



Control Number: 38825



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

APPLICATION OF WIND ENERGY
TRANSMISSION TEXAS, LLC TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE 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, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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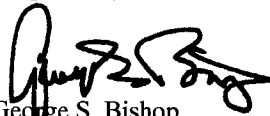
DIRECT TESTIMONY OF

JAMES A. CLAY, III ON BEHALF OF

H. R. CLAY RANCH MANAGEMENT, LLC

JANUARY 19, 2011

Respectfully submitted,



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MANAGEMENT, LLC

288

1 **I. INTRODUCTION**

2

3 **Q1. PLEASE STATE YOUR NAME AND MAILING ADDRESS.**

4 A1. My name is James A. Clay, III and my mailing address is 2007 Dublin Road, Plano, Texas 75094.

5

6 **Q2. PLEASE DESCRIBE YOUR RELATIONSHIP TO H. R. CLAY RANCH MANAGEMENT, LLC.**

7 A2. I am the President of H. R. Clay Ranch Management, LLC, which is owned entirely by members of the Clay
8 family or their Trusts. The Clay family has owned the Clay Ranch in Howard and Glasscock Counties for
9 approximately 95 years. I am authorized to represent the Clay Ranch.

10

11 **Q3. IN YOUR TESTIMONY, WHEN YOU REFER TO THE "CLAY RANCH" ARE YOU REFERRING**
12 **TO THE LANDS OWNED BY H. R. CLAY RANCH MANAGEMENT, LLC?**

13

14 A3. Yes.

15

16 **Q4. DESCRIBE THE CURRENT USES OF THE CLAY RANCH.**

17

18 A4. The primary use of Clay Ranch is cattle raising and agriculture. The Clay Ranch has currently, and has had
19 since the 1920's, extensive oil production, facilities, and operations on the land. At this time, Glasscock Oil
20 & Gas Properties, LLC has completed a well located 467 feet from the South line and 467 feet from the East
21 line of Section 166, Block 29, W&NW Ry. Co. Survey, Howard and Glasscock Counties, Texas (EC5 and DV5
22 cross through this well and other facilities and proposed wells). Also, H. R. Clay Ranch Management, LLC has
23 entered into a wind energy lease with Duke Energy. We have in place a wildlife management program and
24 hunting lease to third parties. Recently, the Clay Ranch was awarded Outstanding Conservation Ranch by the
25 Howard County Soil and Water Conservation District for commitment to care for the land and management of
26 wildlife.

1 **Q5. DOES THE CLAY RANCH HAVE ANY HABITABLE STRUCTURES ON THE LAND NEAR ONE**
2 **OR MORE OF THE PROPOSED SEGMENTS OF THE PROPOSED TRANSMISSION LINES?**

3
4 A5. Yes. A mobile home is located in Section 154 approximately 2,000 feet from DV5 and 8,500 feet from DT5.
5 A second structure, being a field office, is located in the Southeast part of Section 126, approximately 8,500
6 feet from DT5 and 9,000 feet from DQ5.

7
8 **Q6. IS H. R. CLAY RANCH MANAGEMENT, LLC AN INTERVENOR IN THIS DOCKET?**

9
10 A6. Yes. H. R. Clay Ranch Management, LLC has been granted intervenor status

11
12 **II. PURPOSE OF TESTIMONY**

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14 **Q7. DOES ONE OR MORE OF THE SEGMENTS OF THE PROPOSED TRANSMISSION LINE CROSS**
15 **YOUR PROPERTY? IF SO, IDENTIFY THE SEGMENTS AND ANY FEATURES INCLUDING, BUT**
16 **NOT LIMITED TO, A PROPERTY LINE, PIPELINE, POWER LINE OR ROAD THAT THE**
17 **SEGMENTS FOLLOW THROUGH YOUR PROPERTY.**

18
19 A7. Yes. DT5, EA5, EC5, and DV5.

20
21 DT5 crosses our property line at least 3 times. It passes over or near numerous surface oil lines, buried oil/gas
22 pipelines, very near a transmission tower, and over at least one water well and water surface lines.

23 EA5 crosses the property line twice. It crosses over or near oil and gas pipelines, and a completed well and
24 proposed oil well drilling sites.

25 EC5 crosses the property line twice. It crosses over or near oil and gas pipelines, and a completed well and
26 proposed oil well drilling sites.

27 DV5 crosses the property line four times, and is over current or proposed oil well drilling sites. It is located

1 near an inhabited structure in Section 154. It crosses a water well and oil/gas and water surface lines.

2
3 As this property has been actively producing oil and gas since 1920, there have been hundreds of wells drilled,
4 and surface flow lines run randomly across the land.

5
6 **Q8. IS CLAY RANCH IDENTIFIED ON WETT'S APPLICATION IN THIS DOCKET?**

7
8 A8. Yes, Clay Ranch is shown in the maps included in the Alternative Routing Study and Environmental Assessment
9 for the proposed Long Draw to Sand Bluff, generally at the DT5 and DV5 intersection.

10
11 **Q9. AS THE REPRESENTATIVE OF H. R. CLAY RANCH MANAGEMENT, LLC, DO YOU HAVE A**
12 **POSITION WITH RESPECT TO THE ROUTES SHOWN IN WETT'S CCN APPLICATION?**

13
14 A9. Yes, we oppose WETT's decision to include Alternative Routes 7-5, 8-5, 9-5, 12-5, 14-5, 17-5, 18-5, and 20-5
15 as far as those routes include, specifically, the segments identified in A.7., above.

16
17 **Q10. WHAT IS THE BASIS OF YOUR POSITION?**

18
19 A.10. A transmission line constructed across the Clay Ranch will adversely affect the current uses of the land and
20 minerals. Further, WETT's Preferred Route 10-5 and Alternative Route 15-5 as preferred by the Texas Parks
21 and Wildlife Department in their letter to the PUC dated January 5, 2011, better comply with the PUC's routing
22 criteria.

23
24 **Q. 11. HOW WOULD A TRANSMISSION LINE CONSTRUCTED ON DT5, EC5, EA5 AND/OR DV5**
25 **ADVERSELY AFFECT THE CURRENT USES OF THE CLAY RANCH?**

1 A.11. These transmission lines would interfere with our cattle, agriculture, and hunting operations. These
2 transmission lines would open a corridor for third parties entering the property for maintenance and would result
3 in the removal of part of the land from our uses. The increased number of third parties and vehicles is
4 undesirable for security, safety and animal health reasons. The transmission line will also interfere with future
5 oil operations and facilities and could eliminate much of the land from development of wind energy. The
6 transmission lines will also detract from the natural beauty of our land.

7
8 **Q.12. DO WETT'S PREFERRED ROUTE 10-5 AND THE TEXAS PARKS AND WILDLIFE DEPARTMENT**
9 **RECOMMENDED ALTERNATIVE ROUTE 15-5 HAVE FEWER ADVERSE IMPACTS THAN**
10 **OTHER ALTERNATIVE ROUTES THROUGH CLAY RANCH?**

11
12 A.12. The Preferred Route 10-5 selected by WETT is the shortest route, 66% of which parallels and abuts other
13 existing linear infrastructure and 8.3% of which is parallel and abuts existing electric transmission line
14 easements. Section 8.10 *Identification of Preferred Route* in WETT's Alternative Routing and Environmental
15 Assessment for Long Draw to Sand Bluff states numerous other reasons for selecting Preferred Route 10-5.
16 The Texas Parks and Wildlife Department recommended Alternative Route 15-5 as the preferred route for the
17 numerous reasons stated in their letter to the PUC dated January 5, 2011. Either Preferred Route 10-5 or
18 Alternative Route 15-5 would be more in compliance with the PUC's routing criteria.

19
20 **III. CONCLUSION AND SUMMARY**

21
22 **Q.13. CAN YOU SUMMARIZE YOUR TESTIMONY AND POSITION AS AN INTERVENOR?**

23 A.13. Yes, we oppose the Alternative Routes 7-5, 8-5, 9-5, 12-5, 14-5, 17-5, 18-5 and 20-5 and any route which
24 includes DT5, EC5, EA5 and DV5. Based upon the information contained in WETT's Application and the
25 recommended route of the Texas Parks and Wildlife Department, Preferred Route 10-5 and/or Alternative
26 Route 15-5 should be approved by the PUC.

1 **Q.14. DOES THIS CONCLUDE YOUR TESTIMONY?**

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3 A.14. Yes.

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