



Control Number: 38825



Item Number: 206

Addendum StartPage: 0

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

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

FILED
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**ANSWERS OF THE DRIVER FAMILY,
ESTATE OF ALMA M. DRIVER, SKIPPER DRIVER, EXECUTOR,
ESTATE OF E. P. DRIVER, SKIPPER DRIVER, EXECUTOR,
AND WILLIAM DRIVER, TO THE COMMISSION STAFF'S
FIRST SET OF REQUESTS FOR INFORMATION AND
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COMES NOW the Driver family, Estate of Alma M. Driver, Skipper Driver, Executor, Estate of E. P. Driver, Skipper Driver, Executor, and William Driver, and files this, their Answers to the Commission Staff's First Set of Requests for Information and First Set of Requests for Admission to Intervenors. This response is timely filed. The Driver family agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

Respectfully submitted,

**STUBBEMAN, McRAE, SEALY,
LAUGHLIN & BROWDER, INC.**
Pat Long Weaver
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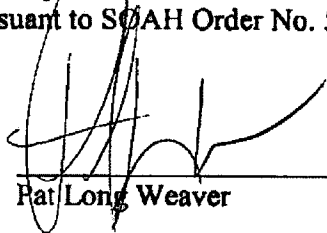
By: 
Pat Long Weaver

**ATTORNEY FOR THE DRIVER FAMILY,
ESTATE OF ALMA M. DRIVER, SKIPPER**

**DRIVER, EXECUTOR, ESTATE OF E. P.
DRIVER, SKIPPER DRIVER, EXECUTOR,
AND WILLIAM DRIVER**

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2010, a true and correct copy of the foregoing Answers of the Driver family, Estate of Alma M. Driver, Skipper Driver, Executor, Estate of E. P. Driver, Skipper Driver, Executor, and William Driver, to Commission Staff's First Set of Requests for Information and First Set of Requests for Admission to Intervenors, was sent for filing with the Commission and service pursuant to SOAH Order No. 5.



Pat Long Weaver

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Staff No. 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 regularly 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 to Staff No. 1-1:

Yes. A house and barns were built in 2009, west of the intersection of segments BP-7 and BM-7. This house and the barns are not shown on the WETT Route 7 maps, and are located approximately 500 feet from segments BP-7 and BM-7.

Also, another house, barns, and riding arenas are located approximately 700 to 900 feet to the southwest of the intersection of segments BN-7 and BL-7.

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Staff No. 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 to Staff No. 1-2:

Yes. Segment AV-7 follows the northern boundary of 1.5 sections of our land. Segment AX-7 follows the southern boundary of the same 1.5 sections, owned by William J. Driver.

Segment BO-7 follows the section boundary, crossing between one section owned by the E.P. Driver Estate to the east and approximately 2/3 of a section, also owned by the E.P. Driver Estate, to the west. BO-7 continues south, crossing the west side of a section owned by William J. Driver, and the east side of a 1/2 section co-owned by the E.P. Driver Estate and a 1/2 section owned by William J. Driver. BO-7 connects with Segment BV-7, BP-7, and CH-7 on or near the southern boundary of William J. Driver's 1.5 sections.

Segment BV-7 continues south from the connection with BO-7, and crosses the west side of a 1/2 section owned by William J. Driver, as well as the west side of another section also owned by William J. Driver.

Segment CH-7 travels in a northeast to southwest direction, the northeastern-most point ending on or near the corner boundary of three of William J. Driver's sections.

Segment BU-7 crosses the southern boundary of one section owned by William J. Driver.

Segment BP-7 crosses one of William J. Driver's sections, beginning on the northern half of the eastern boundary, traveling southwest to the southwest corner of the section, and ends on or near the boundary with two of William J. Driver's other sections. This segment cuts diagonally across the section.

Segment BN-7 begins on the north/south section boundary line of 1.5 sections owned by William J. Driver. This segment travels to the southwest across William J. Driver's 1/2 section, ending near the center of the western boundary of the same 1/2 section. This segment crosses diagonally.

Segment BK-7 enters William J. Driver's section on the southern half of the western boundary and travels to the southwest, where it ends in the center of the north/south section boundary of William J. Driver's 1.5 sections. This segment also crosses diagonally.

Segment BM-7 crosses on or near the east/west boundary of sections owned by the E.P. Driver Estate to the west and William J. Driver to the east. BM-7 continues south, crossing on or near the east/west boundary of the northern 1/4 of the eastern boundary of one section, and the northern 1/2 of the western boundary of a 1/2 section, both owned by William J. Driver.

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Staff No. 1-3:

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

Response to Staff No. 1-3:

Yes, the existence of which are generally reflected on the WETT Segment 7 maps.

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Staff No. 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 to Staff No. 1-4:

Yes. The transmission lines that cross the property are visible from the property.

The existing transmission lines that cross the Driver family's property have caused numerous fires, endangering the family, houses, ranch buildings, and livestock. The existing lines have affected the movement of livestock across the property, and any additional disturbance could further affect the movement of livestock to and from the only sources of water on the property.

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Staff No. 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 to Staff No. 1-5:

There are four water wells powered by windmills, each of which will likely be affected by the preferred route. One windmill is located within 500 feet of segment BM-7, and is the only water source for an entire pasture. A second windmill exists on a water well that the preferred route passes directly over. Two more windmills, also powering water wells, will also be affected by the preferred route. If this question is referring solely to wind turbines, no.

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Staff No. 1-6:

Are you aware of any directly affected landowner that did not receive notice of the proposed transmission line project from WETT? 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 WETT 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 to Staff No. 1-6:

No.

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Staff No. 1-7:

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

Response to Staff No. 1-7:

No.

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Staff No. 1-8:

What are your specific concerns about the proposed transmission line?

Response to Staff No. 1-8:

Segments BM-7 and BP-7 cross pastures in a diagonal pattern, and will cause problems with the operations of the Driver family's cattle ranching operations. The line will cause problems with the general movement of cattle, but will cause particular problems because the preferred route affects four water wells. The transmission line will negatively affect aerial brush control on the ranch, and will affect traffic in and around the ranch. Also, the close proximity of the transmission line to the houses and barns on the ranch is concerning.

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Staff No. 1-9:

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

Response to Staff No. 1-9:

Yes. At a meeting in Sterling City, the Driver family expressed its concerns with the diagonal route across the pastures, as well as the close proximity of the line to houses, barns, and cattle watering locations.

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Staff No. 1-10:

Are your property boundaries for the property you own represented accurately on the maps provided by WETT in its Application at Attachment No. 3 (Sheets 1-28)? If not, please explain any discrepancies and provide a modified WETT map or drawing to indicate the discrepancies.

Response to Staff No. 1-10:

Yes.

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Staff No. 1-11:

What is the primary use for your property and, in your opinion, will this use be impacted by the proposed transmission line? If so, please explain.

Response to Staff No. 1-11:

The primary use of the land is for cattle ranching. The land also contains the primary residences of the Driver family. Cattle ranching will be affected because, especially where the transmission line does not follow existing fence lines, the movement of the cattle will be impeded and access to fresh water will be limited, both resulting in undue stress on the animals. The height of the towers will also hamper the ability to use aerial brush control on the ranch.

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Staff No. 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 to Staff No. 1-12:

The negative effects of the diagonal crossing of the cattle pastures should be considered. In addition, the existence of the house and buildings built in 2009 and not reflected on any of the WETT Segment 7 maps or documents must be considered, as these are likely within 500 feet of the preferred route. Also, the effect of the transmission line on oil production, both current and future, should be carefully considered.

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Staff No. 1-13:

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

Response to Staff No. 1-13:

William J. ("Skipper") and Wanda Driver; The Estate of Alma M. Driver, Skipper Driver, Executor; The Estate of E.P. Driver, Skipper Driver, Executor.

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Staff No. 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 to Staff No. 1-14:

At this time, none.

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Staff RFA No. 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 to RFA No. 1-1:

The Driver family can neither admit nor deny RFA No. 1-1 because the information provided to the Driver family regarding the potential segments along existing 138kV transmission lines is incomplete. The WETT Segment 7 maps generally show the location of both the existing 138kV transmission lines and the proposed routes for this project, and generally show the right of way for the proposed routes existing over top of the existing 138kV right of way. However, information provided to the Driver family's counsel by WETT representatives at the December 22, 2010 prehearing conference, as well as information contained in the WETT filings, indicates that the actual location of the right of way for the proposed route will not overlap or replace the existing 138kV right of way. The Driver family's answer to RFA No. 1-1 is dependent upon whether the actual right of way for this project will be to the north, south, east, or west of the existing 138kV rights of way, as habitable structures exist that will likely be within 500 feet of the transmission line when the actual location of the right of way is determined.

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Staff RFA No. 1-2:

Admit or deny that the property boundaries for the property(ies) you own are accurately represented on the maps provided by WETT in its Application at Attachment No. 3, Sheets 1-28.

Response to RFA No. 1-2:

Admit.