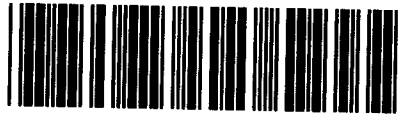




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September 28, 2010

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Public Utilities Commission of Texas
Central Records
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P.O. Box 13326
Austin, Texas 78711-3326
CERTIFIED MAIL R.R.R

Re: SOAH Docket No. 473-10-5923
PUC Docket No. 38517

STATEMENT OF POSITION

Dear Commissioners,

As an Intervenor and in accordance with SOAH Order Numbers 1 and 2 in the above-referenced and docketed causes, I am timely submitting this Statement of Position in opposition to the preferred route (R1) and alternate route (O4) which if allowed would both pass through my property in Throckmorton County, Texas. I am filing this Statement of Position instead of testimony, yet all the statements contained herein are within my knowledge, are based upon my personal knowledge and are true and correct.

I am Tot Richards, and I own ranch and farm land in Throckmorton County, Texas upon which I conduct farming, cattle ranching and oil production on these operations. My daughters own land adjacent to my land upon which they conduct farming and cattle ranching operations. Additionally, my daughters, and I jointly own and operate other farm and ranch land in the surrounding area in Throckmorton County. My family has owned and conducted such farming and ranching operations on these lands for over 100 years. Over the course of those years, my ancestors as well my surviving family, including myself, have strived to be good stewards of the land. We view this ongoing effort to preserve the land, water and habitat in its natural state as much as possible while attempting to provide a living for our families on the ranch as the Richards family legacy. We certainly intend to pass our legacy on to future generations of our family.


The preferred route (R1) in Throckmorton County extends through a ranch property which I own, and proposed alternate route (O4) extends through a different ranch property which I also own. The land on which the preferred route (R1) would exist currently contains two existing East/West transmission power lines and one North/South transmission power line. The alternate route (O4) contains one North/South transmission power line. While I oppose both the preferred and alternate routes which are (R1) and (O4), respectively, the preferred route (R1)

would add another set of transmission lines across my property which currently contains transmission power lines. In my opinion, if given only the options of the preferred route (R1) and the alternate route (O4), I would select the preferred route (R1) because of the existence of the power lines which are currently on that property. However, even the preferred route (R1) is certainly not welcomed or ideal. Since the mid-1990's, we have grazed cattle on the property which currently has the power lines across it. All of our cattle have been of the same bloodlines on our several properties covering several thousands of acres in Throckmorton County. We have observed that despite the same bloodlines and all environmental conditions being equal on the different properties, the cattle which are grazed on the pasture containing the power lines consistently exhibit physical deformities and abnormalities at a higher rate than the cattle on the other properties. For example, among other rare occurrences, the calves will be born with additional extremities, additional ears, and naval deformities. Also, the frequency of the birth of twins and infertility in both sexes of the cattle has been markedly higher. Since we raise these cattle for sale at market for beef consumption, these characteristics result in economic losses. I also oppose the alternate route (O4) under the circumstances which currently exist for five primary reasons:

- (1) The proposed alternate route would extend through an existing cultivated field which would interfere with my normal cultivation and farming operations;
- (2) The proposed alternate route would interfere with five existing and producing oil wells;
- (3) The proposed alternate route would interfere with a historic Indian burial ground;
- (4) The proposed alternate route would disturb artifacts left by travelers and settlers along Sibley Creek and interfere with the normal flow of Sibley Creek, which runs throughout the property; and
- (5) The proposed power lines would significantly impair the aesthetic appeal of the property, decrease its fair market value, and is inconsistent with my family's tradition of maintaining the land in its natural state if possible, including wildlife preservation.

I appreciate your kind and careful consideration of my position in this matter.

Yours truly,


Tot S. Richards
Intervenor