



Control Number: 40684



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SOAH DOCKET NO. 473-13-0821  
PUC DOCKET NO. 40684

2012 DEC 17 AM 9:57

APPLICATION OF LCRA §  
TRANSMISSION SERVICES §  
CORPORATION, INC. TO AMEND §  
ITS CCN FOR THE PROPOSED EC §  
MORNHINWEG TO PARKWAY 138 – §  
KV TRANSMISSION LINE IN COMAL §  
AND GUADALUPE COUNTIES §

PUBLIC UTILITY COMMISSION  
FILING CLERK  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**RESPONSES TO REQUESTS FOR INFORMATION BY INTERVENORS, THE  
MILTON S. MARBACH FAMILY TRUST AND BURNICE MARBACH**

To: LCRA Transmission Services Corporation, Inc., by and through its Counsel of  
Record: BICKERSTAFF, HEATH, SMILEY POLLAN, KEVER & MCDANIEL,  
LLP, 3711 S. MoPac Expressway, Building One, Suite 300, Austin, Texas 78746;  
and Mr. Fernando Rodriguez, Associate General Counsel, Lower Colorado River  
Authority, P.O. Box 220, Austin, Texas 78767-0220

Now come THE MILTON S. MARBACH FAMILY TRUST and BURNICE  
MARBACH, Intervenors (the "Marbach Intervenors") and serve these Responses to  
Requests for Information on LCRA Transmission Services Corporation, Inc.

Respectfully submitted,

**SPIVEY VALENCIANO, PLLC**  
McAllister Plaza – Suite 130  
9601 McAllister Freeway  
San Antonio, Texas 78216  
Telephone: (210) 787-4654  
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By: 

James K. Spivey  
State Bar No. 00794680  
Soledad M. Valenciano  
State Bar No. 24056463

**ATTORNEYS FOR THE MARBACH  
INTERVENORS**

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been served on the following counsel of record in these proceedings on this 13th day of December, 2012, and as ordered in SOAH Order No. 2.

BICKERSTAFF, HEATH, SMILEY POLLAN,  
KEVER & MCDANIEL, LLP  
3711 S. MoPac Expressway, Building One, Suite 300  
Austin, Texas 78746

Fernando Rodriguez, Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220

A handwritten signature in black ink, appearing to read 'Soledad M. Valenciano', written over a horizontal line.

Soledad M. Valenciano

**MARBACH INTERVENORS' RESPONSES**  
**TO REQUEST FOR INFORMATION**

**REQUEST NO. 1-1:**

Please identify any parcel/parcels of land you own that you believe is/are directly affected by any LCRA TSC-proposed route segment in this case. "Directly affected" in this set of RFIs means land that is either crossed by an LCRA TSC-proposed route segment or is within 300 feet of the centerline of an LCRA TSC-proposed route segment.

**RESPONSE:**

The property commonly known as 22845 Old Nacogdoches Road, New Braunfels, Texas 78132-4851 (the "Marbach Property") is owned by the Marbach Intervenors and is directly affected by the proposed route. It is identified by the Comal Appraisal District as having the following legal description: 322.604 acres in the A-484 SUR- 99 F RODRIGUEZ; 4.764 acres in the A- 72 SUR-100 V BENNETT; and 1.0 acres in the A-484 SUR- 99 F RODRIGUEZ.

**REQUEST NO. 1-2:**

Has LCRA TSC correctly shown on its maps in this case the parcel or parcels of land (including property boundaries) you believe are directly affected by any proposed route segment? If not, please explain any discrepancies and provide a corrected map showing your correct parcel(s) of land and the correct property boundaries.

**RESPONSE:**

The Marbach Intervenors are unable to confirm at this time whether LCRA TSC has correctly shown on its maps in this case the parcel or parcels of land (including property boundaries) directly affected by the proposed route. Furthermore, due to the size/scale of the maps provided, the absence of metes/bounds descriptions and/or survey data, the Marbach Intervenors can only confirm that it appears that the maps in question fairly depict the Marbach Property and its boundaries.

**REQUEST NO. 1-3:**

Are you currently aware of any land transactions resulting in a change of ownership that is not currently reflected on LCRA TSC's maps? If so, please provide an explanation of that change in ownership, and please provide any documents that reflect your understanding of the change in ownership.

**RESPONSE:**

No.

**REQUEST NO. 1-4:**

If you are representing any party other than yourself, please identify the particular piece of land involved and please explain in what capacity you are representing the other party in question (e.g., the party is my mother and the land is her homestead, I am helping a friend, I am assisting a business associate with whom I share a business interest, etc.) and the relationship of the party or parties to you.

**RESPONSE:**

The Marbach Intervenors are represented by the counsel identified herein. Ms. Joyce Jones is Trustee of Intervenor, the Milton S. Marbach Family Trust, and she is the daughter of Intervenor, Burnice Marbach. See also: Response to Request No. 1-1.

**REQUEST NO. 1-5:**

Please identify all persons with an interest in property identified in your response to Questions 1-1 and 1-4.

**RESPONSE:**

Due to the broad nature of the Request, the Marbach Intervenors are unable to confirm "all persons with an interest" in the Marbach Property. However, Intervenor, Burnice Marbach is the primary beneficiary under the Milton S. Marbach Family Trust. Ms. Joyce Jones is the Trustee of the Milton S. Marbach Family Trust. Ms. Jones and Mrs. Marbach's mailing address is: 2871 FM 1103, Cibolo, Texas 78108-1801.

**REQUEST NO. 1-6:**

Please provide a short summary and explanation of your position on this docket, and please describe your specific concerns about the proposed transmission line.

**RESPONSE:**

Proposed Routes 1 and 5 should not be utilized for the proposed electric transmission line. These two Proposed Routes each contain Segment T, which is where the Marbach is located. The Marbach Property will be adversely affected in several meaningful ways if either of these Proposed Routes is selected.

Segment T bisects the Marbach Property in two locations and would lie within 500 feet of two habitable structures. To access either habitable structure, one necessarily would have to drive under the proposed transmission line. The transmission line will adversely affect both the market value and sales price of the Marbach Property, which is currently listed for sale, and it would impede agricultural and mining operations on the property. Further, use of the Marbach Property's railroad easement would be adversely impacted, including any potential development of a railroad spur for use in commercial mining operations or otherwise. Notwithstanding the foregoing, in the event Proposed Route 1 or 5 is ultimately selected, the Marbach Intervenor's position would then be to seek a route modification from LCRA to mitigate the negative impact of the electric transmission line.

Futhermore, the Marbach Intervenor's are concerned about the costs that would be born on ratepayers should Routes 1 or 5 be selected. As shown on the revised Attachment A to LCRA's CCN Application (see Errata filed on December 11, 2012), LCRA would incur significant additional and otherwise avoidable costs, which costs would likely be passed on to ratepayers, if it were to follow Proposed Routes 1 or 5. Proposed Routes 1 and 5 are significantly more expensive than the majority of the Proposed Routes, in terms of both land acquisition and combined material and construction costs. When compared to several other Proposed Routes, the cost difference (or savings if Routes 1 or 5 are avoided) is well over \$10,000,000.

**REQUEST NO. 1-7:**

Are you aware of any directly affected landowner who did not receive notice from LCRA TSC of the proposed transmission line involved in this docket? If so, please identify the landowner and describe the location of the property involved.

**RESPONSE:**

No.