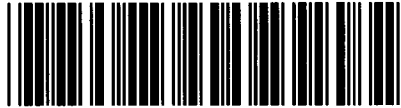




Control Number: 40728



Item Number: 285

Addendum StartPage: 0

SOAH DOCKET NO. 473-13-0846
PUC DOCKET NO. 40728

2013 JAN 21 AM 10:17
FILED

APPLICATION OF ELECTRIC § BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY FOR §
THE PROPOSED LOBO TO RIO § OF
BRAVO TO NORTH EDINBURG §
DOUBLE-CIRCUIT 345-KV §
TRANSMISSION LINE IN WEBB, §
ZAPATA, JIM HOGG, BROOKS, § ADMINISTRATIVE HEARINGS
STARR, AND HIDALGO COUNTIES,
TEXAS

DIRECT TESTIMONY
of
BENJAMIN M. ALEXANDER
on behalf of
GAD 2012 GST TRUST and
M.M.A. CATTLE CO., INC.

TABLE OF CONTENTS

<u>HEADING</u>	<u>PAGE</u>
I. INTRODUCTION.....	2
II. PURPOSE OF TESTIMONY	3
III. DESCRIPTION OF THE PROPERTY AND IMPACT OF THE TRANSMISISON LINE ON THE PROPERTY	3
IV. CONCLUSIONS AND RECOMMENDATIONS.....	8
CERTIFICATE OF SERVICE	9

285

I. INTRODUCTION

Q. Please state your name, title and address.

A. My name is Benjamin M. Alexander. I am the Trustee of the GAD 2012 GST Trust and President of M.M.A. Cattle Co., Inc. My address is P.O. Box 271583, Houston, Texas 77277.

Q. Please describe your background, profession and experience.

A. I have a bachelor's of science degree in Economics from the University of Pennsylvania and an MBA from the University of Texas. I have been in the investment business, securities, real estate, and oil and gas. I have also personally managed the family ranches, being especially involved in conservation efforts. I am a ranch owner and currently operate the ranches that may be impacted by the proposed ETT transmission line.

Q. Have you ever participated or testified in another proceeding before the Public Utility Commission of Texas ("PUC")?

A. No.

Q. On whose behalf are you testifying?

A. I am testifying on behalf of the GAD 2012 GST Trust and M.M.A. Cattle Co., Inc. (collectively referred to as "Alexander").

Q. Please describe your interest in SOAH Docket No. 473-13-0846 and PUC Docket No. 40728.

A. I am an intervenor in this proceeding on behalf of Alexander and the other owners of the ranches that may be impacted by the proposed ETT transmission line. Alexander owns property in Webb County and Zapata County, Texas (collectively referred to as the "Property") which might be impacted by the transmission line proposed to be built by Electric Transmission Texas ("ETT").

Q. Are you familiar with the Property and this area of South Texas?

A. Yes.

Q. Briefly describe your family's ownership history in the affected properties.

A. The properties in Webb County have been in my family since the 1940's and the property in Zapata County has been in the family since the 1950's. I have personally managed the Property since the early 1990's. Before me my father personally managed the Property.

1
2 **II. PURPOSE OF TESTIMONY**

3 **Q. What is the purpose of your testimony?**

4 A. The purpose of my testimony is to: (i) describe the Property; (ii) describe the
5 expected impact of the proposed transmission line; (iii) voice my opposition against
6 certain links and routes; and (iv) provide information on the route that I prefer.

7 **Q. Is the information contained in your testimony true and correct to the best of**
8 **your knowledge and belief?**

9 A. Yes, it is.
10

11 **III. DESCRIPTION OF THE PROPERTY AND IMPACT OF THE**
12 **TRANSMISSION LINE ON THE PROPERTY**

13 **Q. Please describe the Property.**

14 A. The Alexander family (me and my siblings) own approximately 11,860 acres in
15 Webb and Zapata Counties which are potentially impacted by the proposed
16 transmission line, regardless of which route is chosen by the PUC. The acreage is
17 composed of three ranches:

- 18 1. The Los Ajitos Ranch including the Trap Tract in Webb County (collectively
19 "Los Ajitos") appears to be roughly consistent with ETT tract numbers W120
20 and W121.
- 21 2. The Edwards Ranch in Webb County appears to be roughly consistent with
22 ETT tract numbers W98, W99 and W116.
- 23 3. The El Huisache Ranch in Zapata County appears to be roughly consistent
24 with ETT tract number Z58.

25 **Q. Are there any habitable structures on the Property?**

26 Each of the ranches has habitable structures, other structures or both.

- 27 1. Los Ajitos has several habitable structures which would be heavily impacted
28 by Link A21, on the west side of the ranch. Although the distance is not
29 known, the line would be very close to the ranch headquarters house. Los
30 Ajitos also has numerous other man-made structures and environmentally
31 sensitive natural features which would be affected by Links A20 and A18.

1 The links with the least impact on the property in Webb County would be
2 Links A16 and A22, which would be on the eastern boundary of the Los
3 Ajitos. I support Links A16 and A22 (subject to my requests in my
4 conclusion set forth below).

- 5 2. The El Huisache Ranch in Zapata County has a habitable structure located
6 near Link B19. However, the house is near the existing 138-kV transmission
7 line. Therefore, Link B19 would be much preferred over Link B20, and I
8 support Link B19 (subject to my requests set forth in my conclusions below).

9 **Q. Please describe your Property's terrain and any ecological features.**

10 A. The terrain of the Property consists of large tracts of undeveloped, rolling, native
11 rangeland intertwined with significant creeks and drainages throughout. The terrain
12 is essentially in its native state, with significant improvements made for the
13 maintenance and care of wildlife native to the area and for cattle grazing. Placing the
14 line on any of the routes which I oppose would not be consistent with maintaining the
15 environmental integrity of the Property, as suggested by Public Utility Regulatory
16 Act, TEX. UTIL. CODE ANN. § 37.056(c) (Vernon 1998 & Supp. 2005) (PURA), and
17 would not be consistent with my, and my family's, long term efforts in conservation.

- 18 1. Los Ajitos has been highly improved with brush sculpting and range and
19 wildlife management practices to bring it closer to its native state which is
20 highly productive both for grazing and wildlife. It has several water features
21 and creeks which would be traversed by Links A18, A20, and A21. All of
22 Links A18, A20, and A21 would affect the environmental integrity of the
23 ranch, fragment the wildlife habitat and severely damage the ecology of the
24 area because the Los Ajitos is a contiguous tract of virtually unbroken wildlife
25 habitat. I strongly oppose Links A18, A20, and A21. I would support Link
26 A16, (subject to my requests set forth in my conclusions below) which is also
27 projected to be on Los Ajitos, because it is on a boundary and would minimize
28 the effect on the terrain and the ecological features.

29 This ranch has several water features and creeks which will be traversed by
30 Links A18, A20, and A21 which are important to the wildlife and ecology of
31 the area. Link A18 parallels a large wooded creek and actually appears to be

1 located in portions of the creek. Link A20 parallels an even larger creek for
2 its entire length creating irreparable harm to the area.

3 2. The El Huisache Ranch is in a native state and has been managed to be highly
4 productive for wildlife and to a lesser extent cattle grazing. Link B20 would
5 result in unnecessary damage to the terrain and ecology of the ranch and is
6 therefore strongly opposed. Link B20 would destroy this contiguous and large
7 tract of native country and is therefore strongly opposed because of the effect
8 on environmental integrity. Link B19 would cause less damage, and I
9 therefore support said Link (subject to my requests set forth in my conclusions
10 below). In particular, Link B19 follows the existing AEP 138-kV
11 transmission line and would be much less disruptive in accordance with
12 P.U.C. SUBST. R. 25.101(b)(3)(B)(i) and (ii).

13 3. The Edwards Ranch is in a native state and has been managed to be highly
14 productive for both wildlife and grazing. Link A21 would result in
15 unnecessary damage to the terrain and ecology of the ranch and is therefore
16 strongly opposed.

17 Protecting the ecology of these large contiguous tracts can be accomplished by
18 following the links and routes set forth in the conclusion of my testimony

19 **Q. Please describe the Property's current uses and operations.**

20 A. The Property consists of large, highly improved tracts of rangeland which have been
21 managed for the protection of wildlife and for cattle ranching.

22 **Q. Have you or your family undertaken any efforts to restore the land or the
23 environmental quality of the Property?**

24 A. All of the ranches have been through an intensive process to restore the land to
25 productive uses for the native wildlife of the area and for the production of cattle.
26 The range and wildlife management practices which have been employed have been
27 extensive and have resulted in property which is maintained with an emphasis on
28 environmental quality and long-term productivity. Protecting the environmental
29 integrity of the Property pursuant to PURA § 37.056(c) would be accomplished by
30 following Link A16, Link A22 and Link B19.

1 **Q. Are there any water well sites on the Property? If so, describe the general**
2 **location.**

3 A. There are numerous water wells located on the Property. The locations of the water
4 wells which would be most affected are:

5 1. The water well on the west side of Los Ajitos would be impacted by
6 Link A21;

7 2. The water well on the south side of the Edwards ranch would impacted by
8 Link A21;

9 3. The water well on the east end of Los Ajitos would be impacted by both
10 Links A20 and A18.

11 **Q. Are there any gas well sites on the Property? If so, describe the general location.**

12 A. The Property has numerous oil and gas well sites on the Property, which are spread
13 over a wide area.

14 **Q. Are there any pipeline easements on the Property? If so, describe the general**
15 **location.**

16 A. Yes, there are several pipelines in the area.

17 **Q. Please describe any planned future uses of the Property.**

18 A. Our goal is to maintain virtually all of this Property as unbroken, contiguous tracts
19 which are highly beneficial to the wildlife and are productive long-term. We focus on
20 conservation, and many of the proposed routes would do significant damage to our
21 long-standing effort to maintain the natural beauty and environmental integrity of our
22 properties for current and future generations.

23 **Q. Do any existing transmission or distribution lines cross the Property? If so,**
24 **describe the how and where they cross the Property.**

25 A. Yes, the Property consisting of the El Huisache Ranch is already burdened with an
26 existing AEP 138-kV electric transmission line which Link B19 is proposed to
27 parallel. Placing the new line parallel to the existing line is strongly preferred. I
28 support Link B19 (subject to my requests set forth in my conclusions below) and
29 strongly oppose all other links in the area. According to P.U.C. SUBST. R.
30 25.101(b)(3)(B), "the line shall be routed to the extent reasonable to moderate the
31 impact on the affected community and landowners unless grid reliability and security
32 dictate otherwise." One factor that must be considered is the "use of vacant positions

1 on existing multiple-circuit transmission lines.”¹ Rebuilding the existing 138-kV line
2 onto the new 345-kV line on Link B19 would moderate the impact on my family and
3 the community and conform to the factors which must be considered by the PUC.
4 Rebuilding the 138-kV line onto the vacant or available position on the new line
5 moderates the impact by using less land, minimizing the footprint of the line and thus
6 protecting the plant life and wildlife on the Property.

7 Los Ajitos also has an existing transmission line on the west side which parallels
8 Link A21 for some distance. However, I strongly oppose Link A21 for other factors
9 set forth in this testimony. There are some existing electric distribution lines serving
10 the houses and improvements on the Property.

11 **Q. Would the links that might impact the Property run along any boundary lines of**
12 **the Property?**

13 A. Only two of the proposed links are located on a boundary. Link A16 on Los Ajitos is
14 on a boundary, and I am in support of the use of Link A16 (subject to the
15 requirements in my conclusion below). A portion of Link A21 on the Edwards Ranch
16 is on a boundary, but Link A21 traverses and does substantial harm to Los Ajitos.

17 **Q. Would you have to regularly drive under the transmission line if installed on the**
18 **Property?**

19 A. Yes, I and all others would have to regularly drive under the line in virtually all of the
20 Links. The exception is Link A16, and I support the use of Link A16 (subject to my
21 requests set forth in my conclusions below). Although we would have to drive under
22 or near the line if it is placed on Link B19 that would be much less disruptive because
23 the line would follow an existing transmission line. Therefore, I support the use of
24 Link B19 (subject to my requests set forth in my conclusions below).

25 **Q. If the transmission line is built on the Property, do you have any concerns about**
26 **ETT having access to the Property?**

27 A. Yes, I have the general concerns of landowners who are required to give third parties
28 access to their property. I hope that ETT will respect my Property.

1 P.U.C. SUBST. R. 25.101(b)(3)(B)(i)

1 **Q. If the transmission line is built on the Property, do you have any other concerns?**

2 **A.** I am seriously concerned about devaluation to my property as a result of this
3 proposed line. I am also generally concerned about the health and safety issues
4 associated with the proposed transmission lines.

5 **IV. CONCLUSIONS AND RECOMMENDATIONS**

6 **Q. Please summarize your position in this proceeding regarding ETT's proposed**
7 **alternative routes for both Lobo to Rio Bravo and Rio Bravo to North Edinburg.**

8 **A.** I support Links A16, A22 and B19 which cross the Property, and I strongly suggest
9 the PUC approve said links, as modified by my requests below. I am vehemently
10 opposed to Links A18, A20 and A21 which all cross the Los Ajitos or the Edwards
11 Ranch and Link B20 which crosses the El Huisache Ranch. Therefore, I support
12 Route LRB 4 from the Lobo Substation to the Rio Bravo Substation. I also support
13 Route RBNE 18 (including the modifications of Route 18 proposed by the Alliance's
14 experts) with some personal modifications below. I strongly prefer that the
15 transmission line be routed along Link B19 modified. Because there is an existing
16 AEP 138-kV line across the Property, I would prefer that ETT wreck-out and rebuild
17 the existing line onto the new 345-kV line, using one set of single-pole steel
18 structures. In addition, I would prefer that ETT purchase a new right-of-way and,
19 upon completion of the wreck-out and rebuild, release the existing right-of-way. In
20 this way, ETT could: (i) utilize property that is already burdened with a transmission
21 line; (ii) minimize the negative impacts to my home, barn and cattle operations, in
22 accordance with the PUC's policy of prudent avoidance; (iii) avoid bisecting the
23 Property and fragmenting the wildlife habitat and thereby affecting the environmental
24 integrity of the area; and (iv) minimize the aesthetic impacts of the line on the
25 Property. These requests would also moderate the impact of the line and use a vacant
26 or available position in compliance with P.U.C. SUBST. R. 25.101(b)(3)(B).

27 **Q. Does this conclude your testimony?**

28 **A.** Yes, that concludes my testimony, subject to subsequent correction or rebuttal.

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of January, 2013 a true and correct copy of the foregoing document will be sent for filing with the Public Utility Commission of Texas in accordance with SOAH Order No. 3, filed on December 12, 2012. This document will not be served on other parties except by electronic filing in this docket.

Mindi L. McLain

Todd W. Boykin
Mindi L. McLain

Control Number: 40728

Filing Party: Jacalon Ranch Company, Ltd., et al

Tracking Code: 39SJL503

Type: REQUEST FOR INFORMATION

Documents:

F: \Drews\40728\Jacalon Ranch's Response to ETT's 1st Set of RFIs.PDFglendway@brownmccarroll.com

Total Number of Pages: 47

Addendum Start Page: 47

Submission Method: FTP (4.21 MB)

Submitted By:

Brown McCarroll LLP

111 Congress Avenue

Austin, TX 78701

5127035727

Version 4.07

1/24/2013 10:34:00 AM

Tracking Number

39SJL503