



Control Number: 38597



Item Number: 2862

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SOAH DOCKET NO. 473-11-0072  
P.U.C. DOCKET NO. 38597

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| APPLICATION OF ONCOR<br>ELECTRIC DELIVERY<br>COMPANY, LLC TO AMEND A<br>CERTIFICATE OF CONVENIENCE<br>AND NECESSITY FOR THE KRUM<br>WEST TO ANNA 345-KV CREZ<br>TRANSMISSION LINE IN COLLIN,<br>COOKE, DENTON, AND<br>GRAYSON COUNTIES | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | BEFORE THE STATE OFFICE<br>OF<br>ADMINISTRATIVE HEARINGS |
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JEFFREY M. LICHTMAN, CYNTHIA L. (HEROD) LICHTMAN  
AND  
ORRENA H. HEROD  
AND  
THE A1/A2 ALIGNMENT GROUP

**FEBRUARY 24, 2011 OPEN MEETING REMARKS**

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We are Intervenor - Orrena Herod, land owner, Jeffrey and Cynthia Herod Lichtman, Radio Astronomy Supplies and CFRARE, tract 624.1, located on the proposed A-2 link (which is part of the 41, 42 and 83 routes). 11251 Clear Creek Road West, Sanger, Tx.

**OPENING REMARKS**

"Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence."

John Adams

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For over nine months we have fought this disruption to our lives trying to defend what is ours!

Oncor, state agencies, and large wealthy landowners are able to afford large legal teams while we, the average landowners, are at a loss and cannot afford legal experts. In a

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criminal trial, a lawyer is given to those who cannot afford one. So, we are left to fight on our own and play a handicapped game where only the utility companies, PUCT and SOAH ALJs know the rules.

Oncor and Halff and Associates decided for this docket, 38597, to run a maze of 96 possible routes across 4 northern counties, initially using outdated deficient aerial maps, that did not show many of the existing habitable structures, to make their decisions on where they want to put this line. Many of the links seem to almost go out of the way to actually come closer to habitable structures. Nevertheless, in this docket Oncor got it right when they selected 2288 as their Preferred Route!

### **FACTS**

The PUCT stresses that they only look at certain criteria when making a route selection. It appears that the decision will be based primarily on:

- COMMUNITY VALUES
- NUMBER OF HABITABLE STRUCTURES AFFECTED
- USE OF EXISTING COMPATIBLE ROWs / EASEMENTS/ CO-LOCATING ON EXISTING LINES
- COST
- DISTANCE

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In regards to "community values" and "habitable structures", these are the only two factors that allegedly favor going north. "Use of existing compatible ROWs", overwhelmingly, and "cost" favor the Preferred Route 2288. "Community values" is an elusive, subjective factor and should be given the least amount of weight of the four. The argument that "community values" allegedly favors southern landowners and the Greenbelt *is a farce*. This united front by southern landowners is merely a product of Oncor proposing a single route across the Greenbelt, thereby aligning all the southern landowners to oppose one line, Link Z8. Also, the owner of the Z8 property – US Corps of Engineers – has approved the use of its property for this line, Will the PUCT ignore this fact?

However, when it comes to evaluating northern routes, the ALJ's and southern landowners are quick to point out that several northern landowners are "willing" to accept the line, and then claim none of the southern landowners have expressed a similar willingness. The US Corps of Engineers is a southern landowner and has clearly expressed a willingness to accept the line in the most controversial area, Z8.

Another point to note is that the so called "public outcry" regarding the Greenbelt is overstated. The Greenbelt Alliance may have been able to get 600 people to sign up that they "care deeply about preserving the Greenbelt", but the fact is that not all are landowners or interveners and, I feel sure, that most of these same people, if given the opportunity would sign up that they "care deeply about preserving the woodlands, wildlife habitats, Clear Creek and it's watershed, and all the other environmentally sensitive areas" throughout the northern routes.

With regard to "habitable structures", it has been said that the decision cannot consider homes "already impacted" by an existing power line, but I would make the following point, nonetheless. The complaints of the "already impacted" homes built near the existing lines are like the complaints of someone who moves next to, or in close proximity of, an airport and then complain of aircraft noise!

I would stress, however, a different angle on this issue. Although there are less homes on many of the northern routes, the impact of the line on northern homes will be greater (Note: undisputed evidence in the record by Greenbelt's expert Gurley, and others) than the homes on the south because Oncor's application proposes the use of large, massive lattice towers and 160 ft wide easements on northern routes as opposed to smaller, more desirable monopoles in 100 ft wide easements on southern routes. I am sure the commissioners are well aware that landowners prefer, and argue for monopoles in virtually every docket. This is a benefit Oncor is providing to southern landowners on the Preferred Route 2288, yet not so much on the northern routes.

Thus, "community values" is really a wash and the "already impacted habitable structures" argument is not as lopsided as the numbers suggest, given Oncor's proposed use of lattice towers and larger easements on northern routes. That leaves "use of

**compatible existing ROWs” and “cost”, both of which overwhelmingly favor the Preferred Route 2288. In fact, the Preferred Route 2288 performs so well on these factors, and others, that it remains in strong consideration despite all the opposition, money, experts and political influence used to eliminate it from consideration.**

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**2288 IS THE RIGHT CHOICE BECAUSE -**

- Shortest distance between Krum and Anna (Approximately, 46 miles).
- Least expensive under all cost analysis.
- Highest use of existing compatible easements and ROWs.
- Area is already impacted (Homes built with existing 138kv lines in place).
- Satisfies PUCT instructions to Oncor to co-locate wherever possible.
- No required expansion/modification of Greenbelt easement.
- Use of modified H-poles will stay within the existing 100 foot wide ROW.
- Existing 138kV transmission power line already there (Since 1920's).
- Existing 138kV transmission power line is already approved for replacement/upgrade in 2012.
- The northern route will cost \$79 Million more (a 61% increase) than the southern route.
- Per Oncor's Mr. Donohoo, a 345kv line is needed in the very near future in the same area as the southern routes in order to supply the metro area.
- Approved by the US Army Corp of Engineers. Crossing the Greenbelt via the existing ROW is permitted.
- Approved by the Texas Parks and Wildlife Department.

**Remember Nicola Tesla, a pioneer in electricity? One of the things he detested was the sight of power lines, blotting out the view. We are almost there again!**

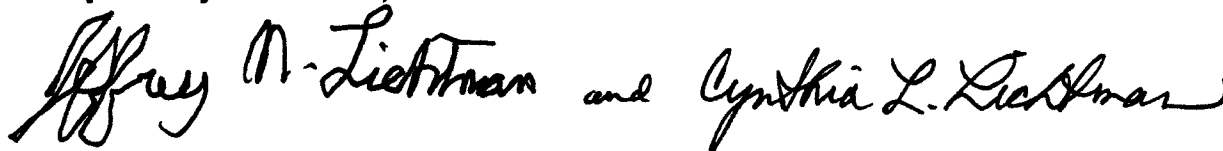
**IN CLOSING, We respectfully take exception to any recommendation using Link A-2, Routes 42, 41, or 83, and to any use of a northern route.**

**We wholly and completely support the Preferred Route 2288 (modified to use links A01-A02-B1-B2-C1 instead of B4 as stated in the stipulated agreement by Anthony Trust), and, under duress, M-576 only if a Southern Route is not selected.**

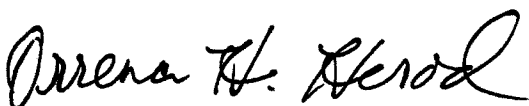
Oncor's Mr. Donahoo has expressed there is a need for a southern 345kV line, either now or later. Now is best, before even more people will be disrupted.

Our faith in God has held us up throughout this frustrating process and battle and ultimately our God will prevail. Please do the right thing! Select the Preferred Route 2288.

Respectfully Submitted,

Handwritten signatures of Jeffrey M. Lichtman and Cynthia L. Lichtman in black ink.

Jeffrey M. Lichtman and Cynthia L. (Herod) Lichtman, Radio Astronomy Supplies

Handwritten signature of Orrena H. Herod in black ink.

And Orrena H. Herod, by Cynthia L. (Herod) Lichtman POA

See attachment: Information about Radio Astronomy Supplies (RAS) and CFRARE

# Information about Radio Astronomy Supplies (RAS) and CFRARE

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## Our Business and Livelihood



As a US Army veteran, disabled and the business owner of Radio Astronomy Supplies, (LLC pending), <http://radioastronomysupplies.com> the use of routes 41, 42 or 83, or any route that utilized link A-2 will devastate our business and main source of income. The habitable structure on the property is our home and our business location. Our structure is metal (steel construction shell with steel frame and corrugated panel exterior) and, being located within 100-200 feet of the proposed link A-2, it would be introduced to capacitive voltage, rendering it useless!

This 10 acre property was chosen specifically for its unique location, including dark skies and distance from radio/electric interference. Prior to moving here from Florida, we contracted Mr. Steve Stone, Commercial Real Estate broker, to find a property that would fit our specific need to be far from high voltage electric transmission lines, communication transmitting antennas, oil or gas wells using motors, radio interference, and light pollution, etc.

Our main products are Low Noise Radio Telescopes operating at the following frequencies –

- 40 KHz, 18 – 24 MHz, 73 MHz, 406.7 MHz, 610 MHz, 1420 MHz., 1665 MHz, 6.65 GHz.

Our business requires testing and sensitivity readings as to the receiving requirements of these systems. With the proposed 345kv transmission lines, EMF and RFI will totally swamp these systems with electrical noise, making it impossible to continue our business at this location. In addition, the proposed A-2 link will run almost directly over our 3 radio astronomy antennas, currently located on the property.

**We currently have customers with our systems in place at UNT, Stephen F. Austin Univ., and UTEP, (among many other universities, schools and individual customer sites worldwide). We are a vital part of the Physics and Astronomy programs at these Texas schools.**

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## RAS and Education



CFRARE (Center for Radio Astronomy Research and Education) is an educational outreach of RAS.

### **The Vision and Mission**

- *To establish a facility for educational research and observations in the discipline of Radio Astronomy.*
- *To provide a center with facilities where local or remote access is available for schools, students and individuals to be able to have hands on direct contact with the tools of the Radio Astronomer.*
- *To give exposure to and promote the benefits of Radio Astronomy education via this facility, providing hands on features, materials and lectures related to the discipline.*

- *To partner (non-competitively) with local and remote schools, colleges and universities via internet connection to the CFRARE facility's Radio Telescopes and data gathering software.*
- *To pursue grants to fund CFRARE efforts.*

#### ***Site Advisors***

- Jeffrey M Lichtman – RAS Owner and On Site Advisor
- Cynthia Leigh Lichtman – RAS Owner and On Site Office Administrator
- Orrena H. Herod – Property Owner and RAS Contributing Member

#### ***Educational Advisors***

- Jeffrey M. Lichtman – Owner of Radio Astronomy Supplies (RAS) and Founder Emeritus of the Society of Amateur Radio Astronomers (SARA)
- Carl Lyster – Lead Design Engineer for Radio Astronomy Supplies (RAS)
- Tommy Henderson - LNA and Antenna Design Engineer for Radio Astronomy Supplies (RAS), and Associate Prof. of Electronics at Tulsa Community College
- Ralph Boyd – Software Engineer for Radio Astronomy Supplies (RAS), and IQ Software Group
- Peter Riese – European Representative for Radio Astronomy Supplies (RAS) and Independent Engineer
- James Van Prooyen – Software Engineer, Pulsar Studies and Research
- Ryan Lane – Associate Professor of Physics and Astronomy, University of North Texas
- Daniel Mertley – Interference/RFI Engineer (VLA, NRAO, New Mexico, USA)
- Robert Stephens – Area 31 Radio Observatory, Canada
- Dr. Kenneth Tapping – Solar Radio Astronomer at Dominion Radio Observatory, Canada
- Dr. Laura Whitlock (**pending**), Professor of Physics and Astronomy at Louisiana State University

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#### **Conclusion for RAS and CFRARE –**

Any use of link A-2 will cause the business, research site and home of RAS and CFRARE to be rendered useless. Even the use of link A-1 would cause the same effect, as the proximity would still cause interference and data corruption that will not allow valid research, data collection and testing to continue at this location.

The only alternative for us, should the A-1 or A-2 links be selected, is to seek full damages and compensation for having to close our business, (either temporarily or possibly permanently), move at great expense and loss of all the work we have put into the property to date, and sell the property (most likely at a significant loss due to this Project's effect on the property value).

This business (RAS) and educational outreach (CFRARE) are not only our passion, but they are our livelihood. Please consider these facts in the decision and all our exceptions to the PFD, as stated above.

**We support Oncor's Preferred Route 2288, modified to avoid link B-4. Under duress and if all else fails, Route M-576 is a reluctant second choice.**