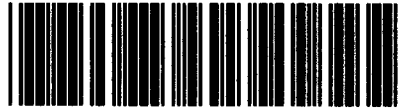




Control Number: 38825



Item Number: 197

Addendum StartPage: 0

SOAH DOCKET NO. 473-11-1266  
PUC DOCKET NO. 38825

2010 DEC 21 AM 9:00

APPLICATION OF WIND ENERGY  
TRANSMISSION TEXAS, LLC TO  
AMEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY FOR  
THE PROPOSED LONG DRAW TO  
SAND BLUFF, SAND BLUFF TO DIVIDE,  
AND SAND BLUFF TO BEARKAT  
345 KV CREZ TRANSMISSION LINES  
IN BORDEN, COKE, GLASSCOCK,  
HOWARD, MITCHELL AND STERLING  
COUNTIES.

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DATE: December 15, 2010

AMANDA LOUDER'S RESPONSE TO WIND ENERGY  
TRANSMISSION TEXAS, LLC'S REQUEST FOR CLARIFICATION  
CONCERNING THE REQUEST TO INTERVENE

TO THE HONORABLE REBECCA SMITH, ADMINISTRATIVE LAW JUDGE:

I, Amanda Louder, am filing this response to the Request for Clarification from Wind Energy Transmission Texas, LLC ("WETT"). That Request has not yet been received, but it was received by the Commission on December 13, 2010.

As WETT stated in their Request for Clarification, I submitted my request using the standard Public Utility Commission form, checking all three boxes, "I own property with a habitable structure located near one or more of the utility's proposed transmission line," and "One or more of the utility's proposed routes would cross my property," and "Other." I respectfully reiterate that each of the statements was accurate, and I attempted to concisely "describe how the proposed transmission line would affect your property" as stated in "Landowners and Transmission Line Cases at the PUC for Competitive Renewable Energy Zone (CREZ) Projects."

WETT reports that I did identify the proposed routes that may affect my land, but contends that "relevant tax roll(s) do not indicate that Louder owns property which will be traversed by any of the proposed routes." I did not own this property when the 2009 property tax roll quoted throughout WETT's CNN documents was current. The Sterling County tax appraiser reports that she attempts to maintain appraisal district records reflecting the most recent recordings, and typically updates them weekly or at least monthly. The appraisal roll becomes the tax roll each year at the end of July. I did not own this property when 2010 Sterling County appraisals were certified in July and became the current (2010) tax roll. The deed conveying my ownership has been recorded since that

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certification, and I am now expected to pay assessed 2010 property taxes when due. I began the "Other" portion of my request to intervene with the legal description of the property and pertinent recording information because I acquired this ownership after certification of both the 2009 property tax roll referenced in WETT's CNN application and also the current 2010 tax roll.

In their Request for Clarification, WETT states, "According to tax records, the property in question is owned by Jaynell Cope Bodine." As previously stated, I am one owner of undivided interests in 647.25 acres of H. & T. C. Ry. Co. Survey 219, Block 2, Abstract 164; that deed is recorded in Volume 52, page 404, of the Official Public Records of Sterling County. Section 219 contains 652.5 acres, and the 5.25 acre tract (100% surface ownership) was sold to Melinda Gaines in 2009, and is the Gaines' homestead. The exact location of that 5.25 acres not included in the undivided ownership is described by survey in "Exhibit A" of the Special Warranty Deed recorded in Volume 48, page 759, of the Official Public Records of Sterling County. While the 2009 property tax roll did show Jaynell Cope Bodine as owner of the entire section, the appraisal district records were updated the first week of January, 2010 (reported by the Sterling County Tax Appraiser). Both the 2010 Sterling County Appraisal District records and the Sterling County tax roll certified in July, 2010, reflected that Jaynell Bodine's acreage in Section 219 had been reduced by 5.25 acres since 2009, and ownership of that 5.25 acre tract had been transferred to Melinda Gains in the current (2010) Sterling County tax records.

I am uncertain what additional ownership information is requested. I have again provided the legal description and location of the documents conveying an undivided 40% interest in 647.25 acres of H. & T. C. Ry. Co. Survey 219, Block 2, Abstract 164, to Amanda Louder and Melinda Gaines. I have also included information about the remaining 5.25 acres not included in this deed. The Sterling County Tax Appraiser reported that she has been contacted by WETT representatives only once, and that was in reference to an entirely different property. She offered to contact WETT representatives if necessary to confirm ownership. I am submitting a certified copy of the deed from the Sterling County clerk.

WETT requested that I identify my "habitable structure." Section 219 contains three structures that can be considered "habitable." I have no ownership in the newer residence, located West of Private Road 306 approximately .8 mi South of State HWY 158 on the 5.25 acre tract Jaynell Bodine sold in December, 2009; that house was not labeled a "habitable structure" on WETT's map (Attachment 6 to the CNN application, p. 2013 and unavailable through the interchange) or mentioned in any of their environmental assessments. However, my ownership does include the other two structures. The barn marked in purple on the map and identified as "habitable

structure” is a large metal barn which includes a feed room later converted to an office with a bathroom and rudimentary kitchen facilities; it is fairly close to the middle of the section. The remaining residence on the property is the three-bedroom home WETT identified as “habitable structure 603.” This house has been consistently occupied since it was remodeled in 1973, and the current residents are a young family with preschool children. As quoted in my intervention request, WETT reports the distance from “habitable structure 603” to the centerline of link BS6 is 95 feet. Stan Tessmer (page 27 of his direct testimony) states that the project will require a typical ROW of 160 feet (80 feet on each side of centerline), which would place the easement boundary well inside the yard of this home, between the garage and the house. This house is readily identifiable on WETT’s maps, because the front yard gate opens onto State HWY 158, and the structure is clearly marked in purple as “habitable structure” inside numerous green and blue lines where three links (BS6, AE6, & AD6) intersect.

As requested, I will again list the links that I believe will affect my property. Links AE6 and AD6 are actually located across the property lines, but the entire Northern boundary of our property falls within the 500 foot buffer zone of those two lines. Section 219 has only 100 acres of farmland, and an existing 138 kW transmission line already runs the entire length of the field inside our North fence. Although our farming equipment is not as sophisticated as that used by farmers with drip irrigation systems, our tractors do use some sensitive electronic devices.

Link BS6 crosses through the NW quarter diagonally, turning North to State HWY 87 on the East side of Private Road 306, inside our 100 acre field. WETT reports the distance from centerline to “habitable structure 603” as 95 feet. The 30 foot road easement (also detailed in the purchase deed to Melinda Gaines) appears to fall between the transmission centerline and the land outside the yard fence. That road underneath link BS6 provides access to both our farming and livestock operations as well as the Gaines’s residence. Josh Gaines’ L.L.C. trailer park with 12 full hookups (electricity, water, and sewer) is located directly south of the house and equally closes to Link BS6.

Link CJ6 crosses over the Southern quarter of Section 219, interfering with our airstrip, which begins in the SE corner of Section 219 and extends North 3900 feet, intersecting with a short segment that runs from East to West to get to the equipment barn & airplane hangar, which is another metal structure located just North of the older barn.

I cannot provide the WETT property tract numbers that pertain to these links and their locations on our property. A search of the CNN application provided no information as to the source or meaning of the letter-number combinations, so I have no idea which tract number impacts a particular link. The packet Jaynell Bodine received as a directly affected landowner on the “Sand

Bluff to Divide” proposed line was identical to the one my husband received as a directly affected landowner on the “Long Draw to Sand Bluff” proposed line in every respect except the external address label. The notice received November 13 included only the general statement, “Your land may be directly affected in this docket (pg. 2128)”, and did not include any location information, even something as general as the county in which it was located.

WETT has apparently assigned AO-TX-SL-003.000, AO-TX-SL-003.001, and AO-TX-SL-003.002 to Section 219, according to the information included in the letter they sent requesting clarification from Melinda and Josh Gaines. However, nothing indicated which portion of the acreage was associated with a particular number.

Respectfully submitted,

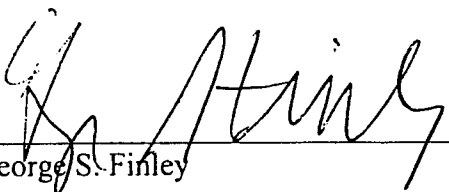


Amanda Bodine Louder  
P.O. Box 275  
Stanton, TX 79782  
432-756-2304 (phone)  
432-756-2304 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent for filing with the Commission and a copy has been by regular mail to the following on this the 15 day of December, 2010.

Mr. Dennis Donley  
Naman Howell Smith & Lee  
8310 N. Capital of Texas Highway, Suite 490  
Austin, Texas 78731

  
George S. Finley

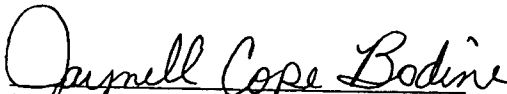


This conveyance expressly conveys the right to share (in proportion to ownership) any sums paid to or received for surface damages to the property in connection with the exploration for or production of oil, gas, and other minerals in and under the above described lands, or the generation of electricity by wind power or for installation of wind turbines or related equipment on the property.

This conveyance is subject to all valid easements, rights-of way, wind leases, and oil, gas and mineral leases against the above described property.

TO HAVE AND TO HOLD all of said forty percent (40%) interest in and to the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto AMANDA BODINE LOUDER and MELINDA BODINE GAINES, as the sole and separate property and estate of each Grantee; and Grantor does bind themselves, their heirs, executors and administrators to WARRANT and FOREVER DEFEND all and singular the said premises unto AMANDA BODINE LOUDER and MELINDA BODINE GAINES, and unto their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED November 23, 2010.

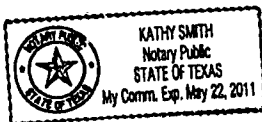
  
JAYNEEL COPE BODINE

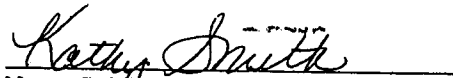
  
MICHAEL C. BODINE

THE STATE OF TEXAS §

COUNTY OF STERLING §

This instrument was acknowledged before me on November 23, 2010 by JAYNEEL COPE BODINE and MICHAEL C. BODINE.



  
Notary Public, State of Texas

Address of Grantees:

Amanda Bodine Louder  
P. O. Box 275  
Stanton, Texas 79782-0275

Melinda Bodine Gaines  
P. O. Box 235  
Sterling City, Texas 76951-0235



True and correct  
copy of original  
filed in the Sterling  
County Clerk's Office

71 Page



16765

~~16766~~ SW  
Rm FILED

AT 2:00 O'CLOCK P M  
ON THE 23 DAY OF November  
A.D., 2010

STATE OF TEXAS  
COUNTY OF STERLING

I hereby certify that this instrument was FILED on  
the date and at the time stamped hereon by me and  
was duly RECORDED in the Volume and Page of  
the SPK Records of Sterling  
County, Texas.

*Rhea McManis* Deputy

BY *Rhea McManis*  
DEPUTY

SUSAN WYATT  
COUNTY AND DISTRICT CLERK  
STERLING COUNTY, TEXAS



SUSAN WYATT  
County and District Clerk,  
Sterling County, Texas

VOL. 52 PAGE 404  
RECORDED November 23, 2010



True and correct  
copy of original  
filed in the Sterling  
County Clerk's Office