

Control Number: 38825



Item Number: 300

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 §  
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

RECEIVED  
JAN 24 AM 11:50  
UTILITY COMMISSION  
FILING CLERK

**DIRECT TESTIMONY OF DANNY STEWART**

**January 21, 2011**

*Direct Testimony – Danny Stewart*

*Page 1 of 8*

300

**TABLE OF CONTENTS**

<b><u>SUBJECT</u></b>	<b><u>PAGE</u></b>
I. INTRODUCTION AND QUALIFICATIONS.....	3
II. PURPOSE OF TESTIMONY.....	4
III. DESCRIPTION OF THE PROPERTY.....	6
IV. LAND USE.....	7
V. CONCLUSION.....	8

**ATTACHMENTS**

**Attachment 1 To the Direct Testimony – Plat of Property**

1 I. INTRODUCTION AND QUALIFICATIONS

2 Q. PLEASE STATE YOUR NAME AND ADDRESS.

3 A. My name is Danny Stewart. I reside in Sterling City, Texas. My mailing address is PO  
4 ~~Box 26, Sterling City, Texas 76951. My wife's name is LeRuth Reed Stewart and my~~  
5 son's name is Reed Stewart.

6  
7 Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?

8 A. I am testifying on behalf of myself and my son. As explained further below, my son,  
9 daughter-in-law and grandchildren live on my property. Therefore, to that extent I am  
10 testifying on their behalf also. Each of us could be directly and adversely affected  
11 landowners depending on where the PUC orders the transmission line to be routed in  
12 PUC Docket No. 38825, which is the Application of Wind Energy Transmission Texas,  
13 LLC To Amend Its Certificate Of Convenience And Necessity For the Long Draw to  
14 Sand Bluff, Sand Bluff to Divide, and Sand Bluff to Bearkat 345kV CREZ Transmission  
15 Lines In Borden, Coke, Glasscock, Howard, Mitchell and Sterling Counties, Texas (the  
16 "WETT Transmission Line" or the "transmission line").

17  
18 Q. PLEASE DESCRIBE YOUR INTEREST IN THIS PROCEEDING.

19 A. I own property which is potentially affected by the transmission line.

1  
2 Q. WILL THE PROPERTY BE DIRECTLY AFFECTED BY THE TRANSMISSION  
3 LINE OF THE TRANSMISSION LINE?

4 A. Depending on where the Public Utility Commission orders the line to be routed, the  
5 property could be affected.

---

6  
7 Q. DESCRIBE BRIEFLY YOUR EDUCATIONAL BACKGROUND AND  
8 PROFESSIONAL EXPERIENCE.

9 A. I have a Bachelor of Science degree in Agriculture Education from Texas A&M  
10 University. I am a rancher. That is my sole occupation.

11  
12 Q. HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF TEXAS  
13 PROCEEDING?

14 A. No.

15  
16 Q. ARE YOU INTERVENORS IN THIS PROCEEDING?

17 A. Yes, I am an Intervenor in this proceeding.

18

19 II. PURPOSE OF TESTIMONY

20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

21 A. The purpose of my testimony is to describe our property and to explain the negative  
22 effects which would result if any proposed alternative route containing any of the  
23 following line segments were chosen: Segment R6 and Segment E6.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

Q. DO YOU SPONSOR ANY EXHIBITS TO YOUR TESTIMONY? IF SO, PLEASE DESCRIBE THOSE EXHIBITS.

A. Attachment No. 1 is a plat of my property.

Q. ARE ANY OTHER WITNESSES FILING DIRECT TESTIMONY IN THIS CASE ON YOUR BEHALF?

A. Yes. C. Jerry Wong of DHW Engineering of West Palm Beach, Florida will be filing direct testimony in this case on my behalf with respect to the use of monopoles on or near my property.

Q. ARE YOU IN FAVOR OF THE PREFERED ROUTE FOR THE WETT TRANSMISSION LINE?

A. I am not opposed at this time to the preferred route so far as the same affect my family's property.

Q. ARE YOU IN FAVOR OF ANY ROUTES OTHER THAN THE PREFERRED ROUTE?

A. Yes. I may lend our support to the following proposed route:  
Proposed Segments B6, F6 and D6 would be utilized. At approximately the point P6 was to commence, the line would turn south across Highway 87 to that the line is then on the south side of Highway 87. The line continue southeast to approximately the point at

1 which proposed Segment AH6 turns south. At that point, the line would turn  
2 approximately northeast until it crosses over Parramore Lane. At that point it would  
3 parallel Parramore Lane until it intersects the existing TXU overhead electrical  
4 transmission line. At that point it would turn approximately southeast to parallel that  
5 TXU transmission line.

6  
7 Q. DO YOU OPPOSE ANY ROUTES?

8 A. Yes, oppose any routes which contain line segments R6, E6, CT6, O6, H6, L6, M6, N6,  
9 T6, W6, AH6, Z6, AG6, I6, P6, Q6, Y6, X6, CV6, S6, V6, AI6, AJ6, U6, J6, AM6,  
10 AA6, AC7, AF7, AI7, K7, I7, BU5, BI5, BV5, FF5, EW5, or ER5.

11  
12  
13 III. DESCRIPTION OF THE PROPERTY

14  
15 Q. PLEASE DESCRIBE YOUR PROPERTY.

16 A. My property which is potentially affected by the WETT Transmission Line consists of  
17 approximately 11 acres located in Sterling County, Texas. It is located north of US  
18 Highway 87 and is approximately fourteen miles northwest of Sterling City, Texas.

19  
20 Q. WHAT SEGMENTS ADVERSELY AFFECT YOUR PROPERTY?

21 Proposed Segments R6 and E6 adversely affect my property. My property is  
22 approximately 1100 feet north of proposed Segment R6 and approximately 1400 feet  
23 south of proposed Segment E6.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

IV. LAND USE

Q. PLEASE DESCRIBE THE CURRENT USES OF YOUR PROPERTY.

A. ~~Our land is currently used for residential purposes and the raising and working of~~  
livestock. My son's primary residence is located on the property. I have made a long term lease of the property to my son, Reed Stewart. The home is a new rock house, completed December 13, 2009. There is also a building beside the home, constructed of the same material, which is for storage and additional housing.

Q. PLEASE DESCRIBE HOW THE PROPOSED LINE WOULD AFFECT YOUR PROPERTY.

A transmission line of this magnitude negatively affects a residence and ranch headquarters in many ways. Most people do not want to live close to a transmission line because of EMF fears. Future long term studies might ultimately prove the reality of their fears. Secondly, the proximity of a line to a residence devalues the property. This home was recently built in this particular location because of the beautiful view. A transmission line such as this – especially a lattice type line – would totally ruin the view. We know of no person who wants to make their home near a 345 kV power line. My son lives in the country because he and his family enjoy the peace, the quiet and the view. People who live in rural areas do not want industrialized structures in their backyards.



1 Q. DO YOU HAVE A PREFERENCE AS TO WHAT KIND OF UTILITY POLES ARE  
2 USED ON THIS PROJECT, THAT BEING SINGLE POLES OR LATTICE  
3 STRUCTRES?

4 A. Yes. Single poles (monopoles) would be more aesthetically pleasing. Power lines of this  
5 ~~magnitude are ugly and very visible for miles. Single poles would be better for not only~~  
6 the view, but also the narrower right of way will reduce the acreage to be clear cut.

7  
8 Q. IF ANY LINK CROSSES OR IS OTHERWISE LOCATED ON OR NEAR YOUR  
9 PROPERTY, ARE YOU SPECIFICALLY REQUESTING THAT MONOPOLES BE  
10 USED INSTEAD OF LATTICE TOWERS?

11 A. Yes.

12  
13 V. CONCLUSIONS

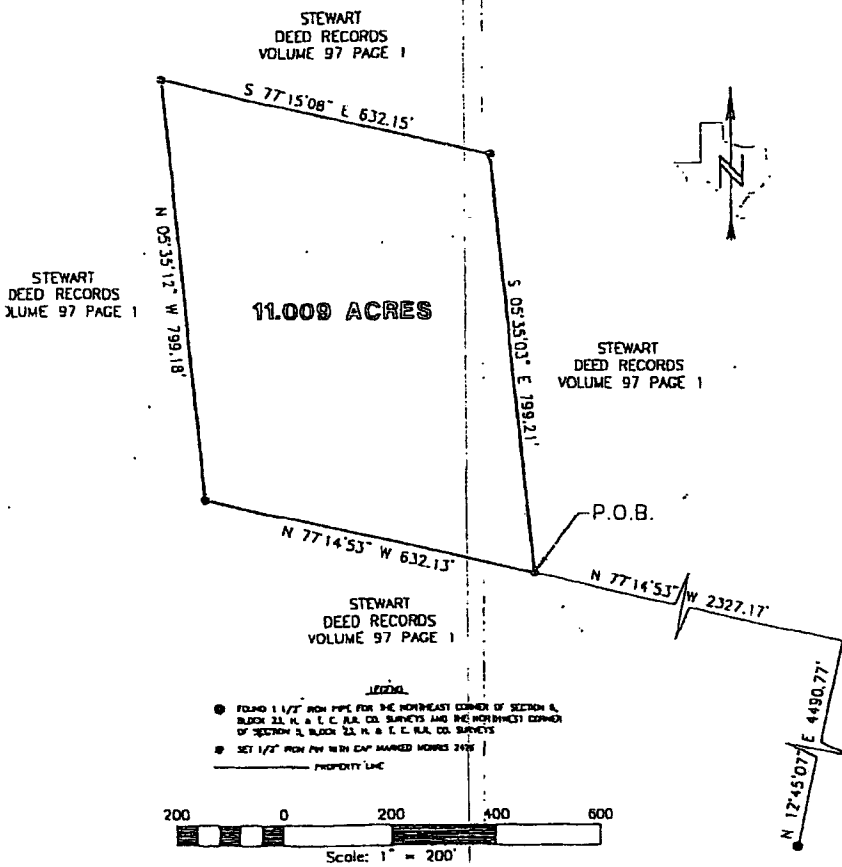
14 Q. WILL YOU PLEASE SUMMARIZE YOUR TESTIMONY?

15 A. My property is the primary residence of my son, daughter-in-law and grandchildren. The  
16 home was recently built there because of the view and central location. I am primarily  
17 concerned about the health and safety of my family and also concerned about the  
18 devaluing of the property if the transmission line runs too closely to it. The devaluation  
19 will be much greater if lattice towers are utilized as opposed to monopoles.

20  
21 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

22 A. Yes. However, we reserve the right to supplement my testimony should additional issues  
23 need to be addressed in this proceeding.

Attachment 1 Direct Testimony of Danny Stewart



NOTES:

1. RESTRICTIONS ON USE AND DISSEMINATION;  
FOR VALUE RECEIVED, STANLEY MORRIS ENGINEERING HAS PREPARED THIS SURVEY PLAT FOR THE EXCLUSIVE USE OF REED STEWART ACCORDING TO THE TERMS AND COVENANTS OF A MUTUAL AGREEMENT. USE OR RELIANCE ON THIS SURVEY PLAT BY ANY PARTY OTHER THAN REED STEWART AND HIS LEGAL REPRESENTATIVES IS FORBIDDEN WITHOUT PERMISSION IN WRITING FROM STANLEY MORRIS, WHOSE SEAL AND NAME ARE SHOWN ON THE PLAT.
2. EASEMENTS;  
THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND OTHER EASEMENTS OR RESTRICTIONS MAY APPLY.
3. BEARING REFERENCE;  
BEARINGS ARE BASED ON THE NORTH LINE OF THIS SURVEY AT S 77°15'08" E.
4. SURVEY VALIDITY;  
THIS SURVEY SHOULD NOT BE CONSIDERED VALID UNLESS IT CONTAINS THE SURVEYOR'S SEAL AND ORIGINAL SIGNATURE.

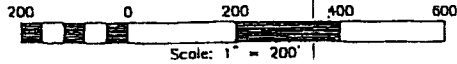
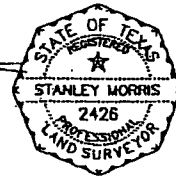
SURVEY OF

11.009 ACRES OF LAND OUT OF SECTION 3, BLOCK 30, W. & N. W. R.R. CO. SURVEYS, STERLING COUNTY, TEXAS, BEING A PART OF THE TRACT OF LAND DESCRIBED IN A DEED TO STEWART RECORDED IN STERLING COUNTY DEED RECORDS VOLUME 97 PAGE 1. THE 11.009 ACRES BEING DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: AT A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 THAT IS N 12°45'07" E - 4490.77' N 77°14'53" W - 2327.17' FROM A FOUND 1 1/2" IRON PIPE FOR THE NORTHEAST CORNER OF SECTION 6, BLOCK 23, H. & T. C. R.R. CO. SURVEYS, STERLING COUNTY, TEXAS AND THE NORTHWEST CORNER OF SECTION 5, BLOCK 23, H. & T. C. R.R. CO. SURVEYS, STERLING CO. TEXAS  
 THENCE: N 77°14'53" W - 632.13' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426  
 THENCE: N 05°35'12" W - 799.18' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426  
 THENCE: S 77°15'08" E - 632.15' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426  
 THENCE: S 05°35'03" E - 799.21' TO THE POINT OF BEGINNING AND CONTAINING 11.009 ACRES OF LAND MORE OR LESS.

I HEREBY CERTIFY THAT I HAVE MADE THE ABOVE SURVEY ON THE GROUND FEBRUARY 13, 2007 AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STANLEY MORRIS  
 R.P.L.S. #26  
 FEBRUARY 21, 2007



- FOUND 1 1/2" IRON PIPE FOR THE NORTHEAST CORNER OF SECTION 6, BLOCK 23, H. & T. C. R.R. CO. SURVEYS AND THE NORTHWEST CORNER OF SECTION 5, BLOCK 23, H. & T. C. R.R. CO. SURVEYS
- SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426

BY: LLH FEBRUARY 21, 2007 SD BY: SAM IO: 07039 W/E: 07039	STANLEY MORRIS ENGINEERING <b>SME</b> SURVEYING - CIVIL ENGINEERING 907 EAST BROADWAY SWEETWATER, TEXAS 79556 Email: stanley@morriseqr.com 325-235-0818 325-235-9896 FAX Visit our website at www.morriseqr.com	PROJECT <p style="text-align: center; font-size: 24pt; font-weight: bold;">REED STEWART</p>	SHT. NAME <p style="text-align: center; font-weight: bold;">11.009 ACRES OUT OF SECTION 3, BLOCK 30, W. &amp; N. W. R.R. CO. SURVEYS STERLING COUNTY, TEXAS</p>
---	--	--	--