



Control Number: 38597



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Addendum StartPage: 0

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

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

FILED
MAY 05 PM 1:13
STATE OFFICE

**DONALD B. ANTHONY LIVING TRUST'S RESPONSES TO COMMISSION
STAFF'S FIRST SET OF REQUESTS FOR INFORMATION TO INTERVENORS**

NOW COMES the Donald B. Anthony Living Trust ("Anthony Trust") and files this its Responses to the Commission Staff's First Set of Requests for Information to Intervenors.

I.

Written Responses

Attached hereto and incorporated herein by reference are the Anthony Trust's written Responses to the Commission Staff's First Set of Requests for Information to Intervenors. Each such Response is set forth on or attached to a separate page upon which the Request has been restated. Such Responses are made without waiver of the Anthony Trust's right to contest the admissibility of any such matters upon hearing. Craig Anthony provided the factual information responsive to each Request; each Response identifies the preparer of the written Responses and the sponsoring witness for such information. Pursuant to P.U.C. PROC. R. 22.144(c)(2)(F), Intervenor Donald B. Anthony Living Trust hereby stipulates that these Responses may be treated by all parties as if the answers were filed under oath.

1582

Dated: October 22, 2010

Respectfully Submitted,

SHANNON GRACEY RATLIFF & MILLER, L.L.P.

By: 

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**ATTORNEYS FOR INTERVENOR
DONALD B. ANTHONY LIVING TRUST**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all parties of record in accordance with the method(s) established under the SOAH Orders in this docket on this 22nd day of October, 2010.


Blake M. Hedgecock

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 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: No.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes, the Preferred Route and one or more proposed Alternate Route(s) for the transmission line cross the Anthony Trust Property. More specifically, route(s) containing links/segments A01, A02, A1, A2, B1, and/or B4 in the link sequence cross the Anthony Trust Property. Alternate Routes containing these links/segments include routes 2, 29, 36, 37, 39, 41, 42, 49, 50, 53, 62, 63, 76, 83, 105, 123, 141, 188, 273, 331, 332, 373, 378, 536, 571, 576, 697, 739, 901, 941, 943, 948, 986, 1027, 1032, 1069, 1070, 1243, 1285, 1286, 1327, 1328, 1374, 1411, 1859, 1861, 1863, 1865, 1866, 1873, 1874, 1879, 1886, 1887, 1916, 2006, 2010, 2012, 2021, 2111, 2132, 2153, 2174, 2176, 2178, 2179, 2180, 2181, 2184, 2188, 2189, 2202, 2279, 2287, 2289, 2317, 2320, 2328, 2329, 2330, 2371, 2372, 2413, 2455, 3150, 3271, 3272, 3475, 3476, 3517, 3519, 3559, 3601, 3817, and/or 3818.

The Preferred Route (route 2288) appears to angle across unencumbered land on the Anthony Trust Property toward Freeman Road, then briefly follows Freeman Road, but appears to abandon Freeman Road (after crossing Doyle Road) and head 2,000 feet in an easterly direction and then 4,200 feet in a southerly direction to meet and run parallel to an existing natural gas pipeline.

The Alternate Routes incorporating links/segments A1 and/or A2 do not appear to follow the Anthony Trust Property line or any pipeline or any power line on the Anthony Trust Property, neither do such routes follow Freeman Road, FM 455, FM1173 or any other road touching or concerning the Anthony Trust Property.

The Alternate Routes incorporating links/segments A01, A02 and/or B1 do appear to follow either an existing Oncor 345kV transmission line(s), natural gas pipeline(s), and/or Doyle Road through the Anthony Trust Property; however, these alternate links/segments propose to follow the existing transmission line(s), pipeline(s) and/or road(s) to the north of the already existing line(s), pipeline(s) and/or road(s). The impact on the Anthony Trust Property for routes incorporating links/segments A01, A02 and/or B1 would be greatly diminished should they parallel the existing transmission line(s), pipeline(s) and/or road(s) to the south, rather than the north.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes, an existing Oncor 345kV transmission line proceeds across the Anthony Trust Property from the New Krum West Switching Station easterly across Freeman Road, and is paralleled as described in Alternate Route link/segment B1. It appears link/segment B1 proposes to place the new transmission line to the north of the already existing Oncor transmission line. However, the impact on the Anthony Trust Property for Alternate Routes incorporating link/segment B1 would be greatly diminished should they parallel the existing transmission line to the south, rather than the north

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes. The line identified and described in Intervenor's Response to Staff 1-3 is visible from most points on the Anthony Trust Property, and at distances from 2,500 feet to one (1) mile.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes. There are currently two (2) windmills on the Anthony Trust Property, and both are located approximately .75 miles north of Doyle Road and/or Alternate Route link/segment B1.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes. On information and belief, Intervenor Anthony Trust believes its neighbor Jerry Haire was not informed by Oncor of the Krum West to Anna 345kV Transmission Line Project. Mr. Haire's property is located at 9335 Freeman Road, Sanger, Texas 76266-5914, which is to the north of the existing Oncor 345kV transmission line and south of Freeman Road. Mr. Haire is also the operator of the Haire Field airport identified in the Oncor Application at 22-23.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes. Representatives of the Anthony Trust have spoken with a Mr. Travis Beazer of Oncor concerning Alternate Routes incorporating links/segments A1, A2, A01 and/or A02 and the devastating impact such links/segments would have on existing wooded and timber areas on the Anthony Trust Property. Mr. Beazer was additionally informed that any route incorporating links/segments A1 and/or A2 would encroach upon lands designated "Highly Erodible Land" areas by the United States Department of Agriculture. Finally, Mr. Beazer was informed of historical agreements by and between the Anthony family and Oncor that any future lines, including the instant Project, would follow the existing Oncor 345kV transmission line (link/segment B1) identified and described in Intervenor's Response to Staff 1-3. For further answer, see Response to Staff 1-8.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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

Response: Alternate Routes incorporating links/segments A1 and/or A2 would have a devastating impact on existing wooded lands and timber areas on the Anthony Trust Property. Any Alternate Route incorporating links/segments A1 and/or A2 would also encroach upon lands designated "Highly Erodible Land" areas by the United States Department of Agriculture. Should Oncor obtain/select an Alternate Route that incorporated links/segments A1 and/or A2, it would necessarily result in the cutting of existing wooded lands and timber areas on the Anthony Trust Property. Losing the cover these trees provide would escalate the erosion and subsistence on the property, likely reducing its appeal, suitability, fitness for particular uses, and/or value.

The Anthony Trust is a family trust and the patriarch of the Anthony family reached an agreement with Oncor concerning new transmission lines that may cross the Anthony Trust Property. Oncor agreed that any such future lines, which would include the current Krum West to Anna 345kV Transmission Line Project, would parallel, on the southern side of the existing Oncor 345kV transmission line (see Response to Staff 1-3 and Staff 1-7). As it relates to this Project, the new transmission line should parallel the existing transmission line across the Anthony Trust Property from the New Krum West Switching Station easterly (crossing Freeman Road), generally as described in Alternate Route link/segment B1, except the new transmission line should parallel and follow to the south of the existing line.

Additionally, placing link/segment B1 to the north of the existing Oncor transmission line would likely result in the closure of Haire Field airport, located on the Anthony Trust Property, due to the loss of a significant portion of the runway (see also Response to Staff 1-6). Any Alternate Route incorporating links/segments A01, A02, A1, A2 and/or B4 will adversely impact Haire Field, as indicated in the Oncor Application at 22-23. The already existing Oncor transmission line was located in its current position to minimize the environmental impact on the surrounding airfields, the natural wildlife areas, the wooded lands, and the highly erodible land areas. All of those concerns exist today just as they did during the first Oncor transmission line placement. Failing to parallel the existing transmission line to the south would significantly and negatively impact the value of the land for both future development and agricultural use. The Alternate Routes that would incorporate A1 and/or A2 would be a detriment to existing treed areas, encroach on USDA-designated highly erodible lands, be a breach of agreement, likely result in the closure/relocation of the Haire Filed airport, and otherwise have a devastating impact on the Anthony Trust Property.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: Yes. Craig Anthony attended the Oncor meeting in Aubrey, Texas on or about July 15, 2010. Mr. Anthony's written statement was previously provided to Applicant at the July 15, 2010 meeting. The substance of Mr. Anthony's comments have been reproduced in Intervenor's Response to Staff 1-8, *supra*.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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

Response: Intervenor Anthony Trust has not verified the accuracy of the property boundaries for the Anthony Trust Property as represented on maps provided by Oncor in its Application at Attachment No. 5. Intervenor Anthony Trust does note that no images are available online for viewing Attachment No. 5 to the Oncor Application.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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.

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: As currently situated, the Anthony Trust Property primarily serves an agricultural use. The highest and best use of the Property would likely be for residential or commercial development in the future. The Krum West to Anna 345kV Transmission Line Project proposed by Oncor will certainly impact the Anthony Trust Property. The degree to which the Anthony Trust Property will be impacted will depend upon where the new transmission line is located, and which route and related links/segments are selected; however, the Anthony Trust Property is certain to be impacted by this Project and new transmission line.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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: As stated in Response to Staff 1-8, *supra*, Alternate Routes incorporating links/segments A1 and/or A2 would have a devastating impact on existing wooded lands and timber areas on the Anthony Trust Property, would encroach upon lands designated "Highly Erodible Land" areas by the United States Department of Agriculture, and result in the cutting of existing wooded lands and timber areas thereon. Losing the cover these trees provide would escalate the erosion and subsistence on the property, likely reducing its appeal, suitability, fitness for particular uses, and/or value. Placing link/segment B1 to the north of the existing Oncor transmission line would likely result in the closure of Haire Field airport, located on the Anthony Trust Property, due to the loss of a significant portion of the runway. Any Alternate Route incorporating links/segments A01, A02, A1, A2 and/or B4 will adversely impact Haire Field, as admitted by Applicant in the Oncor Application (at 22-23).

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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

Response: The Donald B. Anthony Living Trust is the sole owner of the Anthony Trust Property.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony

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 Anthony Trust opposes the Oncor Preferred Route (route 2228) previously identified in this cause. The Anthony Trust also opposes and objects to any proposed alternate route(s) that contains links/segments A1 and/or A2 in the link sequence.

The Anthony Trust prefers the new transmission line proceed from the Krum West Switching Station on the already exiting transmission line identified in Response to Staff 1-4, which does not appear to be operating at (or anywhere close to) capacity in terms of number of transmission lines, power distribution or conductors. Should an Alternate Route be otherwise required, the Anthony Trust prefers a route that incorporates link/segment B1, including routes 331, 332, 373, 378, 536, 571, 576, 697, 739, 901, 941, 943, 948, 986, 1027, 1032, 1069, 1070, 1243, 1285, 1286, 1327, 1328, 1374, or 1411, but only to the extent such Alternate Route parallels the existing Oncor 345cV transmission line (at link/segment B1) to the south. For further answer, see Responses to Staff 1-2, 1-3, 1-7, 1-8, 1-11 and 1-12.

Prepared by: Blake Hedgecock

Sponsoring Witness: Craig Anthony