



Control Number: 38597



Item Number: 1577

Addendum StartPage: 0

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

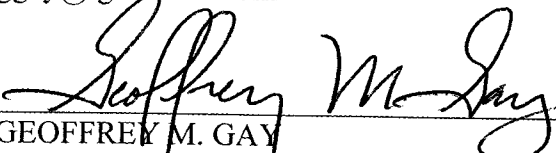
APPLICATION OF ONCOR § BEFORE THE STATE OFFICE
ELECTRIC DELIVERY COMPANY §
LLC TO AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY § OF
FOR THE KRUM WEST TO ANNA §
345-KV CREZ TRANSMISSION LINE §
IN COLLIN, COOKE, DENTON, AND §
GRAYSON COUNTIES, TEXAS § ADMINISTRATIVE HEARINGS

CITY OF PROSPER RESPONSE TO
COMMISSION STAFF'S FIRST SET OF REQUESTS FOR INFORMATION
AND FIRST SET OF REQUESTS FOR ADMISSION

The City of Prosper hereby files its response to the First Set of Requests for Information ("RFIs") and First Set of Requests for Admission ("RFAs") to Intervenor filed by the Commission Staff ("Staff"). Staff's First Set of RFIs and First Set of RFAs was filed at the Commission and received by Intervenor on October 13, 2010. Pursuant to P.U.C. PROC. R. 22.144(c)(2)(F), these responses may be treated as if they were filed under oath.

Respectfully submitted,

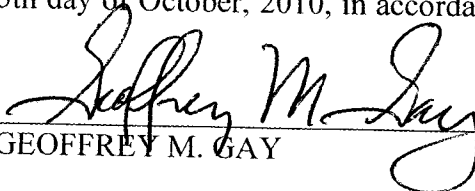
LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
Fax: (512) 472-0532
ggay@lglawfirm.com


GEOFFREY M. GAY
State Bar No. 07774300

ATTORNEYS FOR THE CITY OF PROSPER

CERTIFICATE OF SERVICE

I, Geoffrey M. Gay, attorney, certify that a copy of this document was served on all parties of record in this proceeding on this 25th day of October, 2010, in accordance with Order No. 1.



GEOFFREY M. GAY

City of Prosper Response to Staff's 1st RFI
Question No. 1

Staff-1-1 Do you have a habitable structure, as defined by P.U.C. SUBST. R. 25.101(a)(3), near one or more of the segments of the proposed transmission line? If so, describe the structure, identify the segment(s) and estimate how far the segments are from the habitable structure. P.U.C. SUBST. R. 25.101(a)(3) defines "habitable structures" as follows: "Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to, single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools."

Response

The Town of Prosper does not have any habitable structures, as defined by P.U.C. SUBST. R. 25.101(a)(3) near any segments of the preferred route of the proposed transmission line. However, there may be habitable structures within developed areas of alternate route segment T5.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 2

Staff-1-2 Does one or more of the segments of the proposed transmission line cross your property? If so, identify the segments and any features including but not limited to a property line, pipeline, power line or road that the segments follow through your property.

Response

Various segments of the proposed alternate segment T5 transmission line cross various parcels of city owned and maintained public rights-of-way ("ROW") throughout the city, specifically:

1. Segment T5 crosses FM 1461, Prosper Trail, First Street, Gee Road, Fishtrap Road/First Street, as well as various hike and bike trails and park property.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 3

Staff-1-3 Do any existing transmission or distribution lines cross your property? If so, please describe how and where they cross your property.

Response

Distribution lines cross throughout the Town of Prosper and are too numerous to list. There is currently one electric transmission line running generally north by northeast through one quarter of the Town of Prosper.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 4

Staff-1-4 Are any existing transmission or distribution lines visible from your property? If so, please describe from where the lines are visible, approximately how far away the lines are located and how the current lines affect your property, if at all.

Response

See City of Prosper's Response to Staff 1-3.

Prepared By: Mike Land
Sponsored By: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 5

Staff-1-5 Do you currently have any windmills located on your property? If so, please describe the location of the windmills and how many are located on your property.

Response

No.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 6

Staff-1-6 Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from Oncor? If so, please identify the landowner and describe as best possible the location of the property affected. A directly affected landowner is any landowner from which Oncor would need to obtain an easement or other property interest if it built the transmission line using one or more of the segments of the proposed transmission line, or whose land contains a habitable structure that is within 500 feet of the centerline of one or more of the segments of the proposed transmission line.

Response

The Town of Prosper is aware that possibly three development companies did not receive notice of the proposed transmission line project from Oncor. David Blom, Regional Director for Forest City Land Group, developers of 2,100 acres in the far west portion of Prosper between Gee Road, Teel, Highway 380 and Parvin Road; 214 Freedom Court, Rockwall, Texas 75032, (214) 729-8380. Jim Williams, President, LandPlan, developers of 1,500 acres located between Highway 380, west of Custer, east of Coit and generally south of First Street; 5400 Dallas Parkway, Frisco, Texas 75034, (214) 618-3801, and Dale Clark, President, WCD-Whitely Place GP, Inc., developers of Whitley Place generally located between Prosper Trail and First Street, west of Custer Road. The office is located at 16250 North Dallas Parkway, Suite 210, Dallas, Texas 75248, (972) 931-8973.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 7

Staff-1-7 Have you discussed any modifications to the proposed transmission line route on your property with a representative of Oncor? If so, what were the modifications to the proposed route that you suggested and what was the response of Oncor?

Response

To the preparer's knowledge, the Town of Prosper has not discussed any modifications to the proposed transmission line route on our properties with any representative of Oncor.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 8

Staff-1-8 What are your specific concerns about the proposed transmission line?

Response

The specific concerns that the Town of Prosper has about the proposed transmission line alternate segment T5 are as follows:

1. The alternate T5 segment crosses property that is owned by the Town of Prosper, specifically the rights-of-way of several roadways, park property and various hike and bike trails. The T5 segment directly impacts the future of three large planned developments in the Town of Prosper; Forest City's Three Stones development, Land Plan's Bearsbrook development, and the Whitley Place development. These three current and planned developments are proposed to include over 7,500 residential dwellings and over one million square feet of leasable retail and commercial area, all located on approximately 4,000 acres of land. The construction of the alternate T5 segment would be detrimental to the vision these property owners have planned for their developments and the Town of Prosper.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 9

Staff-1-9 Did you attend any open houses presented by Oncor concerning this proposed transmission line? If so, when and where? Did you provide written comments to Oncor at or after the open house? If so, please provide them.

Response

To the preparer's knowledge, no representative of the Town of Prosper has attended any open house presented by Oncor as Alternate Segment T5.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 10

Staff-1-10 Are your property boundaries for the property you own represented accurately on the maps provided by Oncor in its Application at Attachment No. 5?¹ If not, please explain any discrepancies and provide a modified Oncor map or drawing to indicate the discrepancies.

Response

The preparer is unaware of any discrepancies at this time but reserves the right to make Oncor aware of any potential discrepancies should they come to light upon further review of Oncor's application.

Prepared by: Mike Land
Sponsored by: Mike Land

¹ These maps can be viewed at the following locations: (1) Collinsville City Hall, 101 N. Main St., Collinsville, TX 76233; (2) City of Gainesville Community Services Dept., 200 S. Rusk, Gainesville, TX 76240; (3) Stephen Copeland Government Center, 1400 FM 424, Cross Roads, TX 76227; and (4) Celina City Hall, 142 N. Ohio St., Celina, TX 75009.

City of Prosper Response to Staff's 1st RFI
Question No. 11

Staff-1-11 What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line?

Response

Please see Town of Prosper's Response to Staff RFI 1-8.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 12

Staff-1-12 In your opinion, is there any feature about your land that you believe should be considered when routing a transmission line on your property? If so, please explain.

Response

Please see Town of Prosper's Response to Staff RFI 1-11.

Prepared by: Mike Land
Sponsored by: Mike Land

**City of Prosper Response to Staff's 1st RFI
Question No. 13**

Staff-1-13 Please identify all persons with an ownership interest in your property.

Response

The Town of Prosper is a municipal government intervening on behalf of the welfare of the community in addition to specific Town-owned property.

Prepared by: Mike Land
Sponsored by: Mike Land

City of Prosper Response to Staff's 1st RFI
Question No. 14

Staff-1-14 If the transmission line is routed on your property, please identify specifically the location that you would prefer for the right-of-way of the line. Use a map to show the location.

Response

The Town of Prosper specifically opposes the entire following proposed alternative segment T5. No configuration of any southern routes will alleviate Prosper's concerns.

Prepared by: Mike Land
Sponsored by: Mike Land

**City of Prosper Response to Staff's 1st RFA
Question No. 1**

Staff RFA 1-1: Admit or deny that you do not own or reside in a habitable structure within 500 feet of the centerline of any proposed transmission line route in this docket.

Response

Admit.

Prepared by: Mike Land
Sponsored by: Mike Land

**City of Prosper Response to Staff's 1st RFA
Question No. 2**

Staff RFA 1-2: Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the maps provided by Oncor.

Response

Prosper is unable to admit or deny at this time.

Prepared by: Mike Land
Sponsored by: Mike Land