



Control Number: 38354



Item Number: 2281

Addendum StartPage: 0

**DATE: 08 September 2010**

**TO: Filing Clerk, Public Utility Commission of Texas  
C/O Stapleton, Linda  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326**

**FROM: Spencer A. & Sandra Selby Switzer Jr.  
466 Falcon Hills Ranch Road  
Fredericksburg, Texas 78624**

**Following are responses to "Staff's First Set of Request for Information to Intervenors". If there is any need for additional clarification please contact be at 839.990.8747 (office) or 830.992.9463 (cell).**

**Respectively submitted,**

  
**Spencer A. Switzer Jr.**

**Attached: 3 copies**

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**SOAH DOCKET NO. 473-10-5546**

**PUC DOCKET NO. 38354**

**APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND A  
CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO  
KENDELL TO GILLESPIE: 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER,  
SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES**

**INTERVENOR'S (SPENCER SWITZER), ANSWERS TO COMMISSION  
STAFF'S FIRST SET OF REQUESTS FOR INFORMATION TO INTERVENORS**

**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:** At this time A15 seems to be the only segment impacting on our property so I will restrict all of my answers as it pertains to that segment. Habitable structures at this time are not included. However, the long term development plan for this property has a winery, in particular, a champagne cellar with associated structures (parking area, production buildings, tasting room). Documentation for the comprehensive plan can be provided upon request.

**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:** As best I can determine A15 would be centerline on our road, Falcon Hills Ranch Road, which is the only road for entry and exiting our property. A portion of property on which the road is located is approximately 65 feet wide for 967 feet before entering the main portion of our property. This particular segment was to provide easement onto our property. There are three springs located within the proposed right of way area, two water catch areas and several drainage systems feeding these.

**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:** No.

**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:** Segment A17 is an existing line and is visible from our property from any area in the western 50 acres. The line is approximately 100 feet from the NW corner of our property and any extension of the easement for segment A17 would include a portion of our 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.

**Response:** The windmill was taken down and one has not been found to replace it. The foundation and the well is located approximately 300 feet from the proposed centerline of segment A15.

**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:** Not to my knowledge at this time.

**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:** We have discussed with representatives of LCRA TSC that the segment A15 would not only be centerline on our road but cut the property in half and negatively affect the comprehensive plan for our property use.

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

**Response:** The areas of specific concern are as follows:

1. Personal property rights:
  - a. Disputation of personal property rights in the use of our property as we have been planning for over the past 25 years. We have carefully progressed through the reclaiming of fields and structuring of water collection and retention works to bring back the property that had been misused prior to our ownership.
  - b. Halt the construction plans for the winery and other facilities which would impact on our personal financial livelihood as well as the other two brothers and their family who as involved in the business plan. We currently have Fredericksburg Winery and have been in production since 1965.
  - c. Devaluation of property value would cause major loss of loan value on the property.
2. Natural environment
  - a. Springs and water collection and retention system would be negatively impacted if not destroyed.
  - b. Scenic views would be negatively impacted and the careful planning for maintaining and incorporating we have included in our comprehensive plan in preserving the natural environment would be wasted.
  - c. We have gathered number tips and projectiles that from what we have been told even predate the Native Americans. Until a complete study were completed the placement of segment A15 would necessarily be delayed causing additional costs that would add to the total economic cost of the line.
  - d. The hill to the immediate west of segment A15 is a prime example of an expose of shell fossils any harm would be negative to the total environment.

3. Unnecessary use of land – There is no need to take additional land away from private ownership whether it is our property or others for a benefit that is marginal. Utilizing already existing right-of-ways is the only acceptable solution if indeed there is a need at all which in many opinions have not been proven.
4. Health effects – with just the preliminary research I have performed I am highly concern about the exposure to my family and the guest of our wineries to the type of voltage that is a residual electromagnetic from these types of power line.

**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:** At least one member of our family has been at the open houses held in Fredericksburg but the actual dates I do not recall at this time. We provided written notes on forms provided but did not make copies. Corrective information was also provided about our boundaries, road location and information about at least one adjacent land owner.

**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. (If you do not have a copy of the maps from the application we would be happy to provide a copy of a portion of the map showing your property. If you wish for such a copy please contact Bernice Cox directly at 512-936-7271 or call 1-800-936-7000 and ask for Bernice Cox at extension 6-7271.)

**Response:** From the best I can tell at this time they are correct.

**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:** The property is in a transition stage with a comprehensive development plan that includes two wineries, two vineyards and other features included in the agri-tourism industry. The routing of A15 would be a major disruptive factor that would cause major loss of monies and economic impact not only on our family personally but the local community.

**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:** Please refer to "Response" to questions Staff 1-1, Staff 1-2, Staff 1-8 and Staff 1-11.

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

**Response:** The property ownership is Spencer and Sandra Switzer – individuals who have interest in businesses located on the property include Harold Switzer, Sandra Switzer, Bert Switzer and Minerva Switzer.

**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.

**Response:** There is no location at this property that is viewed as an acceptable location.

**SOAH DOCKET NO. 473-10-5546**  
**PUC DOCKET NO. 38354**  
**COMMISSION STAFF'S FIRST SET OF REQUESTS FOR ADMISSIONS**  
**TO INTERVENORS**

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.

**Response:** Based on the information provided at this time I admit there is no habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket currently.

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.

**Response:** Based on the information provided at this time I admit from the best I can tell they are correct.