



Control Number: 38484



Item Number: 154

Addendum StartPage: 0

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

APPLICATION OF WIND ENERGY §
TRANSMISSION TEXAS, LLC FOR A §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY FOR THE SCURRY COUNTY §
SOUTH-LONG DRAW-GRELTON-ODESSA §
345-kV CREZ TRANSMISSION LINES IN §
SCURRY, MITCHELL, BORDEN, HOWARD, §
DAWSON, MARTIN, MIDLAND, AND §
ECTOR COUNTIES §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

FILED
OCT 20 2 45 PM
STATE OFFICE
LINDA L LERK

DIRECT TESTIMONY OF JAMES AND LOIS CAVE

OCTOBER 20, 2010

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
I. INTRODUCTION AND QUALIFICATIONS.....	3
II. PURPOSE OF TESTIMONY.....	5
III. DESCRIPTION OF THE PROPERTY.....	6
IV. NEGATIVE EFFECTS ON OUR PROPERTY.....	7
V. CONCLUSION.....	10

1 I. INTRODUCTION AND QUALIFICATIONS

2 Q. PLEASE STATE YOUR NAME AND ADDRESS.

3 A. Our names are James and Lois Cave. We reside at 7660 State Hwy 208 South;
4 Hermleigh, TX 79526. Our mailing address is P.O. Box 1174, Snyder, TX 79550 (US
5 Parcel Post).

6 Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?

7 A. We are testifying on behalf of ourselves, the Cave Childrens' Trust Partnership and Mark
8 Cave, all of whom could be directly and adversely affected landowners depending on
9 where the line is located.

10 Q. PLEASE DESCRIBE YOUR INTEREST IN THIS PROCEEDING.

11 A. James and Lois Cave own property in southern Scurry County near the Scurry County
12 South Switching Station. The Cave Childrens' Trust Partnership also owns property in
13 southern Scurry County adjacent to the Scurry County South Switching Station. And,
14 Mark Cave owns property adjacent to several of the above-mentioned properties. When
15 we intervened in this proceeding, we intervened as individuals. Technically, we should
16 have intervened as (i) individuals on our part of the property; (2) as Manager of the Cave
17 Childrens' Trust Partnership on the partnership properties; and (3) as representatives for
18 our son Mark on his property. In order to clarify the different legal ownership of the
19 properties, we will use WETT's Tract Numbers and Line Segment Numbers as shown
20 below.

21 Lois Cave Properties: (1) Tract RZ-TX-SR-049 with hay barn and corrals 2-301,
22 affected by Line Segment RZ2 containing 320 acres; (2) Tract JZ2-TX-SR-029,
23 affected by Link Segment RZ2 containing 600 acres more or less;

1 .
2 James and Lois Cave Properties: (1) Tract A-TX-SR-004, affected by Line
3 Segment A2 containing 40 acres; (2) Tract A-TX-SR-008, affected by Line
4 Segment A2 containing 300 acres;

5
6 Cave Childrens' Trust Partnership Properties: (1) Tract JZ-TX-SR-033, affected
7 by Line Segment JZ2 and JS2 containing 583 acres,.

8
9 Mark Cave Property: (1) Tract A-TX-SR-005, which is located close to Line
10 Segment A2 containing 20 acres.

11 Q. BRIEFLY DESCRIBE YOUR EDUCATIONAL BACKGROUND AND
12 PROFESSIONAL EXPERIENCE.

13 A. James holds a Doctorate of Dental Surgery. He practiced dentistry for 22 years in
14 Howard County. Presently he is a rancher, bank director and investor. Lois holds a M.A.
15 in Speech Pathology and Audiology. She was a public school therapist for 3 years. She is
16 currently involved in the management of the family ranches.

17 Q. HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF TEXAS
18 PROCEEDING?

19 A. We have never testified in a Public Utility Commission proceeding.

20 Q. ARE YOU INTERVENORS IN THIS PROCEEDING?

21 A. We are intervenors in this proceeding on behalf of ourselves, the Cave Childrens' Trust
22 Partnership and our son, Mark Cave.

1
2 II. PURPOSE OF TESTIMONY

3 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

4 A. The purpose of our testimony is to describe our property and to explain the negative
5 effects which would result if any route were chosen which contained one or more of the
6 following alternative line segments: A2, JZ2, JS2 or RZ2. Any route utilizing alternative
7 line segments JS2 or JZ2 would respectively cross ¼ mile and one mile of our children's
8 property which already has an ONCOR CREZ transmission line scheduled to cross the
9 property.

10 Q. DO YOU SPONSOR ANY EXHIBITS TO YOUR TESTIMONY?

11 A. No.

12 Q. WILL ANY OTHER WITNESS FILE DIRECT TESTIMONY IN THIS CASE ON
13 YOUR BEHALF?

14 A. No.

15 Q. ARE YOU IN FAVOR OF THE PREFERRED ROUTE?

16 A. Yes.

17 Q. ARE YOU IN FAVOR OF ANY ROUTES OTHER THAN THE PREFERRED
18 ROUTE?

19 A. Yes. We are also in favor of Route 1-2

20 Q. DO YOU OPPOSE ANY ROUTES?

21 A. Yes, we oppose any alternate routes which contain line segments A2, JZ2, JS2 or RZ2.
22

1
2 III. DESCRIPTION OF THE PROPERTY
3

4 Q. PLEASE DESCRIBE YOUR PROPERTY.

5 A. Our family's properties are located north, south and west of the Scurry County South
6 Switching Station and east of Dunn, TX. Our properties are used for farming and
7 ranching, hunting and recreation. There are two residences, three barns, three sets of
8 working pens, and 6 water wells on the combined properties. We also have 160 acres of
9 cultivated land on which we raise wheat. We have personal and permanent residence on
10 Tract JZ-TX-SR-029

11 Q. WHAT ARE THE FUTURE USES OF THIS PROPERTY?

12 A. We intend to continue to operate and improve this property and pass it on to our children.
13 We have done a number of brush control and water improvement projects with the NRCS
14 in the past. Part of one property is currently enrolled in the CCRP program for riparian
15 areas.

16 Q. WHICH PROPERTY IS ENROLLED IN THE CCRP PROGRAM FOR RIPARIAN
17 AREAS?

18 A. Thirty acres, more or less, out of Tract JZ-TX-SR-O33 is enrolled in the CCRP program
19 with NRCS/FSA.

20 Q. PLEASE EXPLAIN THE CCRP PROGRAM.

21 A. It is a program to protect riparian areas. This requires deferment of the property from all
22 uses with the exception of hunting. It requires additional fencing to separate it from all

1 other areas. This area has a water well which supplies the only source of water for 400
2 acres of improved grass.

3 Q. WHAT SEGMENT OF THE LINE CROSSES THE CCRP LAND?

4 A. Line segments JZ2 and JS2.

5
6 IV. NEGATIVE EFFECTS ON THE CAVE PROPERTIES

7
8 Q. PLEASE DESCRIBE IN GENERAL THE NEGATIVE EFFECTS WHICH THE
9 CONSTRUCTION OF A CREZ TRANSMISSION LINE WILL HAVE ON YOUR
10 PROPERTY?

11 A. A large transmission line as proposed by WETT will negatively affect our farming
12 operation. Farming around lattice towers located in the middle of cropland requires extra
13 effort and expense when plowing, sowing, combining or other with other activities.
14 Moreover, placing these lines on cropland hampers the ability of crop dusting operations.
15 Utilizing monopole structures slightly reduces the problems with respect to the operation
16 of farm machinery, but not the problems associated with the use of airplanes.

17 Routes running through the CCRP land will negatively effect the wildlife habitat in this
18 area, especially the turkey habitat . Routes containing line segment A2 will interfere with
19 one of the only live water creeks in this area which provides excellent habitat for wildlife.

20 Q. HOW WILL THE CROSSING OF THE CCRP LAND AFFECT YOU?

21 A. This would seriously impact our Conservation Reserve Contract with the USDA and take
22 out a water well which is the only current source of water for approximately 400 acres of

1 improved grazing land. Additionally, this 30 acre tract is fenced out from the remaining
2 part of this property and will create access problems to any proposed transmission line.

3 Q. IS THIS THE ONLY PROPOSED CREZ TRANSMISSION LINE THAT MAY
4 AFFECT YOUR PROPERTY?

5 A. No. Oncor will soon construct a 345 kV transmission line across the property owned by
6 the Cave Childrens' Trust Partnership, that being Tract JZ-TX-SR-033. The PUC Docket
7 Number for that case is 37409. The Oncor line will begin on the north side of the Scurry
8 County South Switching Station and, because the Partnerships' land is located adjacent to
9 the switching station, the line will immediately enter this tract and continue to run in a
10 northeasterly direction across the entirety of Tract JZ-TX-SR-033. This same tract would
11 be affected by WETT line segment JZ2 which would be located parallel and adjacent to
12 the entire western boundary of this tract. Lone Star Transmission Company has alternate
13 routes which could possibly cross our property depending on the outcome of the
14 contested case proceeding in PUC Docket Number 38230. We did not intervene in the
15 Lone Star Docket No. 38230. But, we have now intervened in PUC Docket Number
16 38562 which is for the Electric Transmission Texas CREZ line from the Riley to Edith
17 Clarke to Cottonwood. So, you can see that we have been hit from all sides by CREZ
18 projects.

19 Q. HOW WILL YOU BE AFFECTED BY THE CONSTRUCTION OF THE PROPOSED
20 LINE?

21 A. If line segment A2 is utilized as part of a route, it will run parallel to an existing 138kv
22 line located on our property. It will severely impact our ability to farm a 60 acre field on

1 Tract A-TX-SR-008. Alternate line segment A2 is located only 600-700 feet from the
2 residence of my son, Mark Cave.. If line segment RZ2 is utilized as part of a route, it
3 will affect our farming of a 40 acre tract on Tract RZ-TX-SR-049. Also, if line segment
4 RZ2 is utilized as part of a route, it would parallel State Hwy 208 and would be on our
5 west boundary line for almost 2 miles. We believe that any route utilizing RZ2 is
6 imprudent as it is close to our personal home and will also be close to several neighbors'
7 homes. Property along State Highway 208 has historically been considered a prime
8 location for small acreage home sites. A transmission line of the size proposed by WETT
9 would prevent any possibility to sell property along this highway for this purpose. Any
10 route using line segment JZ2 through the CCRP property would also parallel the existing
11 138kv line and be on our children's property for 1 mile. Only the preferred route, Route
12 1-2, and Route 2-2 avoid our properties.

13 Q. DO YOU HAVE A PREFERENCE AS TO WHAT KIND OF UTILITY POLES ARE
14 USED ON THIS PROJECT, THAT BEING SINGLE POLES OR LATTICE
15 STRUCTRES?

16 A. Yes. Single poles would not interfere with our farming operations nearly so much as
17 lattice towers and would be more aesthetically pleasing.

18 Q. ARE YOU AWARE THAT ALTERNATIVE METHODS OF CONSTRUCTION FOR
19 A TRANSMISSION LINE EXIST?

20 A. Yes. It is common knowledge that 345 kV transmission lines can be placed on lattice
21 towers of several different designs or, alternatively, single poles made of either concrete
22 or steel. These single poles are often referred to as monopoles. Lone Star Transmission

1 Company has proposed to strictly use monopoles for its entire 300 mile transmission line.
2 According to Lone Star's application for a CCN Certificate, monopoles are more
3 aesthetically pleasing than lattice towers. In my opinion this is true and, regardless of
4 where the transmission line is finally routed, I would hope that WETT would support
5 monopoles for this line which travels through such scenic country.

6 Q. IF ANY WETT ROUTE CROSSES OR IS OTHERWISE LOCATED ON OR NEAR
7 YOUR PROPERTY, ARE YOU SPECIFICALLY REQUESTING THAT
8 MONOPOLES BE USED INSTEAD OF LATTICE TOWERS?

9 A. Absolutely.

10
11 V. CONCLUSIONS
12

13 Q. WILL YOU PLEASE SUMMARIZE YOUR TESTIMONY?

14 A. We are fourth generation ranchers. We feel unfairly burdened by the number of CREZ
15 transmission lines crossing our property. Again, these include an Oncor CREZ line, the
16 location of which has been confirmed; a Lone Star Transmission Company line which
17 may cross us; this WETT line which may cross us; and a proposed ETT line which may
18 cross another ranch.. We believe that the presence of these transmission lines will
19 adversely affect our property value, our privacy, our agricultural and recreational
20 activities and the aesthetics of our land. Although we don't want these lines to affect any
21 of our neighbors, we have been unfairly burdened due to the fact that our land is located
22 so close to the Scurry County South Switching Station. We endorse the preferred route as

1 it best meets the regulatory priorities which the Public Utility Commission has
2 established in the past. We object most strongly to any route utilizing line segment A2
3 due to the proximity of this line segment to our son's home. We object to RZ2 due to the
4 fact that it will be close to our personal home.

5 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

6 A. Yes. However, I reserve the right to supplement my testimony should additional issues
7 need to be addressed in this proceeding.

8
9