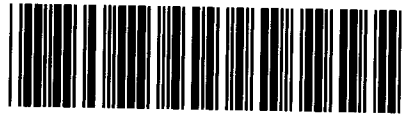




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Item Number: 1070

Addendum StartPage: 0

SOAH DOCKET NO. 473-13-5207  
PUC DOCKET NO. 41606

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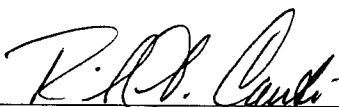
JOINT APPLICATION OF	§	BEFORE THE STATE OFFICE
ELECTRIC TRANSMISSION	§	
TEXAS, LLC AND SHARYLAND	§	
UTILITIES, L.P. TO AMEND THEIR	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSUTY FOR THE	§	
PROPOSED NORTH EDINBURG TO	§	OF
LOMA ALTA DOUBLE-CIRUCIT	§	
345KV TRANSMISSION LINE IN	§	
HIDALGO AND CAMERON	§	
COUNTIES, TEXAS	§	ADMINISTRATIVE HEARINGS

**DIRECT TESTIMONY OF DELIA LUBIN**

Intervenor, DELIA LUBIN, "LUBIN" files this Direct Testimony which is attached. Intervenor LUBIN stipulates that this Direct Testimony is a true and accurate representation of the testimony that would be given orally by Delia Lubin as a witness in this case, which testimony is attached hereto and made a part hereof for all purposes of SOAH Docket No.473-13-5207 and PUC Docket No. 41606. LUBIN stipulates that this Direct Testimony can be treated by all parties as if the answers were filed under oath.

Respectfully submitted,

LAW OFFICE OF RICHARD A. CANTU, P.C.

By:   
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Texas Bar No. 00796300  
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ATTORNEYS FOR INTERVENOR  
DELIA LUBIN

1070

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## **I. INTRODUCTION**

**QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE RECORD.**

**ANSWER:** Delia Lubin. My current address is 101 Pelican Avenue, McAllen, Texas 78504.

**QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-13-5207 AND PUC DOCKET NO. 41606, AND ON WHOSE BEHALF ARE YOU TESTIFYING?**

**ANSWER:** Yes. I am testifying on behalf of myself.

**QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF TEXAS ("PUC" OR "COMMISSION") PROCEEDING?**

**ANSWER:** No, I have not.

**QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATIONAL HISTORY.**

**ANSWER:** I am the Owner and Manager of Delia's Tamales, in McAllen, Texas and have been since I founded this business in the late 1970's.

**QUESTION: WHERE IS YOUR PROPERTY WHICH IS POTENTIALLY AFFECTED BY THE ETT/SHARYLAND PROPOSED TRANSMISSION LINES/ROUTES LOCATED?**

**ANSWER:** My two tracts of land are located at the southeast corner of State Highway 336 and Arena Drive (Las Milpas Drive) intersection in McAllen and Hidalgo, Texas. The first tract of land is described as the West 200 Feet out of the East 964 feet out of the North 360 feet out of Lot 2, Block 2, Hidalgo Canal Company Subdivision, containing 1.65 acres gross. Tract 2 is comprised of the North 359.93 feet out of the West 500 feet out of Lot 2 Block 2 Hidalgo Canal Company Subdivision containing 4.13 acres gross. The two tracts of land are contiguous and together form a tract of land 700 feet east-west by 360 feet north-south with 360 feet of frontage on State Highway 336 and 700 feet frontage on Area Drive, with 5.78 acres gross. These two tracts of land ("Property") would be affected by Link 114, if approved by the PUC.

1       **QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?**

2  
3       ANSWER: I purchased the Property in August 2002.

4  
5       **QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF SOUTH**  
6       **TEXAS?**

7  
8       ANSWER: Yes.

9  
10                   **II. PURPOSE AND SCOPE OF TESTIMONY**

11  
12  
13       **QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR**  
14       **TESTIMONY?**

15  
16       ANSWER: The purpose of my testimony is to (1) describe my affected tracts  
17       of land, (2) describe the detrimental effect the proposed transmission line would  
18       have on my Property and its value, (3) to voice my objection against the selection  
19       of any western routes, (4) specifically to unequivocally voice my objection to the  
20       selection of Link 114 and any routes containing that link in this transmission  
21       project and (5) to provide information on the routes that I prefer.

22  
23       **QUESTION: IS THE INFORMATION CONTAINED IN YOUR**  
24       **TESTIMONY TRUE AND CORRECT TO THE BEST OF YOUR**  
25       **KNOWLEDGE AND BELIEF?**

26  
27       ANSWER: Yes it is.

28  
29  
30                   **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**

31  
32  
33       **QUESTION: DESCRIBE YOUR PROPERTY.**

34  
35       ANSWER: The two tracts of land at issue here are undeveloped tracts, with  
36       native vegetation, brush and growth. These tracts are zoned for both commercial  
37       and agricultural use.

38  
39  
40       **QUESTION: DOES LINK 114 RUN ALONG ANY BOUNDARY LINE OF**  
41       **YOUR LAND?**

42  
43       ANSWER: No. Proposed Link 114 does not run along any boundary line of my  
44       Property. To the contrary, Link 114 bisects and traverses the entire length of my  
45       land, running through the middle, dividing the land into two narrow strips of land.

1       **QUESTION: HOW WOULD THE PROPOSED LINK 114 AFFECT YOUR**  
2       **LAND?**

3  
4       ANSWER: The transmission line contemplated with Link 114 would bisect my  
5       Property, traversing the entire length of the Property. The remaining unaffected  
6       tracts would measure 60 feet by 700 feet wide and 130 by 700 feet wide. My  
7       Property would be rendered commercially useless, as the remaining strips of land  
8       would be too narrow for commercial development.  
9

10       **QUESTION: ARE YOU PROVIDING A RENDERING OF THE EFFECT**  
11       **OF THE TRANSMISSION LINE PROPOSED BY LINK 114?**

12  
13       ANSWER:     Yes. Attached as Exhibit A to this Direct Testimony is an aerial  
14       image containing the proposed transmission line and 150 foot easement, which  
15       shows the effect the transmission tower of Link 114 would have, bisecting and  
16       traversing the entire length of my Property, creating two narrow strips of unusable  
17       and commercially and agriculturally undesirable land. The exhibit is taken from  
18       the CrossValleyProject.com website.  
19

20       **QUESTION: WOULD YOU HAVE TO DRIVE UNDER THE**  
21       **TRANSMISSION LINE IF INSTALLED ON THE PROPERTY(IES)?**

22  
23       ANSWER:     Yes. It would be impossible for any agricultural or commercial  
24       development of this land to escape the transmission line, as it would bisect the  
25       land from west to east cutting the Property into two narrow strips of land.  
26

27       **QUESTION: WHAT OTHER CONCERNS DO YOU HAVE ABOUT THE**  
28       **TRANSMISSION LINE BEING BUILT ON YOUR PROPERTY?**

29  
30       ANSWER:     Not only would the transmission line run right through the middle  
31       of my property, cutting into two narrow strips of land, I have real concerns  
32       regarding health and safety issues associated with transmission lines, the total  
33       devaluation of the land and uselessness of the land for which I purchased and  
34       paid a significant sum, many years ago.  
35

36       **QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF**  
37       **YOUR PROPERTY IF THOSE USES ARE DIFFERENT FROM THE**  
38       **CURRENT USES PREVIOUSLY DESCRIBED.**

39  
40       ANSWER:     I intend to commercially develop the tracts or sell them for  
41       commercial development, given the tracts proximity to the State Farm Area, a  
42       popular and ever expanding entertainment venue located across the street in  
43       Hidalgo, Texas.  
44  
45  
46

1 **QUESTION: HOW DO THE PLANNED FUTURE USES OF YOUR**  
2 **PROPERTY INCREASE, ADD OR CONTRIBUTE TO THE VALUE OF**  
3 **THE COMMUNITY WHERE THE TRACTS ARE LOCATED?**  
4

5 **ANSWER:** The commercial development of my Property would stimulate the  
6 economic growth of the City of Hidalgo and the City of McAllen.  
7

8 **QUESTION: DESCRIBE THE AESTHETIC IMPACT OF THE**  
9 **TRANSMISSION LINE IF ETT INSTALLS A 345KV TRANSMISSION**  
10 **LINE ON YOUR PROPERTY.**  
11

12 **ANSWER:** Given that the transmission line of Link 114 would bisect and  
13 traverse the entire length of my Property, the aesthetic effect would be to create  
14 two very narrow strips of land with a 140 foot tall transmission tower with a 150  
15 foot wide easement. Thus, I vehemently oppose any current route which utilizes  
16 Link 114.  
17

18 **QUESTION: ARE YOU OPPOSED TO ALL PROPOSED ROUTES**  
19 **WHICH CONTAINS LINK 114?**  
20

21 **ANSWER:** Yes.  
22  
23

#### 24 **IV. CONCLUSIONS AND RECOMMENDATIONS**

25

26 **QUESTION: PLEASE SUMMARIZE YOUR POSITION REGARDING**  
27 **THE PROPOSED TRANSMISSION LINE ETT HAS RECOMMENDED.**  
28

29 **ANSWER:** I am vehemently opposed to the use or approval of Link 114 and  
30 any and all routes that utilize or include the use of Link 114.  
31  
32

33 **QUESTION: DO YOU HAVE A POSITION REGARDING**  
34 **SPECIFIC ROUTING ALTERNATIVES PROPOSED BY THE JOINT**  
35 **APPLICANTS?**  
36

37 **ANSWER:** The Administrative Law Judge (ALJ) in this case correctly ruled in  
38 Order No. 6 that there is not sufficient evidence to support the Joint Applicants'  
39 contention that all routes must pass through their unilaterally designated "routing  
40 circle." All of the routes initially proposed in the Application passed through the  
41 routing circle and should be rejected, including the Route 32, which the Joint  
42 Applicants identified as the route they favored. Instead, one of the Supplemental  
43 Routes filed by the Joint Applicants in the Supplement to the Application filed on  
44 October 28 or a similar route using noticed links in a forward progressing manner  
45 should be approved. I specifically support the "Rhodes Alliance Route" or  
46 "Alternative Route 3S".

1       **QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN**  
2       **THIS PROCEEDING REGARDING ETT/SHARYLAND'S**  
3       **RECOMMENDED ROUTE 32 AND THE PROPOSED ALTERNATIVE**  
4       **ROUTES?**

5  
6       ANSWER: There is no route or Link on the Lubin Property that would not  
7       significantly degrade its overall value to the community. I oppose any route  
8       going west from the North Edinburg Substation, including Route 32. I support  
9       the "Rhodes Alliance Route" or "Alternative Route 3S" going east from the North  
10      Edinburg Substation.

11  
12      **QUESTION: IF THE WESTERN ROUTE OF THE CROSS VALLEY**  
13      **PROJECT IS APPROVED, WHAT MODIFICATION OR ALTERNATIVE**  
14      **ROUTE WOULD YOU PROPOSE AND WHY?**

15  
16      ANSWER: I do not endorse nor propose any other specific route other than to  
17      oppose the use of Link 114 and support the use of a Link that would follow the  
18      boundary line of its affected property, unlike link 114 which would bisect the  
19      entire length of my Property, rendering it commercially useless. I would further  
20      endorse the selection of a Link following the boundary line of a Property owner  
21      who has not intervened in this case or who fails to file a Statement of Position or  
22      Direct Testimony as required by the rules.

23  
24      **QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?**

25  
26      ANSWER:     Yes, that concludes my testimony, subject to subsequent correction  
27      or rebuttal.



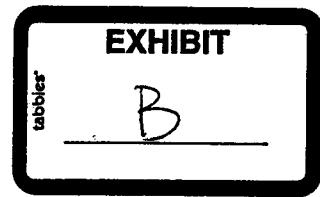
EXHIBIT

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A

AERIAL DEPICTION OF PROPERTY AND TRANSMISSION LINE





VERIFICATION OF DELIA LUBIN

BEFORE ME, the undersigned authority, on this day personally appeared DELIA LUBIN who swore on oath that the following facts are true:

"1. My full name is DELIA LUBIN. I am over 18 years of age and am competent to make the statements herein.

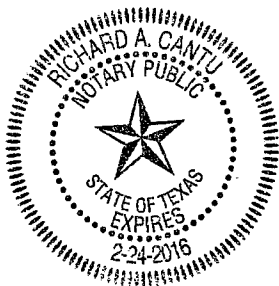
"2. I am the owner of the affected tract of land identified in the attached document.


"3. I hereby aver that the statements and position herein are within the personal knowledge of the affiant and are true and correct.

FURTHER AFFIANT SAYETH NOT."

  
\_\_\_\_\_  
Delia Lubin  
Affiant

SIGNED under oath before me on this the 2nd day of September, 2013.



  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: 2-24-2016

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6th, 2013 a true and correct copy of this DIRECT TESTIMONY OF DELIA LUBIN will be sent for filing with the Public Utility Commission of Texas in accordance with SOAH Order No. 6. This document will not be served on other parties of record, except by electronic filing in this docket, other than Intervenor Jose C. Rodriguez, by first class mail to 25337 Pennsylvania Avenue, San Benito, Texas 78587, in accordance with SOAH Order No. 4 and 5.

  
Elizabeth Sandoval Cantu  
Richard A. Cantu