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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	§	OF
AND NECESSITY FOR THE	§	
PROPOSED NORTH EDINBURG TO	§	
LOMA ALTA DOUBLE-CIRCUIT 345	§	ADMINISTRATIVE HEARINGS
KV TRANSMISSION LINE IN	§	
HIDALGO AND CAMERON	§	
COUNTIES, TEXAS	§	

DIRECT TESTIMONY OF INTERVENOR FRANCIS L. PHILLIPP

Intervenor Francis L. Phillipp ("PHILLIPP") files this Direct Testimony, which is attached. PHILLIPP stipulates that this Direct Testimony can be treated by all parties as if the answers were filed under oath.

Respectfully submitted,

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1089

By:



Patrick L. Reznik

State Bar No. 16806780

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ATTORNEYS FOR PHILLIPP

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 7, 2013, in accordance with Public Utility Commission Procedural Rule 22.74.



Patrick L. Reznik

Cassie Gresham

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1 **I. INTRODUCTION**

2
3 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
4 RECORD.

5
6 ANSWER: FRANCIS L. PHILLIPS
7 1249 FM 3067
8 LA FERIA, TEXAS 78559
9

10
11 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-13-0846
12 AND PUC DOCKET NO. 41606 AND ON WHOSE BEHALF ARE YOU
13 TESTIFYING?

14
15 ANSWER: Yes. I am testifying on behalf of Intervenor PHILLIPP
16

17
18 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY
19 COMMISSION OF TEXAS ("PUC" OR "COMMISSION") PROCEEDING?
20

21 ANSWER: No, I have not.
22
23

24 QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND
25 WORK HISTORIES.
26

27 ANSWER: I am a self employed farmer. I have three years of college in accounting
28 and business. I quit college to farm and work as I still do now.
29
30

31 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
32

33 ANSWER: I own 45 acres three miles south of La FERIA, Texas, where I live, on the
34 corner of Parker Road and 3067 ("the "home place"). See Exhibit A. I own about 36
35 acres further south off Parker Road ("South Parker farm"). See Exhibit B. I own 150
36 acres in Santa Maria at the corner of U.S. Hwy 281 and 2556 ("Santa Maria farm"). See
37 Exhibit C.

1
2
3 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?
4

5 ANSWER: I've owned the home place since September 1954. My son, Donald
6 Phillipp lives on the property to the west of my home. I've owned the South Parker
7 property since 1964. I inherited this place from my father. I've owned the Santa Maria
8 farm since about 1963.
9

10
11 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF SOUTH TEXAS?
12

13 ANSWER: I was born two (2) miles from where I live on October 23, 1927. My
14 fellow farmers voted me to serve on many Co-Op Boards. I served over 30 years here on
15 Farm Credit Bureau, and serve on many Church Boards.
16
17

18 **II. PURPOSE AND SCOPE OF TESTIMONY**
19

20 QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?
21

22 ANSWER: The purpose of my testimony is to (a) describe my property, (b) describe
23 the expected impact of the proposed transmission line on my property and (c) voice my
24 opposition against any route that uses Links 220, 222, 227, 230 or 231.
25
26

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

30 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE
31 PROPERTY?
32

33 ANSWER: Yes, I have a home on the home place. My son has a home next door.
34 There is a church on the southeast corner of Santa Maria farm. Link 231 will go about
35 250 feet from my house and my son's house. I will have to move if Link 231 is selected.
36
37

1 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
2 ECOLOGICAL OR BIOLOGICAL FEATURES.

3
4 ANSWER: I have leveled all my land to 1/10 fall for each 100 feet and have put drain
5 tile on most of it about 200 feet apart. It is all irrigated from 2 water wells most of the
6 time.

7
8
9 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES,
10 INCLUDING BRIEFLY DESCRIBING ANY RANCH OPERATIONS.

11
12 ANSWER: I have 15 head of cattle on the home place. The rest is farmed in cotton,
13 corn, sorghum, sugarcane, seed corn and vegetables (mostly onions).

14
15
16 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
17 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE
18 PROPERTY?

19
20 ANSWER: I take pride in taking care of my land. It's my living and I put six kids
21 through College. I will give it all to them if it is still in good shape.

22
23
24 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF
25 SO, DESCRIBE THE GENERAL LOCATION.

26
27
28 ANSWER: There is one 18 inch deep well on the corner of the block on the Santa
29 Maria farm. Link 220 goes right over it. I have a 18 inch well that is 220 feet deep at the
30 corner of my home block and Link 222 will go over my water well.

31
32
33 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO,
34 DESCRIBE THE GENERAL LOCATION.

35
36
37 ANSWER: No.

1
2
3
4 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF
5 SO, DESCRIBE THE GENERAL LOCATION.
6

7 ANSWER: The South Parker farm has a 40 ft easement for drainage, next to it is a 30
8 foot easement for irrigation water. The Santa Maria farm has a 20 foot easement for the
9 military water supply along U.S. Hwy 281.
10

11
12 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR
13 PROPERTY IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES
14 PREVIOUSLY DESCRIBED.
15

16 ANSWER: I plan to start developing the Santa Maria farm (150 acres on U.S. Hwy
17 281) unless Link 220 is used destroying its value.
18
19

20 QUESTION: HOW DO THE CURRENT AND PLANNED FUTURE USES OF THIS
21 PROPERTY CONTRIBUTE TO THE COMMUNITY VALUES OF SOUTH TEXAS?
22

23 ANSWER: Santa Maria on US 281 is growing. I have given them land to build a
24 church and they surely don't need a 345 kV transmission line on top of them.
25

26
27 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES
28 CROSS YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE
29 THEY CROSS THE PROPERTY.
30

31 ANSWER: On Link 219 a 69kV transmission line crosses the Santa Maria farm on the
32 north of the property traveling northwest to the southeast.
33
34

35 QUESTION: WOULD THE LINKS THAT MIGHT IMPACT YOUR PROPERTY
36 RUN ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?

1
2 ANSWER: Link 230 is routed to the west side of my South Parker farm over a big
3 drain ditch and a big (30 inch) irrigation waterline to irrigate from.

4
5
6 QUESTION: HOW WOULD A 345 KV ELECTRIC TRANSMISSION LINE IMPACT
7 YOUR PROPERTY AND ITS OPERATIONS?

8
9 ANSWER: If Links 222 or 231 are chosen, my son and I will probably have to leave
10 our homes.

11
12
13 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
14 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

15
16 ANSWER: Yes. It would be too close to my son's house and my home. On the South
17 Parker farm and the Santa Maria farm, I will walk my fields a lot and drive where I can.

18
19
20 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF
21 ETT/SHARYLAND INSTALLS A 345KV TRANSMISSION LINE ON YOUR
22 PROPERTY.

23
24 ANSWER: It would be a disaster! I would probably have to quit farming and my kids
25 inheritance would be little.

26
27
28 QUESTION: DESCRIBE ANY HISTORICAL, ARCHEOLOGICAL OR CULTURAL
29 SIGNIFICANCE OF LAND THAT MIGHT BE CROSSED THE TRANSMISSION
30 LINE.

31
32 ANSWER: Adding additional lines of this magnitude will continue to erode and
33 diminish the Valley's unique culture, agriculture and history.

1
2 QUESTION: DESCRIBE THE ENVIRONMENTAL IMPACT, SPECIFIC TO THIS
3 AREA, THAT WOULD BE CAUSED BY THIS TRANSMISSION LINE.

4
5 ANSWER: The impact is great. It will devalue everything close to it. We would not
6 be able to fly airplanes to control our insects. This will take our livelihood away.

7
8
9 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
10 YOU HAVE ANY CONCERNS ABOUT ITS IMPACT ON THE ILLEGAL ACTIVITY
11 IN SOUTH TEXAS, INCLUDING ILLEGAL DRUG OR HUMAN TRAFFICKING?

12
13 ANSWER: Yes, it will give them a guide to follow at night.

14
15
16
17 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
18 YOU HAVE ANY CONCERNS ABOUT ETT/SHARYLAND HAVING ACCESS TO
19 YOUR PROPERTY?

20
21 ANSWER: Yes, I have the general concerns of landowners who are required to give
22 third parties access to their property. I hope that ETT/Sharyland will respect our
23 property. In addition, I hope they respect the people. I am concerned who will keep it
24 clean.

25
26
27
28 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
29 YOU HAVE ANY OTHER CONCERNS?

30
31 ANSWER: Yes, I am concerned that our area here will be damaged to where it will
32 not be a farming area anymore. I am seriously concerned about devaluation to my
33 property as a result of this proposed line. I am also generally concerned about the health
34 and safety issues associated with the proposed transmission lines.

1 QUESTION: WHY HAVE YOU JOINED THE "KEVIN CAMPBELL ALLIANCE"
2 TO COLLECTIVELY OPPOSE THE ROUTING OF THE ETT/SHARYLAND LINE
3 WEST OF THE NORTH EDINBURG SUBSTATION?
4

5 ANSWER: We have a commitment to our land and the lands of this region of South
6 Texas. Many of our neighbors and those who have joined the Kevin Campbell Alliance
7 are committed to the South Texas community and preserving the land. We oppose the
8 construction of ETT/Sharyland's transmission line through our community because the
9 line would devastate our land and undermine our shared environmental, aesthetic,
10 economic and community values.
11
12

13 QUESTION: IS THERE ANYTHING ELSE YOU WOULD LIKE THE
14 ADMINISTRATIVE LAW JUDGE AND THE PUBLIC UTILITY COMMISSION TO
15 CONSIDER IN THIS PROCEEDING?
16

17 ANSWER: Yes, there are numerous construction issues to avoid damage of cropland
18 and access to the fields.
19
20

21 **IV. CONCLUSION AND RECOMMENDATIONS** 22

23 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS
24 PROCEEDING REGARDING ETT/SHARYLAND'S RECOMMENDED ROUTE 32
25 AND THE PROPOSED ALTERNATIVE ROUTES?
26

27 ANSWER: There is no route on the PHILLIPP properties that would not significantly
28 degrade its overall value to the community. We oppose any route going west from the
29 North Edinburg Substation, including Route 32. We oppose any route that uses Links
30 220, 222, 227, 230 or 231. We support the "Rhodes Alliance Route" or "Alternative
31 Route 3S" going east from the North Edinburg Substation. We will accept the line on
32 Links 219 and 226.
33
34
35

1 QUESTION: IF LINKS 219 and 226 ARE SELECTED FOR USE IN THIS LINE,
2 WHAT PROPOSED MODIFICATIONS WOULD YOU LIKE TO SEE TO MINIMIZE
3 THE IMPACT OF THOSE LINKS?

4
5 ANSWER: There is no route on our ranch that would not destroy its aesthetic beauty,
6 wildlife habitat, and its overall value. If in the end the PUC chooses a route using Links
7 219 and 226, we propose the new 345kV line utilize the existing 69kV line easement and
8 the 69kV line be co-located on the same structures of the new 345kV line so as to
9 minimize disruption to existing uses, including agriculture. See Exhibit C.

10
11
12 QUESTION 22: DOES THIS CONCLUDE YOUR TESTIMONY?

13
14 ANSWER: Yes. Thank You.

The Home Place

178222

180372

222

3067

177979

177981

177980

178220

184052

231

177982

177984

180086

178219

↑ Parker Rd

227

177903

177902

177901

177900

177899

177898

177897

177896

177895

177894

177890

180366

180368

EXHIBIT

A

230

Parker Rd

506

EXHIBIT

R

226

178210

78001

178002

178003

178004

178005

1007-

180073

180338

180333

180335

180.331



Highway 1

DUKES

EXHIBIT
C