



Control Number: 38484



Item Number: 103

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**SOAH DOCKET NO. 473-10-5919
PUC DOCKET NO. 38484**

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|---------------------------------------|---|--------------------------------|
| APPLICATION OF WIND ENERGY | § | BEFORE THE STATE OFFICE |
| TRANSMISSION TEXAS, LLC FOR A | § | |
| CERTIFICATE OF CONVENIENCE AND | § | |
| NECESSITY FOR THE PROPOSED | § | OF |
| SCURRY COUNTY SOUTH – LONG | § | |
| DRAW – GRELTON – ODESSA 345-KV | § | |
| CREZ TRANSMISSION LINES IN | § | ADMINISTRATIVE HEARINGS |
| SCURRY, MITCHELL, BORDEN, | § | |
| HOWARD, DAWSON, MARTIN, | § | |
| MIDLAND, AND ECTOR COUNTIES | § | |

RECEIVED
 10 SEP 23 10:23 AM
 PUBLIC UTILITY COMMISSION
 FILING OFFICE

**WETT’S REPLY TO RICHARD AND REGINA FERGUSON’S RESPONSE TO WETT’S
REQUEST FOR CLARIFICATION CONCERNING THEIR REQUEST TO
INTERVENE**

TO THE HONORABLE HOWARD SEITZMAN, ADMINISTRATIVE LAW JUDGE:

Wind Energy Transmission Texas, LLC (“WETT”) files this Reply to the Response of Richard and Regina Ferguson (the “Fergusons”) regarding WETT’s Request for Clarification. The Fergusons’ Response was filed with the Public Utility Commission of Texas (the “Commission”) on September 22, 2010. Since this Reply is being filed within three working days of that date, it is timely filed. WETT respectfully shows as follows:

On August 18, 2010, WETT filed its Application for a Certificate of Convenience and Necessity (“CCN Application”) and served notice upon landowners within 500 feet of the proposed lines, as stated in the current county tax rolls, pursuant to PUC Proc. R. 22.52(a)(3). On September 3, 2010, the Fergusons filed their Request to Intervene. Because the Fergusons were not included in WETT’s list of noticed landowners (Attachment 7 to WETT’s CCN Application), WETT filed a Request for Clarification in an attempt discover the basis for their intervention on September 8, 2010. On September 22, 2010, the Fergusons timely responded

and stated that they are intervening because their property is affected by links JS2, RA2, JZ2, SK2, SL2, SJ2 and RX2. WETT appreciates the Fergusons' prompt response and the information contained therein, as it helped WETT to identify the nature of their interest in the proceeding.

According to Geographic Information Systems ("GIS") data, WETT has determined the Fergusons' property is located approximately 807 feet from the nearest link (link RA2), and their home is located approximately 869 feet from this link.

As WETT stated in its Request for Clarification, WETT does not wish to prevent individuals who possess a justiciable interest from intervening in this proceeding. To this end, WETT values input and participation of all relevant individuals and parties.

Finally, the Fergusons requested WETT "produce a map to include not only their proposed lines but also the granted lines from Oncor as well as the proposed lines of Lone Star and any other company who will construct lines entering or exiting the Scurry County South Switching Station." Such a map was included with WETT's CCN Application; it is Figure 6-1 in the Environmental Assessment for the Scurry County South to Long Draw portion of this project. For ease of reference, a copy of this map is attached hereto. WETT has also sent copies of this map to the Fergusons directly via certified mail, return receipt requested. A copy of said communication is also enclosed herein.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, PLLC
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BY: DDonley ssp w/permission
Dennis W. Donley, Jr.
State Bar No. 24004620
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State Bar No. 14501600
Stephanie S. Potter
State Bar No. 24065923

**ATTORNEYS FOR WIND ENERGY
TRANSMISSION TEXAS, LLC**

Certificate of Service

I certify that a true and correct copy of the foregoing document was served on all parties of record on this 23rd day of September, 2010.

SPotter
Stephanie S. Potter



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September 23, 2010

***Via Certified Mail No. 7009 3410 0001 8598 6223
Return Receipt Requested***

Richard and Regina Ferguson
778 Denson Road
Hermleigh, Texas 79526

Re: Docket No. 38484; Application of Wind Energy Transmission Texas, LLC for a Certificate of Convenience and Necessity for the Proposed Scurry County South – Long Draw – Grelton – Odessa 345-kV CREZ Transmission Lines in Scurry, Mitchell, Borden, Howard, Dawson, Martin, Midland, and Ector Counties Pursuant to P.U.C. Subst. R. 25.174.

Dear Mr. and Mrs. Ferguson:

Thank you for your prompt response to WETT's Request for Clarification. WETT appreciates knowing exactly which links concern you.

Additionally, we appreciate you confirming all the relevant parcels you own. To this end, as you may be aware, PUC Procedural Rule 22.52(a)(3) requires that utility companies provide notice to landowners within 500 feet of a 345-kV line. The 500-foot cutoff for notice is taken from this rule; this is not a number selected by WETT.

Based on the information provided, WETT's maps indicate your home is approximately 869 feet from the nearest link (link RA2), and that your eastern property line is approximately 807 feet from the same link. WETT will disclose this information in a responsive filing so that the Administrative Law Judge will be aware of your proximity to the proposed lines.

Finally, you requested WETT provide a map that depicts the approved or proposed lines of WETT, Oncor, Lone Star, and any other utility company entering or exiting the Scurry County South Switching Station. Such a map was included in WETT's Application (Figure 6-1 to the

Mr. and Mrs. Ferguson

September 23, 2010

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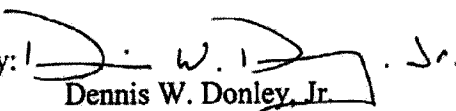
Scurry County South to Long Draw Environmental Assessment). For your records, we have enclosed several copies of this map.

WETT sincerely appreciates the time and attention you and other landowners have devoted to this project and the valuable feedback you provide.

Should you require any other maps or have any questions, please do not hesitate to contact me.

Very truly yours,

NAMAN HOWELL SMITH & LEE, PLLC

By:  . Jr.
Dennis W. Donley, Jr.

Enclosures

