-1 I deny that I reside in a habitable structure within 500 feet of the centerline of a proposed transmission line route in this docket.

Staff RFA 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.

Intervenor Response to Staff RFA 1-2 Admit.