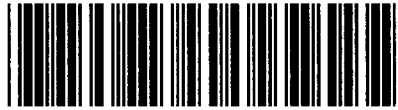


Control Number: 38825



Item Number: 274

Addendum StartPage: 0

11 JAN 13 AM 10:18  
RECEIVED  
PUBLIC UTILITY COMMISSION  
REGISTRATION CLERK

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

**RESPONSE OF COURTNEY KING, ET AL TO COMMISSION STAFF’S FIRST SET  
OF REQUESTS FOR INFORMATION AND FIRST SET OF REQUESTS FOR  
ADMISSIONS TO INTERVENORS**

TO: The Staff of the Public Utility Commission, by and through their attorney of record, Scottie C. Aplin Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326; Facsimile Number (512) 936-7268.

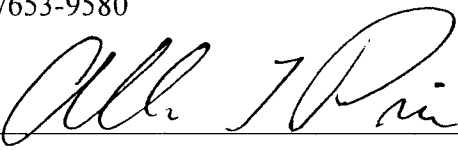
(1) COURTNEY KING and wife ELAINE KING, (2) EMILY KING CHILDREN’S TRUST, JOELLEN KING CHILDREN’S TRUST, AND LILA KING CHILDREN’S TRUST, Allen Price, Trustee, and (3) EMILY KING BEAVER, JOELLEN KING QUALLS, AND LILA BETH KING file their Responses to Commission Staff’s (“Staffs”) First Set of Requests for Information and First Set of Requests for Admissions. These responses may be treated by all parties as if they were filed under oath.

Respectfully submitted,

ALLEN L. PRICE  
State Bar No. 16283800  
SMITH • ROSE • FINLEY

A Professional Corporation  
P.O. Box 2540  
San Angelo, Texas 76902-2540  
325/653-6721  
FAX 325/653-9580

WALTER W. PFLUGER  
State Bar No. 15891020  
SMITH • ROSE • FINLEY  
A Professional Corporation  
P.O. Box 2540  
San Angelo, Texas 76902-2540  
325/653-6721  
FAX 325/653-9580

By:   
ALLEN L. PRICE

ATTORNEYS FOR COURTNEY KING and wife ELAINE KING, (2) EMILY KING CHILDREN'S TRUST, JOELLEN KING CHILDREN'S TRUST, AND LILA KING CHILDREN'S TRUST, Allen Price, Trustee, and (3) EMILY KING BEAVER, JOELLEN KING QUALLS, AND LILA BETH KING

#### CERTIFICATE OF SERVICE

This is to certify that on this 7th day of January, 2011, a true and correct copy of the foregoing was served on Commission Staff, Scottie C. Aplin, via facsimile.

  
ALLEN L. PRICE

**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 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:**

Yes, there are two habitable structures as defined by P.U.C. SUBST. R. 25.101(a)(3), near one or more of the segments of the proposed transmission line.

1. Structure One: The primary residence of Courtney and Elaine King. This residence was built on the top of a hill in Section 30, Abstract 1003 in order to take advantage of the uncluttered view for several miles. The residence is approximately one and one-fourth mile (as can best be determined from the maps provided by WETT) of proposed segment CF6. If the line is placed on segment CF6, the residence would look down on the line.

2. Structure Two: Residence utilized for employees of Courtney and Elaine King. As best as can be determined from maps provided by WETT, the residence is situated approximately one and one-fourth mile from Segment CF6.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**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:**

1. Link Segment CP6. This proposed line follows no features that we have been able to identify. Instead, it cuts through the middle of the landowner's ranch.

2. Link Segment CF6. The southern portion of this proposed line follows the boundary between the landowner and third parties. The north-south portion of this proposed line follows no features that we have been able to identify. Instead, for no apparent reason, it goes through the middle of the landowner's ranch and passes immediately adjacent to landowner's primary residence.

3. Link Segment CD6. This proposed line follows no features that we have been able to identify. Instead, it through the middle of the landowner's ranch.

4. Link Segment CN6. This proposed line follows the boundary between the landowner and third parties.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**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 an existing electrical distribution line which angles diagonally from approximately the southeast corner of Section 3, Abstract 518 to the northwest corner of Section 3.

There is also an existing electrical distribution line which crosses the southwest corner of Section 3, Abstract 518, goes approximately north in either Section 3 or Section 2, Abstract 956 and terminates in Section 294, Abstract 892.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**Staff 1-4:**

Are any existing transmission or distributions 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:**

Yes. There is an existing line which I believe is owned by NextEra which can be seen from Section 298, Abstract 1898, Coke County, Texas.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

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:

Yes. There are a number of wind turbines on the property which are already identified in WETT's application and the maps attached to that application.

There are also a number of water windmills on the property. The windmills which could be affected by proposed segments and the route which we will propose are as follows:

1. Approximately in the middle or south of the middle of Section 266, Abstract 954.
2. In the southeast corner of Section 268, Abstract 955.
3. Along the north line of Section 269, Abstract 175 approximately 1500 feet west of the northeast corner of said Section 269.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price



**Staff 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:**

Yes.

Emily King Beaver, Joellen King Qualls and Lila Beth King each individually own interests in portions of the property owned by Courtney and Elaine King. Counsel for Courtney and Elaine King also represent Emily King Beaver, Joellen King Qualls and Lila Beth King.

It is our understanding that PEDRO JAVIER TREVINO purchased the property described below from C.W.C., Inc within the past year, and his name did not appear on the notice list provided by WETT:

All of the SW/4, SW/4 NW/4 and SW/4 SE/4 of Section 31, Block W. T&P  
Co Survey, Sterling County, Texas.

Proposed segment CF6 appears to go immediately adjacent to a residence on the Trevino property.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**Staff 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:**

Yes, modifications were discussed between counsel for the landowner and counsel for WETT following the Prehearing on this matter on December 22, 2010. Several modifications were suggested, including the following:

Option One. One option discussed was for the line to follow Link Segment BU6 and continue south through property owned by the Horwood family approximately along the juncture of Sections 216, Abstract 915 and Section 217, Abstract 163; continue south through Horwood Section 255, Abstract 168 or Section 254, then turn east along the north boundary of Section 265, Abstract 173 owned by Horwood, continuing east along the north boundary of Section 266, Abstract 954 owned by Courtney King, et al. A bend to the southeast and then another bend to the northeast may be necessary in the northeast corner of Section 266 in order to create a clear pathway between wind turbines. The line would continue to the east along the north boundary of Section 267, Abstract 174 owned by Copeland, continuing east along the north boundary of Section 268, Abstract 955 owned by Courtney King, et al. A bend to the northeast across to the south boundary of Section 251, Abstract 166 may be necessary in order to provide an angle as necessary to go between wind turbines. The line would then continue east either along the south line of Section 250, Abstract 907 or the north line of Section 269, Abstract 175. There is a windmill along the north line of Section 269 which would have to be avoided. The line would then join proposed segment CN6 and proceed generally east as per proposed segment CN6 to the Divide Switching Station.

An alternative to this Option One which was discussed was for the to turn south at approximately the intersection of the northwest corner of Section 270, Abstract 906 to an existing electrical substation along the west line of Section 270 and then proceed east following an existing electrical transmission line to the Divide Switching Station. WETT had concerns about this variation because it passes through a significant area identified as mixed deciduous shrub.

Option Two. The line would follow Link Segment BU6 and continue south through property owned by the Horwood family approximately along the juncture of Sections 216, Abstract 915 and Section 217, Abstract 163; continue south through Horwood Section 255, Abstract 168 or Section 254. This portion of the line is the same as Option One above. The line would continue south along the west line of Section 265, Abstract 173 or the east line of Section 264. It would then turn east along the north boundary of Section 292, Abstract 887 owned by Horwood or the South line of Section 265, Abstract 173. The line would continue east to the Divide Switching Station. WETT had concerns about this variation because it passes through a significant area identified as mixed deciduous shrub.

A variation of this Option Two which was discussed was for the line to turn north at the southeast corner of Section 270, Abstract 906 and continue north until it reaches proposed segment CN6.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**Staff 1-8:**

What are our specific concerns about the proposed transmission line?

**RESPONSE:**

The north-south portion of proposed Link Segment CF6 proposed line follows no features that we have been able to identify. For no reason that we can identify, it bisects the landowner's ranch.

Proposed Link Segments CD6 and CP6 cut across the middle of landowner's ranch, following no discernable features.

Landowner raises cattle and at times raises sheep and goats. Utilization of lattice towers will provide nesting areas for raptors which prey upon sheep and goats.

The primary residence of Courtney and Elaine King was built on the top of a hill in Section 30, Abstract 1003 in order to take advantage of the uncluttered view for several miles. If the line is placed on segment CF6, the residence would look down on the line.

A significant portion of Landowner's income from the property is related to the use of the same for hunting purposes. Hunters typically travel from cities such as the Dallas metroplex, Austin and San Antonio partially to enjoy the peaceful and scenic, atmosphere of rural central west Texas. Having a lattice work transmission line crossing through or adjacent to the property will destroy that scenic, rural atmosphere and will quite possibly keep many existing and potential hunters from leasing the property.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**Staff 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:**

Courtney King did attend the open house presented by WETT in Sterling City, Texas on November 23, 2010 concerning the proposed line. Written comments were provided to WETT at the open house but he did not retain a copy of those comments.

Prepared by: Allen L. Price

Title: Attorney for Intervenors

Compiled by: Allen L. Price

**Staff 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 Oncor map or drawing to indicate the discrepancies.

**RESPONSE:**

Respondents object to this question for the reason that it does not appear that the maps provided in WETT's Application are Attachment No 3. Attachment No 3 is correspondence from WETT to LCRA. Subject to that objection, yes, those boundaries are correct as best as can be determined from the various maps provided in the Application except for the following:

It is difficult to tell from the maps provided but it appears that landowner's property boundaries are accurate except as follows: CWC, Inc. and/or Pedro Trevino owns a portion of Section 31, Block W, T&P RR Co Survey and the maps do not reflect the portion owned by them.

Prepared by: Allen L. Price  
Compiled by: Allen L. Price

Title: Attorney for Intervenors

**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:**

Landowner raises cattle and at times raises sheep and goats. Utilization of lattice towers will provide nesting areas for raptors which prey upon sheep and goats.

A significant portion of Landowner's income from the property is related to the use of the same for hunting purposes. Hunters typically travel from cities such as the Dallas metroplex, Austin and San Antonio partially to enjoy the peaceful and scenic, atmosphere of rural central west Texas. Having a lattice work transmission line crossing through or adjacent to the property will destroy that scenic, rural atmosphere and will quite possibly keep many existing and potential hunters from leasing the property.

Prepared by: Allen L. Price  
Compiled by: Allen L. Price

Title: Attorney for Intervenors

**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:**

The answers to Staff's Request for Information 1-8 and 1-11 are incorporated herein.

The landowners submit that the presence of the primary residence of Courtney and Elaine King looking over a large portion of the land should be considered.

There are features such as boundaries between landowners and existing transmission lines which already divide the property and those existing features provide adequate routes for the proposed transmission line as opposed to putting the line through the landowner's property where no such existing divisions exist.

Prepared by: Allen L. Price  
Compiled by: Allen L. Price

Title: Attorney for Intervenors



**Staff 1-13:**

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

**RESPONSE:**

Courtney King and wife Elaine King  
Emily King Children's Trust, Allen Price, Trustee  
Joellen King Children's Trust, Allen Price, Trustee  
Lila King Children's Trust, Allen Price, Trustee  
Emily King Beaver  
Joellen King Qualls  
Lila Beth King

Prepared by: Allen L. Price  
Compiled by: Allen L. Price

Title: Attorney for Intervenors

**Staff 1-14:**

If the transmission line is routed on your property, please identify specifically the location that you would prefer the right-of-way of the line. Use a map to show the location.

**RESPONSE:**

Option One set forth in the Response to Staff Request 1-7 above. That route is as follows:

Follow Link Segment BU6 and continue south through property owned by the Horwood family approximately along the juncture of Sections 216, Abstract 915 and Section 217, Abstract 163; continue south through Horwood Section 255, Abstract 168 or Section 254, then turn east along the north boundary of Section 265, Abstract 173 owned by Horwood, continuing east along the north boundary of Section 266, Abstract 954 owned by Courtney King, et al. A bend to the southeast and then another bend to the northeast may be necessary in the northeast corner of Section 266 in order to create a clear pathway between wind turbines. The line would continue to the east along the north boundary of Section 267, Abstract 174 owned by Copeland, continuing east along the north boundary of Section 268, Abstract 955 owned by Courtney King, et al. A bend to the northeast across to the south boundary of Section 251, Abstract 166 may be necessary in order to provide an angle as necessary to go between wind turbines. The line would then continue east either along the south line of Section 250, Abstract 907 or the north line of Section 269, Abstract 175. There is a windmill along the north line of Section 269 which would have to be avoided. The line would then join proposed segment CN6 and proceed generally east to the Divide Switching Station.

See Exhibits 1-14A and 1-14B attached hereto and incorporated herein.

Prepared by: Allen L. Price  
Compiled by: Allen L. Price

Title: Attorney for Intervenors

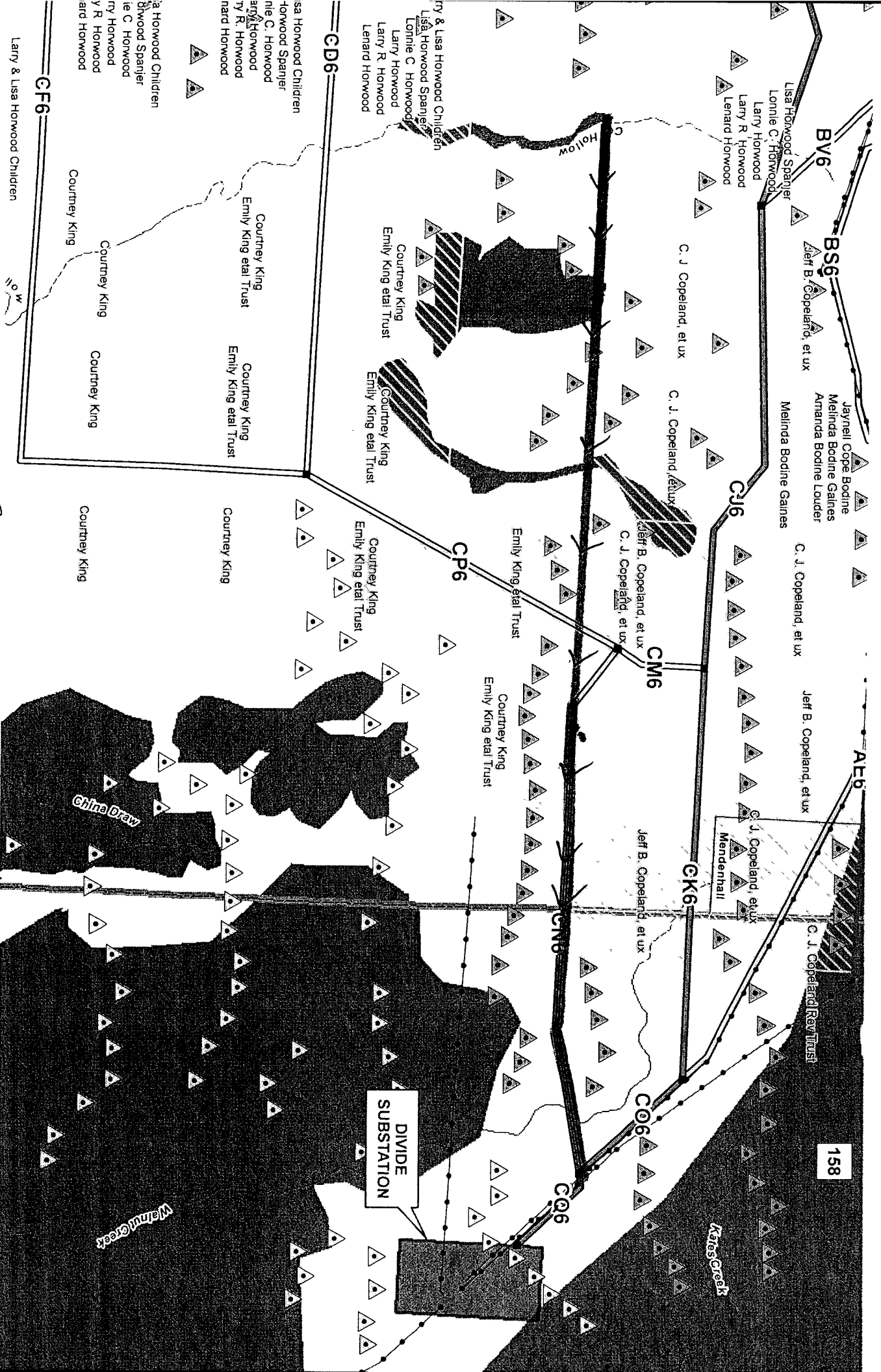
**COMMISSION STAFF'S SECOND SET OF  
REQUESTS FOR ADMISSIONS TO INTERVENORS**

**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.

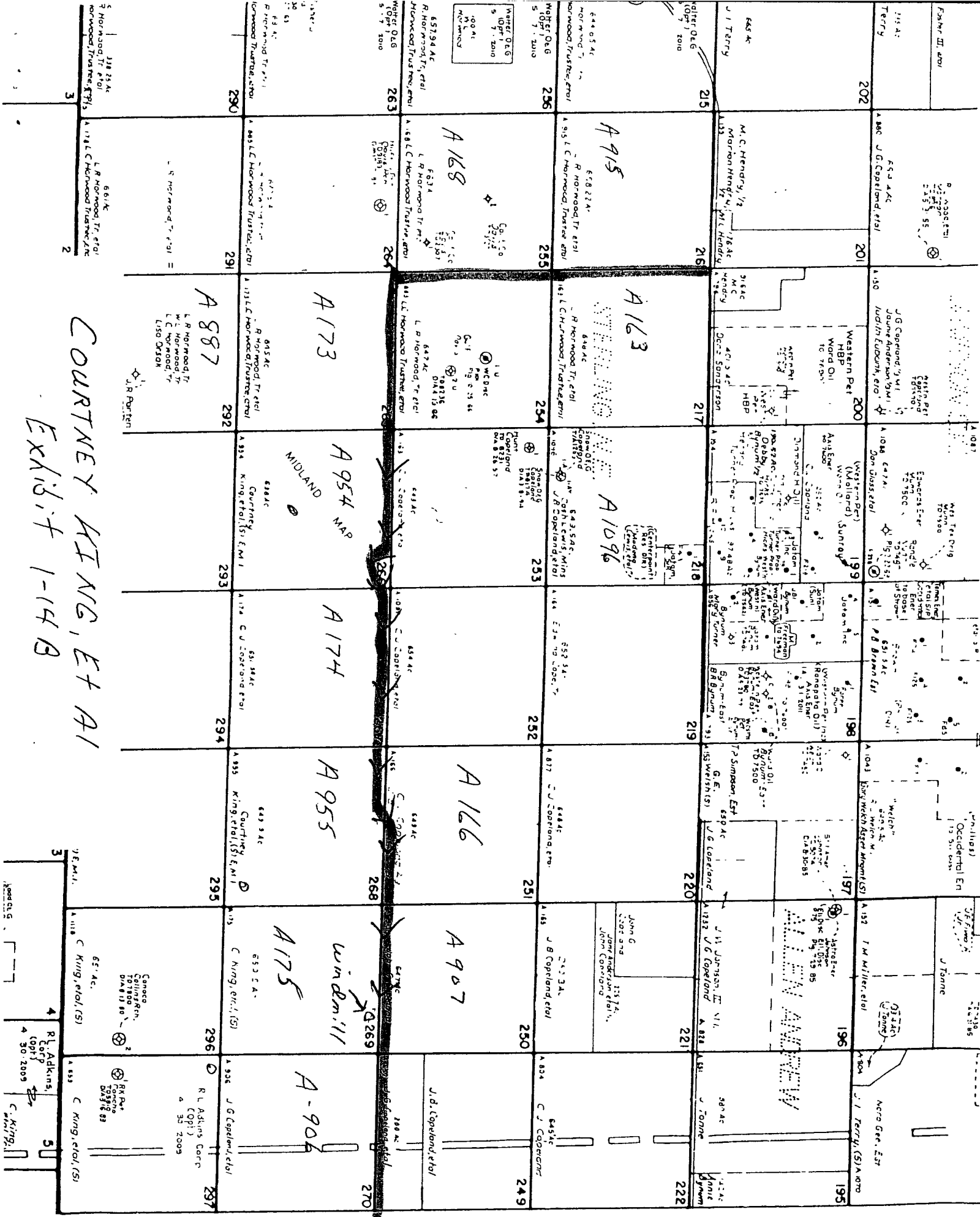
RESPONSE: Admit

**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 WETT in its Application at Attachment No. 3, Sheets 1-28).

RESPONSE: Denied. See Response to Staff RFI 1-10.



COURTNEY KING, ET AL  
 Exhibit 1-14A



COURTNEY KING, ET AL  
 Exhibit 1-14 B