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

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

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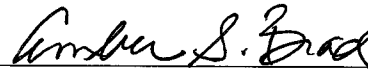
**LYNN GLASS FAMILY INTERESTS' RESPONSE TO COMMISSION STAFF'S
FIRST SET OF REQUESTS FOR INFORMATION AND
FIRST SET OF REQUESTS FOR ADMISSION TO INTERVENORS**

TO: Commission Staff, by and through their attorney of record, Scottie Aplin, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326

Intervenors James Lynn Glass, James Wesley Glass, Jamie Glass Walker, and Elizabeth Glass Staggs, (hereinafter, collectively referred to as "Lynn Glass Family Interests") files this, their Responses to Commission Staff's ("Staff") First Set of Requests for Information and First Set of Requests for Admission. These responses may be treated by all parties as if they were filed under oath.

Respectfully submitted,

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ATTORNEYS FOR INTERVENORS

JAMES LYNN GLASS, JAMES WESLEY GLASS,

JAMIE GLASS WALKER,

AND ELIZABETH GLASS STAGGS

("LYNN GLASS FAMILY INTERESTS")

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all parties known of record via facsimile, U.S. mail, or electronically on this 4th day of January, 2011.



Amber S. Brady

RESPONSES TO STAFF'S FIRST REQUESTS FOR INFORMATION ("RFI")

Staff RFI 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 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:

Lynn Glass Family Interests intervened in this case because of the effect the proposed transmission line will have on the Glass Ranch. The Glass Ranch is a working livestock ranch with several habitable structures on the property. The Glass Ranch is impacted by all three proposed segments in this docket; each segment will be addressed separately below and in the remaining questions.

Long Draw to Sand Bluff Segment:

The main Glass Ranch headquarters is the hub for all business activities of the Glass Ranch properties, and is impacted by this segment. The residence of Helen and Lynn Glass, two ranch employee houses, as well as several barns and cattle pens are located in Blk. 29, Section 190 and are approximately 850' north of proposed link EA5.

A fourth residence is located on Glass Ranch property that would be impacted by this segment. Jamie (Glass) and Baylor Walker along with their 3 children, Shawn (14), Lyndee (10) and Mason (6), live in this residence. This new residence would be severely impacted by segment EA5 as that segment would cross between the Walker's house and the ranch headquarters. The Walker's house is approximately 1300' south of EA5.

Sand Bluff to Bearkat Segment:

No.

Sand Bluff to Divide Segment:

There are two habitable structures affected by this proposed segment.

The first is the residence of Wesley and Ashley Glass, and their children Peighton (8), and Carter(4). This is a new home built by the Glasses in 2006, and serves as the ranch headquarters. In addition to the house, the main set of cattle shipping pens, a horse barn, and a lambing shed are all part of the ranch headquarters. The center of Segment BO6 is approximately 900 feet from this house, and approximately 600 feet from the lambing shed. In addition, Segment BN6 is approximately 1000 feet from the house.

The second habitable structure is another house located along Highway 163, just north of where BN6 intersects Highway 163. This house is used as a house for ranch employees, and as a lodge for hunters. The WETT map shows segment BN6 very close to this ranch house, approximately 475 feet.

Prepared by: Wes Glass
Prepared by: Zach Brady, Amber Brady

Title: Intervenor
Title: Attorneys for Intervenor

Staff RFI 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:

Long Draw to Sand Bluff Segment:

Several proposed links within this portion of the line cross our property. The main Glass Ranch in Glasscock County is impacted by this portion of the line, along with the Glass/Longshore Ranch in Howard County, the Glass/McDaniel Ranch in Mitchell County, and the Glass/Ratliff Ranch in Glasscock County. The segments, along with a description of any features that those segments follow, are listed below:

- EA5 follows an existing 69kV distribution
- DP5 follows an existing 138kV transmission line
- EE5 follows a section line going east and west through the ranch
- DJ5 follows State Highway 33
- DZ5 runs north and south and follows the west property boundary of this ranch for ½ mile, then follows a section line for 1 mile, then follows the west property again for 1 mile before leaving the ranch.
- EF5, EE5, EG5, EI5, FM5, and EN5 all affect ranch property and all of these segments seem to either follow a fence line or Highway 87.

Sand Bluff to Bearkat Segment:

- CT7 follows an existing 69kV distribution line
- D7 follows a section line, and runs along the south boundary of our property
- E7 Although this segment follows a section line, this segment does not follow a fence line and it would effectively cut our pasture in half.

Sand Bluff to Divide Segment:

- **BO6** crosses the front section of the ranch, where the ranch headquarters is located. It does not follow any existing transmission lines or easements.
- **BN6** follows a section line. BN6 crosses Highway 163 at the ranch entrance.
- **BX6** connects BO6 to BN6 and it does not follow any feature.
- **BM6** follows our north property boundary for approximately 1 mile, then follows another section line going east another mile, for a total of approximately 2 miles across the ranch.

- CC6 follows our south property boundary for approximately 1 mile.

Prepared by: Wes Glass
Prepared by: Zach Brady, Amber Brady

Title: Intervenor
Title: Attorneys for Intervenor

Staff RFI 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:

Long Draw to Sand Bluff Segment:

Yes; the distribution line and transmission line that are mentioned in response to RFI No. 1-2 above.

Sand Bluff to Bearkat Segment:

Yes; an existing 69kV distribution line runs in an approximate NE to SW direction, across sections 53 & 54 W & NW, RR Co Blk 30 and Sec 2 T & P RR Co Blk 32.

Sand Bluff to Divide Segment:

There are no existing transmission lines on the property. There is a small distribution line located on the property, providing electricity to Wes Glass's residence, mentioned in response to RFI No. 1-1.

Prepared by: Wes Glass
Prepared by: Zach Brady, Amber Brady

Title: Intervenor
Title: Attorneys for Intervenor

Staff RFI 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:

Long Draw to Sand Bluff Segment:

Yes; the lines mentioned in response to RFI No. 1-1 and RFI No. 1-3.

Sand Bluff to Bearkat Segment:

Yes; the distribution line mentioned in response to RFI No. 1-3 is visible from our property. In addition, an existing 138-kV transmission line is very close to, and is visible from, our property. This line runs east and west. This existing transmission line interferes with our aerial spray program that is designed to control mesquite brush and prickly pear cactus. The line also interferes with our aerial predator control program and our aerial rounding up of livestock.

Sand Bluff to Divide Segment:

There is an existing 69kV line on the neighboring ranch. It is located about a mile southwest of the southernmost section of the Glass ranch. It is not visible from the ranch headquarters.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

There are no wind turbines located on the properties that would be affected by the proposed transmission line. There are, however, traditional water producing windmills that are located throughout the ranch. The locations of those windmills that could be impacted by the proposed transmission line are described below.

Long Draw to Sand Bluff Segment:

There is a windmill located under segment EK5; this windmill serves as the main water source for livestock in that pasture.

Sand Bluff to Bearkat Segment:

There is a windmill located on the southwestern portion of section 54, adjacent to and on the north side of an existing 69KV line.

Sand Bluff to Divide Segment:

There are two water windmills located on the property. One is in the center of section 1, and should not be affected by the proposed transmission line. However, the second windmill appears to be located within the right of way of proposed segment CC6.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

No.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

No.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI No. 1-8:

What are your specific concerns about the proposed transmission line?

Response:

Long Draw to Sand Bluff Segment:

Our foremost concern is with proposed segment EA5. This link would interfere with the ranch headquarters located in section 190, W & NW RR Blk 29. This area houses over 16 people including children that pass along this corridor daily going to and from school. EA5 would cross through the central business area for all the Glass Properties. In addition, EA5 would dissect the holding traps we use for our livestock operations; these pens are used heavily several times each year for routine ranch operations. EA5 also comes close to the main shipping pens and horse stalls. We are equally concerned about EA5's impact on a cultivated 324 acre cotton field, located east of the headquarters area, where two irrigation wells along with underground irrigation pipes are located. We are concerned that EA5 will limit our ability to utilize an aerial spray program, and will have an adverse effect on our current means of irrigation.

We are opposed to segment EK5, because of our concerns about the impact of EK5 on our water producing windmill. We are also concerned that our ability to treat invasive plant species such as mesquite, cedar and prickly pear, underneath transmission lines would be limited. This would have a devastating effect on our brush management program.

In addition, Segment DZ5 is also of concern due to the fact that it crosses a set of working pens.

Sand Bluff to Bearkat Segment:

We are concerned about the negative impact that the proposed line will impose on our current mesquite eradication and predator control programs — both of which are based on the ability to use planes and helicopters. These two programs are crucial to our ranching business. We are very concerned about the safety hazards imposed on pilots during aerial brush spraying and predator hunting.

Sand Bluff to Divide Segment:

Our main concerns with this portion of the line involve two segments: **BN6 and BO6**. BN6 is located practically on top of the ranch entrance and follows the main road to Wes Glass's residence. We are concerned about safety implications that may arise from the presence of the proposed transmission line in this location, due to construction hazards, bad weather events, etc.

We are also concerned about the effect of BN6 and BO6 on pleasing aesthetics here, including the effect on the view from Wes Glass's house. The location for this house was selected primarily due to the view -- to the southwest, you can see the North Concho River and Wildcat Mountain.

In addition, we are concerned about the line's impact on our ability to continue our aerial brush control program. For these reasons, we are strongly opposed to construction of the proposed line using segments BN6 or BO6.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

Yes; we attended the open house WETT hosted in Big Spring, Texas. We did not provide written comments.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

Given the size and scale of the maps that we have been able to review up to now, coupled with the lack of metes and bounds descriptions of the property boundaries, and/or a true survey of the property, we are unable to affirm that all of our property boundaries are accurately represented. However, it appears that the maps fairly depict our property boundaries within the survey area.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

The primary uses of all of these properties include livestock production, wildlife hunting, and some row-crop production. In addition, as described previously, several members of the Glass family live on these properties. All of these uses would be negatively impacted by construction of the proposed transmission line, as we indicated in Responses to RFI No. 1-1, 1-2, and 1-8.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

Long Draw to Sand Bluff Segment:

Yes; we are particularly concerned about the impact the proposed transmission line would have on the Headquarters portion of the ranch. Our agricultural operations depend on the viability of this portion of the ranch, and we are therefore adamantly opposed to construction of the line in this area.

Sand Bluff to Bearkat Segment:

Yes; we are particularly concerned about the impact that the proposed transmission line would have on the water-producing windmill, as well as the cattle pens that are located on the property

along this proposed segment.

Sand Bluff to Divide Segment:

Yes; we are particularly concerned about the impact the proposed transmission line would have on the Headquarters portion of this ranch. We are strongly opposed to construction of the proposed line near the headquarters due to its impact on the habitable structures that would be close to the line.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI No. 1-13:

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

Response:

Long Draw to Sand Bluff Segment:

Different tracts are owned by different people within the family. The owners include Helen and Lynn Glass, Willene Glass Boger, Elizabeth Glass Staggs, James Wesley Glass, and Jamie and Baylor Walker.

Sand Bluff to Bearkat Segment:

The owners of the property that would be affected by this segment include James Lynn Glass, Helen Sisco Glass, Elizabeth Glass Staggs, James Wesley Glass, and Jamie Glass Walker.

Sand Bluff to Divide Segment:

Wesley and Ashley Glass own 1/3 of the property interests that could be impacted by this segment; Lynn and Helen Glass are 2/3 owners.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

Staff RFI 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:

Long Draw to Sand Bluff Segment:

We are opposed to construction of the transmission line on our property, particularly construction of the proposed line using links EA5. In the event the proposed segment must cross our property, we would prefer proposed Link DZ5, if we can avoid the small cattle corrals close to that link. While we are opposed to the line, we are willing to engage in settlement negotiations with the company.

Sand Bluff to Bearkat Segment:

We are opposed to construction of the transmission line on our property. While we are opposed to the line, we are willing to engage in settlement negotiations with the company.

Sand Bluff to Divide Segment:

We are opposed to construction of the transmission line on our property, particularly along Links BO6, BN6, and BK6. While we are opposed to the line, we are willing to engage in settlement negotiations with the company.

Prepared by: Wes Glass

Title: Intervenor

Prepared by: Zach Brady, Amber Brady

Title: Attorneys for Intervenor

RESPONSES TO STAFF'S FIRST REQUESTS FOR ADMISSION ("RFA")

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:

Long Draw to Sand Bluff Segment:

Admit; this segment of the proposed transmission line appears to be located within 850 feet of the main Glass Ranch headquarters, where three habitable structures are located.

Sand Bluff to Bearkat Segment:

Admit.

Sand Bluff to Divide Segment:

Deny; as mentioned in response to RFI No. 1-1, it appears that the WETT map shows one of the Glass Ranch ranch houses within approximately 475 feet of proposed segment BN6.

Prepared by: Wes Glass
Prepared by: Zach Brady, Amber Brady

Title: Intervenor
Title: Attorneys for Intervenor

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:

Unable to admit or deny. Again, given the size and scale of the maps that we have reviewed up to now, coupled with the lack of metes and bounds descriptions of the property boundaries, and/or a true survey of the property, we are unable to affirm that all of our property boundaries are accurately represented. However, it appears that the maps fairly depict our property boundaries within the survey area.

Prepared by: Wes Glass
Prepared by: Zach Brady, Amber Brady

Title: Intervenor
Title: Attorneys for Intervenor