



Control Number: 38354



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**SOAH DOCKET NO. 473-10-5546**  
**P.U.C. DOCKET NO. 38354**

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

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

RECEIVED  
CLERK  
APR 11:24

**DIRECT TESTIMONY OF**  
**KIMBERLY FRANCES HIRMAS**  
**ON BEHALF OF**  
**INTERVENOR/LANDOWNER**  
**KIMBERLY FRANCES HIRMAS**

**September 28, 2010**

Respectfully submitted,

By: 

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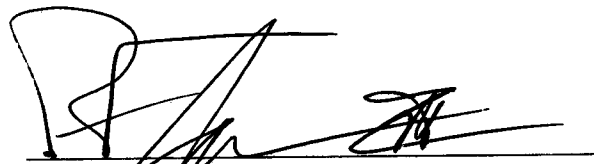
600 Congress Avenue, Suite 3000

Austin, TX 78701

COUNSEL FOR KIMBERLY FRANCES HIRMAS

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties on the 28<sup>th</sup> day of September, 2010 in compliance with SOAH Order No. 1.

  
Robert F. Johnson III

## I. INTRODUCTION

- 1           3)     Discuss the:
- 2                 a. historic nature of my ranch property; and
- 3                 b. my concerns about locating a high-voltage transmission line using a segment
- 4                 that bisects my ranch property and does not use or parallel any compatible right-
- 5                 of-way and does not follow any property boundary.
- 6           4)     Express my agreement with the Preferred Route MK13 selected by Applicant
- 7           LCRA-TSC.

**III. BACKGROUND AND INVOLVEMENT IN DOCKET #38140**

8   **Q.     Are you familiar with the application by LCRA-TSC to amend its Certificate of**

9           **Convenience and Necessity for the McCamey D to Kendall 345kV transmission line?**

10   **A.     Yes.**

11

12   **Q.     When did you become familiar with this application?**

13   **A.     I became familiar with LCRA-TSC's application around August 5, 2010, when I**

14           **received a packet from LCRA in the mail. I had been generally aware of the project since**

15           **Spring of 2009.**

16

17   **Q.     Q.     Can you describe any property interest you have on the property that will be**

18           **impacted by Project #38354?**

19   **A.     My ranch property that will be impacted by Project #38354 is located on Segments b19c**

20           **and b21b.**

21

22   **Q.     Do you personally support LCRA's "Preferred Route" MK13?**

1 A. Yes, I support LCRA's "Preferred Route" MK13.

2

3 **Q. Do you personally support another route or routes for the transmission line?**

4 A. Yes, I support routes that actually parallel compatible right-of-way in the vicinity of my  
5 property, like the 138-kv AEP transmission line to the north (the P segments) or Interstate  
6 Highway 10. I also support other alternate routes that do not utilize Segments b19c and  
7 b21b.

8

9 **Q. Why do you support that route or routes?**

10 A. I support these alternate routes because I believe that it is imperative that when taking a  
11 Texan's property, which is protected by the U.S. Constitution and the Texas Constitution,  
12 that the CREZ statutes and CREZ PUC Rules must be objectively followed. I believe  
13 that it is imperative that the decision must be made on an objective analysis of the  
14 specific Factors set forth in Section 37.056(c)(4)(A)-(D) of the Texas Utilities Code and  
15 PUC Commission Substantive Rule 25.101. If these Factors are objectively considered,  
16 Segments b19c and b21b should not be chosen. The statutory Factors from PURA  
17 Section 37.056(c)(4)(A)-(D) are:

- 18 (A) community values;  
19 (B) recreational and park areas;  
20 (C) historical and aesthetic values;  
21 (D) environmental integrity.'

22 The Factors from the PUC substantive Rule are:

- 23 (i) whether the routes utilize existing compatible rights-of way,

1 including the use of vacant positions on existing multiple circuit  
2 transmission lines;  
3 (ii) whether the routes parallel existing compatible rights-of way;  
4 (iii) whether the routes parallel property lines or other natural  
5 or cultural features; and  
6 (iv) whether the routes conform with the policy of prudent  
7 avoidance.

8  
9 I believe there is no justification whatsoever under PURA and PUC Rules for routing a  
10 CREZ segment through the middle of my ranch without any attempt to parallel existing  
11 compatible right-of-way or follow property lines. The segment crossing my property  
12 does not follow any of the factors or considerations required by PURA and the  
13 Commission.

14  
15 **Q. How long have you had an ownership interest in this property?**

16 A. I inherited the property from my father in March of 2009. It was previously owned by  
17 my father, grandfather, and great-grandfather.

18  
19 **Q. Are there habitable structures on your ranch that were not reflected in the LCRA**  
20 **Application?**

21  
22 A. Yes. In addition to the residence marked as H.S. No. 57 on the LCRA map, I also have  
23 two other barns just to the south and west of that home. There is insufficient detail on the

1 maps provided by LCRA to be able to perfectly estimate distances, but they are all within  
2 500 feet of segment b21b.

3  
4 **Q. How will the proposed installation and maintenance of LCRA's proposed 345 kV**  
5 **CREZ line affect your ranch?**

6  
7 A. I am very concerned that segment b21b is so close to my residence on the property, and  
8 that segment b19c cuts my property in half. Either segment would result in a significant  
9 change in the scenic rural nature of the property. The proposed lines would destroy the  
10 view that our family has enjoyed for generations.

11  
12 I am also concerned by the safety threats that could be posed by the building of the lines  
13 on segments b19c or b21b. Segment b21b is very close to the residence and two barns  
14 that form the central part of our cattle operations. If a fire or other catastrophic event  
15 resulting from the lines were to burn those barns, it would destroy our cattle ranching  
16 operations. The proposed line is simply too close to our habitable structures.

17  
18 Additionally, segment b19c cuts through the middle of our ranch, and therefore is not  
19 easily accessible by publicly maintained roads. I am concerned that the inaccessibility of  
20 this portion of the line would make it difficult for emergency assistance to access areas if  
21 a fire or other catastrophic event were to occur. I am concerned that a wildfire sparked  
22 by the proposed transmission line could result in the destruction of our ranch in its  
23 entirety before any emergency crews could reach the line. In addition, I am concerned



1 about the impact on our cattle ranching of any access roads LCRA might need to reach  
2 the transmission lines with their equipment for construction and maintenance. There's  
3 nothing in the Application reflecting how LCRA intends to access the proposed line, but  
4 any access roads through our ranch will disrupt cattle ranching and further mar the  
5 natural landscape.

6  
7 Moreover, the proposed segments seem unnecessary in light of the fact that they follow  
8 no existing transmission or distribution right-of-way, nor do they follow a property  
9 boundary, as is required for consideration by the PURA and PUC rules.

10  
11 **Q. What does the ranch mean to you personally and to your family?**

12 A. The 4C Ranch has been in my family since it was first purchased by my great-  
13 grandparents, who lived there for several decades. My great-great grandparents even  
14 lived on the property at one time. It is the most special place of earth to me personally  
15 and it is one of my dearest hopes that my children will be able to have the same amazing,  
16 character building experiences with which the previous four generations and I were  
17 blessed.

18 It's a humble place, it doesn't bring in a large income, it won't be featured on the cover  
19 of any magazines, but what it lacks in grandeur, it makes up for in character and  
20 nostalgia. There are the chalk drawings on the door of the feed room made by my great-  
21 grandfather when he explained to my father and uncle the meaning of the 4C Ranch  
22 brand. There is the tree where my cousins and I built our first tree house, the "enormous

1 cliff' (or so it seemed at the time) we scaled as children, the rock slide we skied down,  
2 and the time capsule we buried that I almost forgot about until this moment. There are a  
3 million other such memories belonging to many generations that have been made at The  
4 Ranch. These memories will become no less precious by these transmission lines, but the  
5 million future memories to be made by myself, my children, and their children will no  
6 doubt be marred by the building of these lines.

7 We have plans for improvement of the land and for making the land more financially  
8 productive which have had to be put on hold until this matter is resolved. This is beyond  
9 the thousands of dollars that have already been spent on beautification of the property. A  
10 massive transmission line cutting the property in two would obviously be counter-  
11 productive what we have already done and significantly disrupt any future plans we have  
12 for making the property more financially viable.

13  
14 **Q. Are there any unique physical features to the property?**

15 A. The ranch is too close to the Kimble County airport. If the LCRA places towers on top of  
16 the ridge on the ranch, it will make flights around the airport very dangerous. I also  
17 believe the placement of these lines on our property is illegal according the safety  
18 regulations of the FAA. The property is also of historical significance and home to  
19 endangered species (Golden Cheeked Warblers and Black-Capped Vireos). There is a  
20 Native American burial site near the b19c line, which would have been documented if a  
21 proper Environmental Impact Statement had been completed. Other potential

1           archeological, cultural-historical, environmental, and engineering factors have not been  
2           studied or considered.

3

4   **Q.     Does that conclude your testimony?**

5   A.     Yes; subject to later correction or rebuttal.

6

AFFIDAVITCOUNTY OF Douglas

BEFORE ME, the undersigned authority, on this day personally appeared Kimberly Frances Hirmas who, having been placed under oath by me, did depose as follows: My name is Kimberly Frances Hirmas. I am of legal age and a resident of the State of Kansas. The foregoing testimony offered by me is true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true and correct.

Kimberly Frances Hirmas  
KIMBERLY FRANCES HIRMAS

This instrument was SUBSCRIBED AND SWORN TO BEFORE ME on the 28<sup>th</sup> day of September, 2010 by Kimberly Frances Hirmas.

John Steven Figuieras  
(Signature of Notary)

John Steven Figuieras  
(Name of Notary)

Notary Public,

John Steven Figuieras  
Notary Public-State of Kansas  
My Commission Expires 9/1/14