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APPLICATION OF WIND ENERGY §  
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 §  
TO BEARKAT 345-KV CREZ §  
TRANSMISSION LINES IN BORDEN, §  
COKE, GLASSCOCK, HOWARD, §  
MITCHELL, AND STERLING §  
COUNTIES §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**MULESHOE RANCH, LTD.'S RESPONSE TO  
WIND ENERGY TRANSMISSION TEXAS, LLC OBJECTIONS AND MOTIONS TO  
STRIKE PORTIONS OF CERTAIN INTERVENOR PREFILED DIRECT TESTIMONY**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Muleshoe Ranch, Ltd., and submits the following Response to Wind Energy Transmission Texas, LLC's ("WETT") Objections and Motions to Strike Certain Intervenor Prefiled Testimony. The Procedural Schedule in this docket specifies that Responses to Objections are due on February 11, 2011; this Response is timely filed.

**I. Responses to Objections to John Anderson's Direct Testimony**

WETT filed an objection to one portion of John Anderson's ("Anderson") Direct Testimony, filed on behalf of Muleshoe Ranch, Ltd. (hereinafter, "Muleshoe"), on the grounds that a portion of Anderson's testimony is based on speculation, and that Anderson is not qualified as an expert to provide this item of his testimony.

John Anderson grew up on the Muleshoe Ranch in Borden County, and currently serves as the General Partner of Muleshoe Ranch, Ltd. The Muleshoe Ranch has been in the Anderson

family since 1913, and the Andersons have depended on the commercial viability of the cattle operation on the Muleshoe Ranch for 4 generations. Therefore, John Anderson is a cattleman and a businessman. John Anderson knows first-hand that the health of the cattle owned by the Muleshoe Ranch must be monitored closely in order for the operation to remain commercially viable.

Muleshoe Ranch is very concerned about the impact the proposed transmission line will have on Muleshoe Ranch's commercial activities. Anderson's testimony simply indicates that he opposes construction of the proposed line because of his concerns about how all of the activities associated with construction of the proposed line will impact the Muleshoe cattle operation.

The portion of Anderson's testimony that WETT objects to is found on page 3-4. This portion of Anderson's testimony is offered to explain Muleshoe Ranch's concerns about the impacts that the proposed transmission line could have on the commercial cow/calf operation that has served as the lifeblood of this Borden County family operation for 4 generations. Monitoring animal health, recognizing high risk activities, and reducing or eliminating the introduction of new bacteria into the Muleshoe cow herd is at the heart of Anderson's job as the General Partner of Muleshoe Ranch, Ltd. Based on Anderson's experience as a cattleman, coupled with his knowledge of the impact of past visitors to the Muleshoe Ranch, Anderson is keenly aware that the possibility of new visitors to the ranch is very likely to introduce new bacteria onto the ranch and into the cattle herd – serving as a detriment to the cow/calf operation.

Therefore, because John Anderson does have personal knowledge of the herd health of the cattle on the Muleshoe Ranch, coupled with personal knowledge of and past experience with external sources of disease that interfere with herd health, Anderson's testimony is not


speculative and was not offered as an expert opinion. Rather, Anderson's testimony is based on personal knowledge and is offered as a permissible opinion of a lay witness, under Texas Rule of Evidence 701. Therefore WETT's objections to Anderson's testimony as "speculative" and as an "unqualified expert opinion" should be overruled.

## II. Prayer

WHEREFORE, PREMISES CONSIDERED, Muleshoe Ranch, requests that WETT's objections to John Anderson's Testimony be overruled and that Muleshoe Ranch be granted all other relief to which it may show itself entitled.

Respectfully submitted,

**ZS BRADY & CO.**



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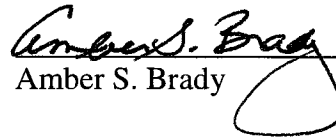
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ATTORNEYS FOR INTERVENOR

MULESHOE RANCH

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on all parties of record, via facsimile, U.S. mail, or electronically on this 7th day of February, 2011.

  
Amber S. Brady