

Control Number: 38743



Item Number: 194

Addendum StartPage: 0

2010 DEC 10 PM 1:11

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

REQUESTS FOR ADMISSION TO INTERVENORS

COMES NOW Eric Swenson, Jr., Trustee for John E. Swenson Trust, J. Emery Swenson Trust, and Kristen Swenson Cockrum Trust, Linda Swenson, J.E. Swenson, John Eric Swenson, III, Kristen Swenson Cockrum, and J. Emery Swenson (collectively “Swenson Family”) (“Swenson Family” or “Intervenor”) and submits these Responses to Commission Staff’s First Requests for Information (“RFIs”).

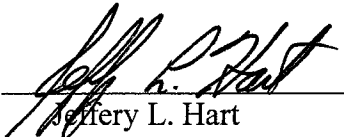
WRITTEN RESPONSES

Attached hereto and incorporated herein by reference are Intervenor's written responses to the aforementioned RFIs. Each response is set forth on or attached to a separate page upon which the request has been restated. Such responses are made in the spirit of matters upon hearing. Intervenor hereby stipulates that these responses may be treated by all parties exactly as if they were filed under oath. Commission Staff's RFIs were served on Intervenor November 29, 2010, and in accordance with SOAH Order No. 2, these responses are timely filed within ten (10) calendar days of receipt.

Respectfully submitted,

CARDWELL, HART & BENNETT, LLP
Jeffery L. Hart
State Bar No. 09147300

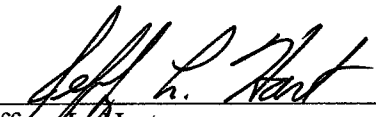
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By: 
Jeffery L. Hart

ATTORNEYS FOR SWENSON FAMILY

CERTIFICATE OF SERVICE

I hereby certify that on this 10~~th~~ day of December, 2010, a true and correct copy of the foregoing document is being served in accordance with the SOAH orders.


Jeffery L. Hart

**COMMISSION STAFF'S FIRST SET OF REQUESTS FOR INFORMATION
TO INTERVENORS**

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:

There is one habitable structure located on my property. The home contains approximately 1600 sq. ft. with two bedrooms and one bath. This structure overlooks the Clear Fork River Valley and is located approximately 800 yards west of the proposed C8 segment. The transmission line would be clearly visible from this structure.

Sponsoring Witness: Eric Swenson, Jr.

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. Link C7/C8 enters my property from the west, crosses it and exits on the east side. In the middle, link C8 starts at the north of my property and runs south through the middle of my property, approximately $\frac{3}{4}$ mile before crossing Clear Fork of the Brazos River. It continues to turn south through the middle of my property for approximately $\frac{1}{2}$ mile to my southern boundary. The line enters my property on the north through the CC Bruff Survey, runs through the Peter Latimer Survey #21, and exits my south boundary through the W.S. Keaghey Survey #1.

Sponsoring Witness: Eric Swenson, Jr.

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. There is a 138 kV line that crosses a rugged, pristine area with a shed used for recreational activities.

Sponsoring Witness: Eric Swenson, Jr.

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:

There are no lines visible other than the 138 kV line mentioned above.

Sponsoring Witness: Eric Swenson, Jr.

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.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-6

Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from ETT? 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 ETT 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:

No.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-7

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

Response:

Yes. I met with ETT representatives in Albany, TX. I expressed concern that the line would run through the middle of my property. I suggested that I would prefer it run north and south of my most easterly boundary. The ETT representatives were very courteous and said that they understood why that would suit me better. After the meeting, I was eating dinner at the Beehive Restaurant in Albany, one of the representatives came by my table, and said that I had "done my homework" and that made their job easier. They were all very nice.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-8

What are your specific concerns about the proposed transmission line?

Response:

In the 1940s, my father began a program of land management which was designed to protect the delicate ecosystem which surrounds the Clear Fork of the Brazos River which runs through this property. Through the years, our family has attempted to maintain this property in its wild pristine condition. While providing an enhanced wildlife habitat, with a few exceptions, we have been able to succeed in this effort. The construction of this transmission line through the middle of our property would have a significant adverse impact on what we have sought to achieve over the past seventy years. The land's best use is for recreation.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-9

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

Response:

Yes. I cannot remember the date, but it was in Albany, Texas. I provided comments at the meeting, but I did not keep a copy of them.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-10

Are your property boundaries for the property you own represented accurately on the maps provided by ETT in its Application at Attachment No. 11? If not, please explain any discrepancies and provide a modified ETT map or drawing to indicate the discrepancies.

Response:

The boundaries appear to be generally correct.

Sponsoring Witness: Eric Swenson, Jr.

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:

Promotion of wildlife development and enhancement. That use would be seriously adversely impacted by the proposed line.

Sponsoring Witness: Eric Swenson, Jr.

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:

Yes. The C8 transmission line will cross the Clear Fork of the Brazos River at a place that is rugged and largely undisturbed. We have also spent considerable time and money to preserve this area in its natural condition and to develop and preserve the wildlife habitat which would be seriously disturbed.

Sponsoring Witness: Eric Swenson, Jr.

Staff-1-13

Please identify all persons with an ownership interest in your property.

Response:

Eric Swenson, Linda Swenson, John Eric Swenson III, J. Emery Swenson, Kristen Swenson Cockrum, John Eric Swenson III Trust, J. Emery Swenson Trust, Kristen Swenson Cockrum Trust.

Sponsoring Witness: Eric Swenson, Jr.

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:

If routed across me, I would prefer it be on my eastern most boundaries. At least it would not run through the middle of my property.

Sponsoring Witness: Eric Swenson, Jr.

**COMMISSION STAFF'S FIRST SET OF REQUESTS FOR ADMISSIONS
TO INTERVENORS**

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

Sponsoring Witness: Eric Swenson, Jr.

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 ETT.

Response:

Admit.

Sponsoring Witness: Eric Swenson, Jr.