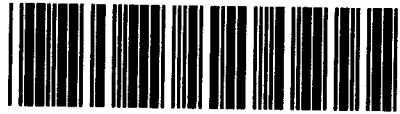




Control Number: 38825



Item Number: 328

Addendum StartPage: 0

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 PROPOSED §
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 & STERLING COUNTIES §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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STATE OF TEXAS

DIRECT TESTIMONY OF JAYNELL COPE BODINE

JANUARY 24, 2011

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1 I. INTRODUCTION AND QUALIFICATIONS

2 Q. PLEASE STATE YOUR NAME AND ADDRESS.

3 A. My name is Jaynell Bodine. My address is P.O. Box 909 Sterling City, TX 76951.

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

5 A. I am testifying on behalf of myself and my family..

6 Q. PLEASE DESCRIBE YOUR INTEREST IN THIS PROCEEDING.

7 A. My particular interest in this proceeding involves Survey 219, Block 2, H. & T.C. Ry. Co.,
8 Sterling County, Texas. I own an undivided sixty percent of this land, except for 5.25 acres
9 surrounding one of the houses on the land which was conveyed to my daughter Melinda
10 Bodine Gaines in December of 2009 to be used as the homestead of her and her husband Josh
11 Gaines. The other undivided forty percent of this land is owned in equal parts by my
12 daughters Melinda Bodine Gaines and Amanda Bodine Louder. It appears that proposed
13 segment CJ6 crosses this land from west to east, segment BS6 crosses the northwest corner
14 of the land and segment AD6, AE6 cross from west to east just north of State Hwy. 158
15 within 600 feet of said land. I also own a 78 acre tract of land in Survey 223, H.& T.C. Ry.
16 Co., Coke County, Texas, which is crossed by Link AE6.

17 Q. DESCRIBE IN FURTHER DETAIL YOUR CONNECTION WITH SURVEY 219, AND
18 YOUR BACKGROUND AND EXPERIENCE.

19 A. My grandfather acquired Section 219 more than sixty years ago. Since that time ranching
20 operations have been conducted on it, first by them, and then by me and my family. This
21 acreage has been our ranch headquarters since my husband and I returned to the ranch in
22 1973. For several years we lived in the house which is further described in my testimony,

1 located near State Hwy. 158. Then we constructed our home in the SW/4 of Section 219,
2 and reserved that portion of the section from all commercial ventures other than ranching.
3 We lived in that home until we conveyed it and 5.25 acres around it to our daughter
4 Melinda, at which time we moved to Sterling City. We have focused on agriculture, and we
5 have been seriously invested in maintaining the natural resources and wildlife surrounding
6 our home, wanting our children and grandchildren to learn to appreciate the land and
7 experience the joys of rural life that I shared while living on the property with my
8 grandparents. In addition to the land involved in this proceeding my ranching operations
9 which I conduct and am directly involved in, includes various tracts of land in Sterling
10 County, and adjacent counties.

11 Q. WHAT IS THE PRIMARY USE MADE FOR SURVEY 219?

12 A. As I stated, the residence in the SW/4 of the survey was our home for many years, and is now
13 the home of my daughter and her husband and children. The residence on the north part of
14 the section near State Hwy 158 is now being rented to a family with school children. The land
15 itself is used only for ranching purposes, and our ranch operation includes cattle, sheep, exotic
16 wildlife, and hunting.

17 Q. HAVE YOU MADE A CONSCIOUS EFFORT TO EXCLUDE THE SW/4 OF SECTION
18 219 FROM COMMERCIAL USE?

19 A. Yes. Since we decided to construct our residence there, we have attempted to exclude this
20 land from any type of commercial use except ranching. We have excluded it from hunting
21 leases and from wind development, and when we made an oil and gas lease on the land in the
22 1980's we specifically provided that the SW/4 was not to be entered by the Lessee for any
23 reason.

24
25 II. PURPOSE OF TESTIMONY

26 Q. WHAT IS THE PRINCIPLE PURPOSE OF YOUR TESTIMONY?

27 A. The principle purpose of my testimony is to discuss Section 219, and the impact which a

1 transmission line would have on it.

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

4 A. Yes. My son-in-law Josh Gaines. There may be other intervenors.

5

6 III. DESCRIPTION OF THE IMPROVEMENTS ON SURVEY 219

7 Q. Are there habitable structures located on Survey 219? For the purpose of this question the
8 term “habitable structures” is defined as “structures normally inhabited by humans or
9 intended to be inhabited by humans on a daily or regular basis. Habitable structures
10 include, but are not limited to, single-family and multi-family dwellings and related
11 structures, mobile homes, apartment buildings, commercial structures, industrial
12 structures, business structures, churches, hospitals, nursing homes, and schools.”

13 A. Yes, there are three structures on this section which fit this definition, one of which is the
14 residence on the 5.25 acres conveyed to my daughter Melinda, one of which is a residence
15 in the north part of the section near proposed Segments BS6 and AD6, and the last of which
16 is a barn with a feed room converted into an office area, and which has a full bathroom and
17 rudimentary kitchen area. It is not near any of the proposed segments.

18 Q. Briefly describe the residence located in the north part of the section near proposed
19 Segments BS6 and AD6.

20 A. This house has an area of approximately 1320 square feet, has three-bedrooms, one and one-
21 half baths, central heating and cooling, and has undergone several renovations since it was

1 originally built in the 1940's. A detached garage and carport are approximately fifteen feet
2 due east of the house inside the yard fence; the front (north) yard fence runs along the south
3 boundary of State Hwy. 158. The current residents are a family with preschool children.

4 Q. State how this residence would be affected by Segments BS6 and AD6.

5 A. It appears that Segment BS6, AD6, and the typical right of way of 160 feet, would place the
6 easement boundary well inside the yard of the residence, somewhere between the garage
7 and the house.

8 Q. BRIEFLY DESCRIBE THE RESIDENCE LOCATED IN THE SW/4 OF SECTION 219.

9 A. This is a rock house which has approximately 3,000 square feet in area, was originally
10 constructed by me and my husband, and then renovated and improved by my daughter
11 Melinda and her husband Josh Gaines after the conveyance in 2009.

12
13 IV. RANCH OPERATION

14 Q. WHO ASSISTS YOU IN YOUR RANCH OPERATION?

15 I work hands-on, and my husband and our son-in-law Josh Gaines are the only ranch
16 employees. Since my husband's diagnosis with multiple sclerosis over twenty years ago,
17 his stamina and ability to perform physical tasks have seriously diminished, increasing our
18 son-in law's responsibilities and the demands upon his time.

19 Q. WHAT HAVE YOU AND JOSH GAINES DONE TO MAKE HIS TIME SPENT MORE
20 PRODUCTIVE?

21 Since our ranch operation involves several unconnected tracts of land located in Sterling

1 County and in the counties of Reagan, Glasscock, Coke and Mitchell, Josh took the training
2 to be licensed as a private pilot, and he now is able to fly his single engine airplane from place
3 to place for the purpose of checking water and other conditions of the various tracts of land.
4 This has been a very beneficial improvement in his work load.

5 Q. WHAT IMPROVEMENTS WERE MADE TO SECTION 219 IN CONNECTION WITH
6 THE USE OF AN AIRPLANE IN YOUR RANCHING OPERATION, AND WHERE ARE
7 SUCH IMPROVEMENTS LOCATED?

8 We constructed a very large and expensive barn, which was built not only for use as a barn,
9 but also as a hanger for an airplane. It is located about a half mile north from the residence
10 now owned by my daughter. A grass runway was constructed which runs north and south
11 from near the south line of Survey 219, a cross runway was constructed which runs east and
12 west, and a taxi way was constructed which leads from the runway to the barn-hanger.

13 Q. WHAT EXPENDITURES WERE INCURRED IN CONNECTION WITH THE
14 IMPROVEMENTS DESCRIBED IN YOUR PREVIOUS ANSWER.

15 A. The barn-hanger was very expensive, and then we had the expense of clearing the runways
16 and taxi way. Two segments of a Concho Valley Electric Co-op lines interfered with safe use
17 of the runway, so at our expense of about \$11,000.00 Concho Valley Electric Co-op buried
18 these two lines.

19 Q. DO ANY PROPOSED ROUTES CROSS THE RANCH RUNWAY?

20 A. Segment CJ6, which crosses from east to west along the south part of Survey 219, would
21 traverse the ranch airstrip and render it unsafe for use.

1 B. WHAT WAS THE DETERMINING FACTOR WHICH CAUSED YOU TO LOCATE
2 THE LANDING STRIP AS YOU DID?

3 A. We considered what was needed for a ranch runway, and determined that we have no other
4 property near the residence in the SW/4 of Survey 219 with the necessary long flat length
5 which is suitable for a ranch runway. We also determined that because of prevailing winds,
6 the runway which would be used the most often must run north-south.

7

8 IV. IMPACT OF PROPOSED TRANSMISSION LINE

9 Q. PLEASE SUMMARIZE YOUR OBJECTIONS TO SEGMENTS PROPOSED IN THIS
10 PROCEEDING.

11 A. The impact of Segment CJ6 on our ranch operation is that it would render non-functional the
12 use of the landing strip on Section 219, and would destroy the use of the barn for a hanger for
13 which it was partly built. Thus, all the money we spent in connection with this construction
14 would be wasted. In addition, it would be very difficult to continue the use of our airplane
15 for ranch purposes, and the benefit to our ranch operation which has resulted from its use
16 would be eliminated. The impact of Segment BS6 running through the front yard of the
17 residence located on State Hwy. 158 is obvious.. Finally, Segment CJ6 is very close to the
18 residence property located in SW/4 of Survey 219, and thus causes substantial damage to the
19 portion of our property which has been set aside by us, not only for its use as a residence, but
20 also for no commercial use other than ranching.

21 Q. ARE YOU AWARE THAT ALTERNATIVE METHODS OF CONSTRUCTION EXIST?

1 A. Yes. It is common knowledge that 345 kV transmission lines can be placed on lattice towers
2 of several different designs or, alternatively, on single poles made of either concrete or steel.
3 These single poles are often referred to as monopoles. I believe monopoles, whether made of
4 steel, concrete or both, are more aesthetically pleasing than lattice towers.

5 Q. IF ANY SEGMENT CROSSES YOUR LAND, ARE YOU SPECIFICALLY REQUESTING
6 THAT MONOPOLES BE USED INSTEAD OF LATTICE TOWERS?

7 A. Absolutely.

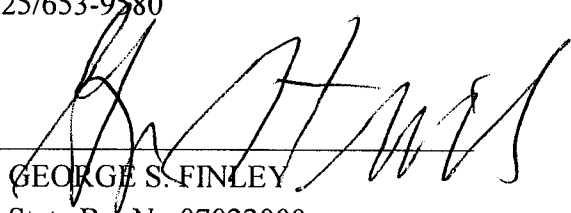
8 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

9 A. Yes.

Respectfully submitted,

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

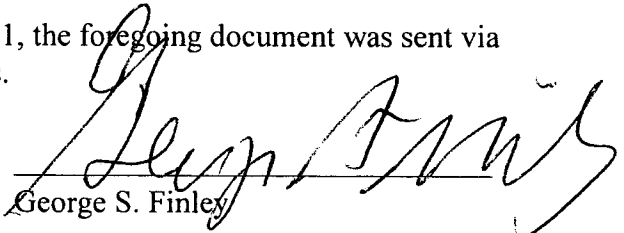
By: _____


GEORGE S. FINLEY
State Bar No.07022000

ATTORNEYS FOR JAYNELL COPE BODINE

Certificate of Service

I hereby certify that on this 24th day of January, 2011, the foregoing document was sent via
Federal Express to the Public Utility Commission of Texas.


George S. Finley