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

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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 §  
§

PUBLIC UTILITY COMMISSION

OF TEXAS

REBUTTAL TESTIMONY  
OF  
PATSY BAYNARD  
ON BEHALF OF  
WIND ENERGY TRANSMISSION TEXAS, LLC  
NOVEMBER 9, 2010

November 9, 2010  
WIND ENERGY TRANSMISSION TEXAS, LLC

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

<b>APPLICATION OF WIND ENERGY</b>	<b>§</b>	
<b>TRANSMISSION TEXAS, LLC FOR A</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE AND</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>NECESSITY FOR THE PROPOSED</b>	<b>§</b>	
<b>SCURRY COUNTY SOUTH – LONG</b>	<b>§</b>	
<b>DRAW – GRELTON – ODESSA 345-KV</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CREZ TRANSMISSION LINES IN</b>	<b>§</b>	
<b>SCURRY, MITCHELL, BORDEN,</b>	<b>§</b>	
<b>HOWARD, DAWSON, MARTIN, MIDLAND</b>	<b>§</b>	
<b>AND ECTOR COUNTIES</b>	<b>§</b>	
	<b>§</b>	

**REBUTTAL TESTIMONY OF PATSY Y. BAYNARD ON BEHALF OF**  
**WIND ENERGY TRANSMISSION TEXAS, LLC**

- I. POSITION AND QUALIFICATIONS**
- II. PURPOSE OF TESTIMONY**
- III. CONCLUSION**
- IV. AFFIDAVIT**

1 **I. POSITION AND QUALIFICATIONS**

2 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A. My name is Patsy Yeates Baynard. My business address is 210 Barton Springs  
4 Road, Suite 150, Austin, Texas 78704.

5 **Q. PLEASE STATE YOUR CURRENT EMPLOYER AND POSITION.**

6 A. I am the Program Director for Wind Energy Transmission Texas, LLC (WETT or  
7 the Company).

8 **Q. DID YOU PROVIDE DIRECT TESTIMONY IN THIS DOCKET?**

9 A. Yes, my direct testimony provides information regarding my background and  
10 qualifications.

11 **Q. HAVE YOU REVIEWED THE TESTIMONY FILED BY AND ON BEHALF OF**  
12 **INTERVENORS AND THE TESTIMONY FILED BY PUBLIC UTILITY**  
13 **COMMISSION OF TEXAS STAFF (STAFF) IN THIS DOCKET?**

14 A. Yes.

15 **II. PURPOSE OF TESTIMONY**

16 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

17 A. The purpose of my testimony is to respond to certain statements made by several  
18 landowners regarding the general impact the proposed transmission line would have on  
19 their property, including certain statements in the Direct Testimony of Thomas J. Payton  
20 filed on behalf of Occidental.<sup>1</sup>

21 **Q. WHAT IS WETT'S POSITION ON WORKING WITH LANDOWNERS AFTER**  
22 **ROUTE SELECTION?**

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<sup>1</sup> "Occidental" refers collectively to Occidental Permian, LLC, Permian Basic Limited Partnership, and Oxy USA WTP LP.

1 A. WETT will attempt in all cases to work with all landowners, including mineral  
2 interest owners such as Occidental, to minimize impact on their property to the extent it is  
3 reasonable. Once the Public Utility Commission (PUC or Commission) determines that  
4 the transmission line will be routed across a particular parcel of property, it is WETT's  
5 hope that the landowner will work with WETT to identify potential concerns and make  
6 suggestions as to how WETT can lessen the transmission line's impact on the  
7 landowner's use of his or her property using reasonable minor routing adjustments.

8 **Q. DOES WETT BELIEVE IT CAN WORK WITH OCCIDENTAL TO ROUTE THE**  
9 **TRANSMISSION LINE THROUGH OCCIDENTAL'S FACILITIES WITH**  
10 **MINIMAL IMPACT ON OCCIDENTAL'S OPERATIONS?**

11 A. Yes. Stan Tessmer discusses various areas of flexibility that would permit WETT  
12 to successfully route through Occidental's facilities with minimal impact. In other words,  
13 WETT is willing to make reasonable and necessary modifications to accommodate  
14 Occidental's facilities as well as other landowners' facilities.

15 **Q. BASED ON THOMAS J. PAYTON'S TESTIMONY, DOES IT APPEAR THAT**  
16 **OCCIDENTAL WILL EXTEND THAT SAME COURTESY TO WETT?**

17 A. No. In several places throughout his direct testimony, Mr. Payton states that  
18 WETT would be required to adjust its plans to avoid Occidental's operations.<sup>2</sup>

19 **Q. DO YOU AGREE WITH MR. PAYTON'S POSITION THAT OCCIDENTAL'S**  
20 **LACK OF WILLINGNESS TO MAKE ANY MODIFICATION AFFECTS**  
21 **WETT'S ABILITY TO CONSTRUCT THE TRANSMISSION LINE ACROSS**  
22 **OCCIDENTAL'S PROPERTY?**

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<sup>2</sup> All testimony discussed herein is addressed subject to the objections made by WETT on October 29, 2010. To the extent WETT's motions to strike are granted, any testimony addressing the stricken testimony may be disregarded.

1 A. As mentioned above, WETT would prefer to work collaboratively with  
2 landowners, including Occidental. However, once the Commission approves the route, it  
3 is my understanding that WETT shall have the authority to condemn Occidental's  
4 property within the ROW including any fixtures therein. However, it is still WETT's  
5 preference that all parties cooperate to identify mutually acceptable alternatives.

6 **Q. ARE YOU TESTIFYING TO THIS POSITION IN A LEGAL CAPACITY?**

7 A. No. I am only testifying that it is WETT's position that it will first work with  
8 landowners to avoid their facilities and that WETT believes it can avoid obstructions  
9 identified by landowners.

10 **III. CONCLUSION**

11 **Q. PLEASE SUMMARIZE YOUR REBUTTAL TESTIMONY.**

12 A. WETT will attempt to work with all landowners to avoid obstructions on their  
13 property. Given the flexibility and measures available to WETT, it is reasonable to  
14 believe obstructions, including those identified by Occidental, can be avoided.

15 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

16 A. Yes.

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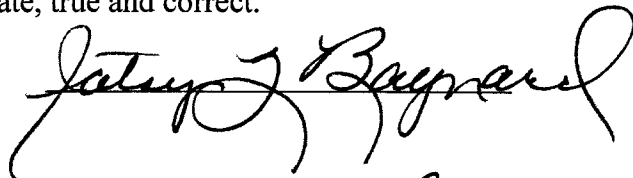
<b>APPLICATION OF WIND ENERGY</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
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<b>CREZ TRANSMISSION LINES IN</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>SCURRY, MITCHELL, BORDEN,</b>	<b>§</b>	
<b>HOWARD, DAWSON, MARTIN,</b>	<b>§</b>	
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**AFFIDAVIT**

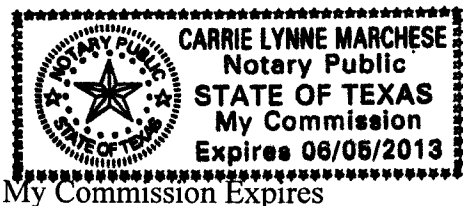
**STATE OF TEXAS** §  
§  
§  
**COUNTY OF TRAVIS** §

**BEFORE ME**, the undersigned authority, on this day personally appeared Dr. Patsy Y. Baynard, having been placed under oath by me, did depose as follows:

My name is Patsy Y. Baynard. I am of legal age and a resident of the State of Texas. The foregoing testimony and exhibit offered by me are true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true and correct.



**SUBSCRIBED AND SWORN TO BEFORE ME** by the said Patsy Y. Baynard this 9 day of November, 2010.



*Carrie Lynne Marchese*  
Notary Public, State of Texas

06/05/2013