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

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

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

RECEIVED  
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STATE PUBLIC UTILITIES COMMISSION  
HEARING CLERK

DIRECT TESTIMONY  
OF  
KATHERINE D. FOSTER  
ON BEHALF OF  
CHESTER AND KATHERINE FOSTER

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SEPTEMBER 28, 2010

2411

**DIRECT TESTIMONY OF KATHERINE D. FOSTER**

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**DIRECT TESTIMONY OF  
KATHERINE D. FOSTER**

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1 Q. PLEASE STATE YOUR NAME AND ADDRESS.

2 A. I am Katherine D. Foster. My address is 255 Southwoods Drive,  
3 Fredericksburg, Texas 78624.

4 Q. ON WHOSE BEHALF ARE YOU PRESENTING TESTIMONY IN THIS  
5 PROCEEDING?

6 A. My husband, Chester Foster, and I intervened in this docket on August  
7 20, 2010. My testimony is on our behalf.

8  
9 Q. PLEASE SUMMARIZE YOUR BACKGROUND.

10 A. A. I am a graduate of the University of Wisconsin, Madison,  
11 Wisconsin, and of Georgetown University Law Center, Washington, D. C.  
12 Before changing my career, I practiced law in a small, general practice  
13 law firm in Arlington, Virginia for many years. In the years before my  
14 retirement, I was a communications specialist at a major corporation. I  
15 retired in 2000 from that position and now devote my time to our home  
16 and small ranch operation. I do most of the tractor work, help my  
17 husband feed the cows and horses, and -- as a licensed pesticide applicator  
18 -- take care of herbicide application (cacti, mesquite, grass burrs) and  
19 fertilizing our small hay field.

1 Q. WHEN DID YOU MOVE TO YOUR CURRENT RESIDENCE?

2 A. We purchased our 27.74 acre piece of property in May, 2006. We sold our  
3 home in Virginia and moved to Fredericksburg, Texas in late August,  
4 2006. We lived in a small RV while our house was being built on our  
5 property. We moved into our home in mid-March, 2007. We've been here  
6 about 3 1/2 years.

7

8 Q. DESCRIBE YOUR PROPERTY.

9 A. We chose to purchase this piece of land because it was potentially  
10 excellent pasture and coastal bermuda hay fields. There is little loose  
11 rock on the property. We were also attracted to the beautiful long views  
12 from the property -- all the way across farmland to Fredericksburg to the  
13 east and north and across our neighbors' fields and pond to our west and  
14 south. We built a small metal barn first and had fencing put in that would  
15 allow us to keep cattle and horses and maintain a small hay field for their  
16 feed. We paid extra to have our electric lines to our property buried to  
17 keep them from sight. We ran a water line from our pump house to a  
18 water trough for the animals at the edge of our woods. We also ran a  
19 water line to the barn and, of course, to our house.

20

21 We made a decision to invest a significant portion of our retirement  
22 savings, in addition to the proceeds from the sale of our previous home, to

1 purchase this land and build our home and outbuildings exactly as we  
2 wished them to be. To that end, we worked with an Austin, Texas  
3 architect to design a home in a "ranch" or "prairie" style that would fulfill  
4 all of our wish list. We did not regret this expense at all -- until we  
5 received our first notice of LCRA's CREZ transmission line proposal.

6  
7 This is a very comfortable property for us, manageable to us novice  
8 ranchers, a good property to be able to raise cattle as a small business.

9  
10 Q. WHAT IS YOUR INTEREST IN THIS PROCEEDING?

11 A. Our lovely life hidden here in the Texas hill country will be gone forever if  
12 LCRA builds the transmission line(s) it has proposed. Our property will  
13 be ruined, our ranch will be ruined, our home will be ruined. We are  
14 opposing this every way we know or can learn how.

15  
16 Q. WHAT LINKS PROPOSED BY LCRA WOULD AFFECT YOU, AND  
17 HOW?

18 A. Our home and full time residence is designated structure number 356 in  
19 the application of LCRA. We moved into number 356 in March, 2007,  
20 ready to spend our retirement enjoying the best neighbors, the best land,  
21 and the best cows in Texas. Now, segments A-7 and O-2 bisect our  
22 property, cutting it virtually in half. Segment A-8 parallels our property

1 line from south to north, taking a significant amount of our woods and our  
2 back pasture. Segment A-6 joins sections A-7 and A-8 on our property line  
3 about 510 feet from our house.

4  
5 The center line of Section A-7 is 329 feet from our home. It is less than  
6 140 feet from our barn. It impacts a large swath of the hay field we  
7 maintain to feed our cows and horses over winter. It runs directly over  
8 our cattle water trough, the only source of water for our cattle. It impacts  
9 our small, or holding, pasture. It comes within a few feet of our corral and  
10 loading chute. It then proceeds west along our woods and our front  
11 pasture to our neighbors' property. This line would be visible from our  
12 front porch, our back porch, and our side porch -- from most of the rooms  
13 in our home. We believe that it would also significantly impede access to  
14 our woods and our back pasture -- about half of our acreage.

15  
16 The center line of Section O-2 would, according to my understanding of  
17 LCRA's documentation, be 200 feet closer to all of these features (half of  
18 the width of the easement of A-7, 40 feet between easements, and half of  
19 the width of the easement of O-2). This would put it 129 feet from our  
20 house, on top of our barn, completely eliminating our small pasture, corral  
21 and loading chute. It would have the same aesthetic and physical  
22 constraints as A-7, only worse if possible.

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The center line of Section A-8 would take the property fence between our land and our neighbor's to the east, thus effectively eliminating our use of 80 feet of our woods (which would be cut down anyway), and 80 feet of the length of our back pasture. It would also require a substantial encroachment on our hay field. It would be visible from our back porch and patio and our side porch.

Section A-6 ends at our property line, about 510 feet from our home. Aside from the fact that this would feed into either A-7 or A-8, it would require an encroachment on our hay field and would effectively ruin our views over farmland to Fredericksburg. It would also constrain the use of our property because of fence line issues along that property line.

Our hay field is about 4 or 4 1/2 acres. It is very small and currently just economically prudent as a reasonably cost-effective source of winter feed for our animals. Any smaller size, and it would not make economic sense to pay to have it cut and baled. No hay: no cattle and horses. No cattle and horses: no agriculture business and no agricultural exemption.

Segments A-6, A-7, and A-8 all come together at a point about 510 feet away from our home, on our eastern property line.



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There are no corridors or features of any type commending A-6 or A-7 or O-2: *no pipeline, no power line, no road, no property line.* No, thank you.

Q. ARE YOU ASKING THAT THE PUBLIC UTILITY COMMISSION PROTECT YOUR VIEW?

A. Link A7 would be 329 feet from my house, *on my land*, and Link O2 would be 200 feet closer. I want the Commission to protect my view, yes; but first I want the Commission to protect my home and my land and my health. We could not live in our home if LCRA is permitted to build its Link A7 or O2 where it is proposed. My husband and I each have compromised health, and we could not lie in our beds being baked and microwaved by 350,000 volts only a few feet away. And yet we could not sell. With A-7 or O-2 marching across the middle of our land, with A-6 or A-8 standing guard at our property line, no buyer would buy our home, not even at a fraction of what we paid to buy and build.

Q. HOW DO YOU USE YOUR PROPERTY?

A. It is our home and our farm.

1 Q. HOW WOULD THESE USES BE LIMITED BY LCRA'S PROPOSED  
2 TRANSMISSION LINE?

3 A. Our use and enjoyment of our residence would be severely impacted, for  
4 aesthetic reasons, for health reasons, for financial reasons. Some of our  
5 hay field would be in the easement and, at least along property line, would  
6 be lost to production because property line fence would have to be  
7 reconfigured. This field is small, but it serves to feed our cattle and horses  
8 over winter in good years. If we lose some of it, it may not even be worth  
9 cutting the rest and would certainly not provide the coastal bermuda hay  
10 necessary to feed our animals through the winter. We would also lose our  
11 watering trough, which is located directly under one of the proposed lines.  
12 We would also lose some woodland (providing shelter for animals in heat  
13 and in bad weather) and part of our back pasture since the lines that  
14 affect these features would follow a property line and would require  
15 reconfiguring the fenceline. We would lose much of our little pasture near  
16 our barn, a fenced field that we need to corral our animals for veterinary  
17 care or to load up and ship to auction.

18  
19 In summary, our home and farm are not large. We are not wealthy. We  
20 have less than 28 acres. LCRA's proposed routings would cut that 28  
21 acres just about in two, with 12-14 acres on each side. Our home, now a  
22 fine country hill country place paid for by two long working careers, would

1 be transformed. It would become a house built next to LCRA's  
2 transmission line. It would lose its hill country charm and its value.  
3 Every single feature of our property would be adversely impacted by these  
4 power lines. We ask that every single feature be considered and given  
5 appropriate importance by the Administrative Law Judge and the PUC  
6 Staff and the Commission.

7

8 Q. YOU MENTIONED YOUR COMPROMISED HEALTH. PLEASE  
9 PROVIDE DETAIL REGARDING YOUR HEALTH.

10 A. I am a stage 3 breast cancer survivor. I am doing fine now, but the cancer  
11 and the treatment weakened me I know. I have no way to measure the  
12 effects of the electro-magnetic fields of the proposed lines on my well-  
13 being. My husband Chester is being treated for leukemia. There is no  
14 definitive way to know how a system weakened by leukemia and  
15 chemotherapy will react to 350,000 volts. I do know that, among  
16 LCRA/PUC's considerations for line placement, proximity to schools must  
17 be considered. Well, if these lines are not good for schoolchildren, I cannot  
18 see how they would be okay for us.

19

1 Q. PLEASE SUM UP YOUR OPPOSITION TO LCRA'S PROJECT OR HOW  
2 THEY ARE EXECUTING IT.

3 A. My opposition is threefold. First, there is a lingering question about  
4 whether the line is needed. Technology is changing every day, and what  
5 we are sure we need today is in a garage sale tomorrow. Would anyone  
6 like to buy a VCR? If we are not sure that we need this line, let's wait.  
7 Maybe we never will.

8  
9 Q. WHAT IS YOUR SECOND REASON FOR OPPOSING LCRA'S LINE?

10 A. If you accept (which I don't) that the line is needed, why can't it go where  
11 it will not have such a grave and sweeping effect on its surroundings?  
12 LCRA has stated repeatedly that it tries to minimize the impacts of new  
13 transmission lines on property owners through such methods as using  
14 existing electric transmission rights of way, by paralleling existing  
15 compatible rights of way (e.g., roads), by paralleling existing property  
16 lines, and by minimizing habitable structures within 500 feet of the  
17 easement center lines. Several possible routes could utilize 100% of  
18 existing right of way. (E.g., NextEra Energy's right of way or utilizing  
19 right of way of LCRA line T-207.) However, existing routes were largely  
20 ignored. Some were not even chosen as routes to consider (especially any  
21 route that would utilize a greater percentage of existing transmission line  
22 T-120). Given the Public Utility Commission's stated preference for

1 routing that follows existing rights of way, and given LCRA's statement  
2 that the number of *newly affected* habitable structures was a primary  
3 consideration, LCRA should explain why it failed either to propose these  
4 routes initially or to choose these routes as recommended alternatives.  
5

6 Q. WHAT IS YOUR THIRD REASON FOR OPPOSING?

7 A. I think that if the way LCRA routed A-6, A-7, O-2 and A-8 is any  
8 indicator, then we should not be surprised that there are so many  
9 unanswered questions about the whole line. For example, According to  
10 Table 6-79, Environmental Data (By Segment) for Alternative Route  
11 Evaluation (found in LCRA's filing in Volume I, Environmental  
12 Assessment and Alternative Route Analysis), proposed segment A6 has 0  
13 feet of its alleged 12,780 foot length paralleling existing transmission line  
14 right of way. It has 0 feet of its 12,780 foot length paralleling other  
15 compatible right of way (i.e., highways, roads, pipelines). Only 2,600 of its  
16 12,780 foot length follows existing property lines. Considering that  
17 segment A6 is part of 7 of LCRA's 15 proposed routes, and further  
18 considering the PUC's stated preference for routing along existing right of  
19 way or other compatible right of way, this result is simply unacceptable.  
20  
21  
22

1 Q. WHAT ABOUT SEGMENT A-7?

2 A. According to Table 6-9, proposed segment A7 has 0 feet of its purported  
3 5,300 foot length paralleling existing transmission rights of way. It has 0  
4 feet of its 5,300 foot length paralleling other compatible rights of way. It  
5 has 0 feet of its 5,300 foot length paralleling existing parcel lines.

6 Considering that segment A-7 is part of 4 of LCRA's 15 proposed routes,  
7 and further considering the PUC's stated preference for routing along  
8 existing rights of way or other compatible rights of way, LCRA's rationale  
9 for selecting this segment as one of its preferred or alternate routes is  
10 impossible for me to understand. I hope the Administrative Law Judges  
11 and the PUC agree with me.

12

13 Q. SEGMENT A-8?

14 A. According to Table 6-79, proposed segment A-8 has 0 feet of its purported  
15 9,695 foot length paralleling existing transmission rights of way. It has 0  
16 feet of its 9,695 foot length paralleling other compatible rights of way. It  
17 has 5,300 feet of its 9,695 foot length paralleling existing parcel lines.

18 Considering that segment A-8 is part of 3 of the LCRA's 15 proposed  
19 routes, and further considering the PUC's stated preference for routing  
20 along existing rights of way or other compatible rights of way, I can not  
21 understand LCRA's rationale for selecting this segment as one of its  
22 alternate routes.

1

2 Q. AND SEGMENT O-2?

3 A. According to Table 6-78, proposed segment O-2 on the McKamey to  
4 Kendall project portion has 0 feet of its alleged 18,088 foot length  
5 paralleling existing transmission right of way. It has 0 feet of its 18,088  
6 foot length paralleling other compatible right of way. It has only 2,572  
7 feet of its 18,088 foot length paralleling parcel lines. Considering segment  
8 O2 is under consideration as part of at least four proposed routes on the  
9 McKamey to Kendall project, and further considering the PUC's stated  
10 preference for routing along existing right of way or other compatible right  
11 of way, I cannot understand LCRA's rationale for selecting this segment  
12 as one of its alternate routes.

13

14 Q. PLEASE SUM UP YOUR CONCERNS ABOUT THIS PROPOSED  
15 TRANSMISSION LINE.

16 A. Chester and I moved to this property and built it together. We are retired  
17 now, and selected the beautiful Fredericksburg area as the place to which  
18 we would retreat. We found a place where we could afford (using a large  
19 portion of our retirement savings) a beautiful home with a small pasture  
20 big enough for two horses and a few cows. We look north from our back  
21 door upwards across our modest but fine pasture, and on very special  
22 occasions we see our grandchild, great nieces and nephews running in the

1 grass there. This is the very site where, a scant 329 feet or even 129 feet  
2 away, (less than a hundred running grandchild steps), LCRA would  
3 impose 150 foot towers and drooping steel cables across our land and our  
4 view, appearing on our land on the right and disappearing on the left.

5  
6 So:

7 (1) We are concerned about the catastrophic devaluation of our property,  
8 into which we put much of our retirement savings; the loss of hayfield  
9 acreage, pasture acreage for our livestock and woodland acreage for our  
10 livestock in Texas weather.

11 (2) We are concerned about health hazards with lines so close to our home,  
12 especially since my husband has just completed chemotherapy for  
13 leukemia and I am a stage-3 breast cancer survivor. Our neighbors on  
14 these lines have small children. While LCRA states that there is no  
15 evidence of health hazards from high voltage electric lines, we also  
16 understand that LCRA still will no longer put these lines near schools.

17 (3) We are concerned about the loss of our beloved and irreplaceable view.

18 (4) We are concerned that there will be no just compensation for any of the  
19 above.

20 (5) We are concerned that a harsh and speedy process could allow all these  
21 things to be taken from us in an unthinkable short time, in a situation  
22 where there lingers even some question about the need for the facilities.



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Finally, we are concerned that the stated commitments of the Public Utility Commission and LCRA to using existing corridors such as property lines fall easily to the wayside in practice. It was inconvenient for LCRA to find an acceptable path for A-6 and A-7 or O-2, so LCRA instead chose just to roll across our back yard with 150 foot towers. In fact, in their responses to our First Request for Information to them, LCRA actually said they had to "shoot the gap" between our house and our neighbors' houses. Since the proposed line A-7 goes only 329 feet from our house and 250 feet from our closest neighbor, and then within a few hundred feet of all others on this segment, I don't know what "gap" they are talking about. There are other ways. There have to be.

**Q. LCRA AND PUC ENCOURAGE AFFECTED LANDOWNERS TO STATE PREFERENCES FOR ALTERNATIVE ROUTES. CAN YOU PROPOSE AN ALTERNATIVE ROUTE?**

**A. As I stated to LCRA's Mr. Dennis Palafax in my letter to him of May 15, 2010 (Attachment KDF D-1), I have serious moral, ethical, and knowledge-based reservations about proposing this travesty upon another person. If I have to do so, I must suggest that the Public Utility Commission choose routes using 100% of existing rights of way so that no people are newly affected. There are four possibilities according to my**

1 naïve reading of LCRA's maps (page 4-51 of Volume I, Environmental  
2 Assessment and Alternative Route Analysis for the Proposed McKamey D  
3 to Kendall to Gillespie 345-kV Transmission Line).

4  
5 (1) Using the NextEra Transmission line right of way (widened, I assume)  
6 to LCRA transmission line T-207, following segments b59a, A20, A12, etc.  
7 up to the Gillespie substation.

8 (2) If Segment C-7 is chosen for the McKamey D to Kendall portion of this  
9 project, utilizing this same segment to go back up to Gillespie substation  
10 via existing rights of way along Segments A20, A12, etc.

11 (3) Using a greater portion of the right of way currently existing for  
12 LCRA transmission line T-120, joining it to the existing right of way for  
13 line T-288, then joining existing right of way for T-207 to the Gillespie  
14 substation.

15 (4) Using the NextEra transmission line ROW (widened, I assume) in lieu  
16 of any proposed routes utilizing Segment O-2 for the McKamey D to  
17 Kendall routing.

18 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

19 A. Yes, it does.

20

21

22

**Chester C. and Katherine D. Foster  
255 Southwoods Drive  
Fredericksburg, Texas 78624  
(830)997-0472**

May 15, 2010

Mr. Dennis Palafax  
LCRA Regulatory Services  
Mailstop BTC151  
P. O. Box 220  
Austin, Texas 78767-0220

Dear Mr. Palafax:

I have written to you before regarding proposed wind transmission power lines. I have filled out the comment sheets from the two open houses sponsored by LCRA in Gillespie County. I have written my state representatives, my governor, and the chairman of the PUC; and I copied you on this communication. I have already told LCRA that your proposed lines cutting our property in half would destroy our ability to raise cattle since it would make it difficult for the cows to access half of their grazing land. Your lines would ruin our hay field because it would be too small to economically cut and bale after the easement would be in place. I've already told you this, but it bears repeating.

But I do have something else to say to you (well, actually, a lot, but I will limit my comments), and I hope that you're not tired of hearing from me. Since LCRA's proposals are so seriously affecting our lives and our property, you will surely grant me a moment to tell you two things that have been bothering me.

At the open houses, on your comment forms, and in incidental comments by LCRA representatives, we were encouraged to propose or suggest routes that might be better suited than the ones affecting our property (Lines A7 and A8 specifically and Line A6 tangentially, as well as a new line stuck in recently that parallels A6 and A7). I suppose you thought that we'd naïvely think we were part of the process when you encouraged these comments. It is this that is on my mind. There are two reasons that I strongly object to the suggestion that we, as property owners, recommend alternative routes:

- How the heck am I – who feeds my cows, shreds my fields, cooks dinner for my husband, and watches American Idol – supposed to know what the optimum locations for your power lines are supposed to be? Yes, I know they should be “anywhere but here,” but I do not know what other proposed routes would impact. I do not know the consequences of proposing other routes. As an example: I thought it was a great idea

to place the lines along Interstate 10, believing that this would avoid Gillespie County completely. Well, this brilliant idea only caused another line to be proposed through the middle of my property! This is NOT what I had in mind, it never crossed my mind that the suggestion would still impact me, and I certainly don't even remotely suggest that I would agree to this. This is a specific example, but there are others. When I looked at your maps at the open houses, I commented that other routes looked better because they would take the lines through less populated areas instead of near Southwoods subdivision and along Centerpoint Road. Yet I feel terrible about these comments that I made, because I have no knowledge of what other impacts those routes might have.

- LCRA has asked me to turn against my neighbors. By encouraging comments suggesting alternative routes, I must suggest that another suffer the consequences of your decision. This created a strong moral dilemma for me, and I have spent many hours concerned about the consequences to others of my suggestions. In truth, I want no one to have to be adversely impacted by your actions. The only thing I would remotely condone would be to place routes along existing rights of way. At least the folks along these proposed routes knew what they were getting into.

There you have it. My property and the property of my neighbors through which these proposed lines would traverse has considerable financial value, but the humblest property has value to its owner. Our right and wish to enjoy our property is the issue.

As always, I am copying my state representatives, our governor, and the PUC chairman. I feel better expressing these concerns – but not great.

Very truly yours,

Katherine D. Foster