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Item Number: 1511

Addendum StartPage: 0

PUC DOCKET NO. 38597  
SOAH DOCKET NO. 473-11-0072

APPLICATION OF ONCOR ELECTRIC  
DELIVERY COMPANY TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR THE KRUM  
WEST TO ANNA 345-KV CREZ  
TRANSMISSION LINE IN COLLIN,  
COOKE, DENTON AND GRAYSON  
COUNTIES

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

FILED  
OCT 11 2011  
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WALTON'S OBJECTIONS TO AND MOTION TO STRIKE PARTS OF THE  
PREFILED DIRECT TESTIMONY OF ONCOR'S WITNESS CHARLES T. JASPER

The Walton Entities (collectively, "Walton")<sup>1</sup> file these objections to parts of the pre-filed direct testimony of Oncor's witness Charles T. Jasper.<sup>2</sup> Walton also moves to strike those parts of Mr. Jasper's testimony and the documents he references, as discussed herein.

**I. Summary of the Objections**

Mr. Jasper improperly testifies in several spots that the Oncor application contains an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation. This testimony, detailed below, is objectionable and should not be admitted because it is simply Mr. Jasper's subjective opinion, is unreliable, and has no methodology to support his opinion.

**II. The Improper Testimony**

Mr. Jasper testified improperly as follows:

<sup>1</sup> These entities are Walton Texas, LP, Walton Kimberlin Heights, LP, Walton Kimberlin Heights Development, LP, Walton Elm Creek Ranch, LP, Walton Elm Creek Ranch Development, LP, Walton TX Cottonwood, Limited Partnership, Walton USA Cottonwood, LP, Walton Southern U.S. Land LP, Walton TX South Grayson Limited Partnership, Walton TX Garland Heights Limited Partnership, WECR Development Sub, LP, and WKH Development Sub, LP. These entities have interests in several tracts of land in Grayson County under development for master planned communities that will include residences and commercial development.

<sup>2</sup> Pursuant to SOAH Order No. 5 Adopting Procedural Schedule; Notice of Hearing; and Addressing Intervention (Oct. 15, 2010), objections to Applicant's direct testimony are due by October 22, 2010. These objections are therefore timely.

1511

SELECTION FOR THE PROPOSED TRANSMISSION LINE PROJECT?

A. Yes. In selecting Route 2288 as its Preferred Route, and a reasonable number of appropriate alternate routes for the Proposed Transmission Line Project, Oncor considered and complied with the applicable provisions of Section 37.056 of the Texas Utilities Code.

*id.* at p. 14 (Walton objects only to the underlined portion of this answer).

In addition to these parts of his testimony, Mr. Jasper also sponsors Attachment No. 4 to the Application. In Attachment No. 4, Mr. Jasper makes the following statement:

In addition to the Preferred Route (Alternative Routes 2288), I have selected 95 geographically diverse alternate routes to be filed with the CCN Application for the Proposed Transmission Line Project to allow for an adequate number of alternative routes to conduct a proper evaluation.

Application, Attachment No. 4, at p. 4 of 7 (Walton objects only to the underlined portion of his statement).

**III. The Testimony is Not Reliable**

To be admitted, expert testimony must be reliable. *E.I. du Pont de Nemours and Co., Inc. v. Robinson*, 923 S.W.2d 549, 557 (Tex. 1995). There must be an underlying reliable methodology. *Id.*; see also *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 153 (1999); *Kerr-McGee Corp. v. Helton*, 133 S.W.3d 245 254 (Tex. 2004) (“The reliability requirement focuses on the principles, research, and methodology underlying an expert’s conclusions.”). When the methodology is challenged, the trial court should examine that methodology in its role as gatekeeper. *Coastal Transp. Co. v. Crown Central Petrol. Corp.*, 136 S.W.3d 227, 233 (Tex. 2004). These principles apply in an administrative proceeding. See *Coalition for Long Point Preservation v. Tex. Comm’n on Envtl. Quality*, 106 S.W.3d 363, 374-75 (Tex. App.—Austin 2003, pet. denied).

Respectfully submitted,

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