



Control Number: 38354



Item Number: 2278

Addendum StartPage: 0

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

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

**P-LINE INTERVENTION ASSOCIATION (ROBERT E. PLUENNEKE) RESPONSES
TO STAFF'S
FIRST REQUESTS FOR INFORMATION AND FIRST REQUESTS FOR ADMISSION**

COMES NOW P-Line Intervention Association ("P-Line Intervenors") (Robert E. Pluenneke) and submits these Responses to Staff's First Requests for Information ("RFIs") and First Requests for Admissions ("RFAs").

WRITTEN REPOSESES

Attached hereto and incorporated herein by reference are Robert E. Pluenneke's, a member of the P-Line Intervenors, written responses to the aforementioned RFIs. Each response is set forth on or attached to a separate page upon which the request has been restated. Such responses are made in the spirit of cooperation without waiving P-Line Intervenor's right to contest the admissibility of any such matters upon hearing. P-Line Intervenors hereby stipulate that these responses may be treated by all parties exactly as if they were filed under oath. The Staff's RFIs were served on P-Line Intervenors on September 1, 2010 via facsimile therefore these responses are timely filed.

Respectfully submitted,


SMITH TROSTLE LLP
707 West Avenue, Ste. 202
Austin, Texas 78701
(512) 494-9500 - Voice
(512) 494-9505 - Fax

By: J. Kay Trostle
J. Kay Trostle
State Bar No. 20238300

**ATTORNEYS FOR P-LINE INTERVENTION
ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September 2010, a true and correct copy of the foregoing document is being served via facsimile, U.S. mail and/or hand delivery to the propounding party and filed on the PUC Interchange, in accordance with SOAH Order No. 1.



J. Kay Trostle

QUESTION NO. 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."

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

Yes, P5 north of Simonsville RD Southwest of US Highway 87 (Tract ID No. P5-026).

QUESTION NO. 1-3

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

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

Yes – Existing AEP 138 kV line north of Simonsville RD Southwest of US Highway 87.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

Yes, a small existing low visibility AEP 138 kV line using single wooden poles north of Simonsville RD Southwest of US Highway 87.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No.

QUESTION NO. 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?

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No.

QUESTION NO. 1-8

What are your specific concerns about the proposed transmission line?

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

The proposed route would damage some of the unique features of our property and reduce its economic value. The property has a large frontage along US Highway 87 which makes it ideally suited for the development of ten to fifty acre homestead sites. This access and abundant ground water resources are the property's valuable features. It is this use that the proposed route would severely damage.

I am also concerned about what a 345 kilovolt power line, supported on massive towers twenty stories tall, running through one of the most beautiful areas in Texas would do to the local economy. I believe agricultural production-wildlife, livestock and farming enterprises will suffer great economic affects along with a substantial decrease in land value and sales if this line is built. In addition, this route adds ~\$75 million dollars to the cost of the electrical transmission project. In addition, I am concerned about preservation of the Pinta Trail, part of which appears to run through the property. The Pinta Trail ran about 180 miles northwest from San Antonio to the San Sabá Mission in present-day Menard County. It was a major transportation route through the Texas Hill Country for the Plains Indians, Spanish explorers, immigrants, "forty-niners," and the U.S. Army. For the past four years, members of the Mason County Historical Society have been working to pinpoint the route of the Pinta Trail through the county. With the cooperation of local landowners, they have started to identify and document the surviving physical evidence of the trail. Relying on oral tradition, nineteenth-century survey maps, and historical narratives, they have located wagon tracks and creek crossings. This is essentially the same path as the proposed Menard-Mason-Gillespie route for the LCRA TSC transmission lines. The clearing of right-of-ways for these lines would destroy much of the surviving physical evidence of the historic Pinta Trail before it has been studied, photographed and mapped.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

Yes. I did provide written comments to LCRA, but did not keep a copy.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No map was received showing property boundaries, but from what I can determine from the LCRA website they are correct.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

The current uses are agricultural and hunting. The property has a large frontage along US Highway 87 which makes it ideally suited for future development of ten to fifty acre homestead sites. This access and abundant ground water resources are some of the property's most valuable features. It is this use that the proposed route would severely damage.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

The area in question includes the most unique parts of our property. It contains the only known remnant of the original Fort Mason road not covered by US Highway 87 in Mason County. It also has unique topography that has produced a micro climate that has a number of unusual plants not seen elsewhere in central Texas. This property also has spectacular views of the hill country that would be severely damaged by this project.

QUESTION NO. 1-13

Please identify all persons with an ownership interest in your property.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

Harold C. Pluenneke Jr.

John D. Pluenneke Revocable Trust

Robert E. Pluenneke

David R. Pluenneke

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

No map from LCRA, there is no location on my property that would be preferable.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

I do not own or reside in a habitable structure within 500 feet of the centerline.

QUESTION NO. 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.

P-LINE INTERVENORS RESPONSE:

Robert E. Pluenneke Response:

From what I can determine from the LCRA website they are correct.