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JOINT APPLICATION OF ELECTRIC
TRANSMISSION TEXAS, LLC AND
SHARYLAND UTILITIES, L.P. TO
AMEND THEIR CERTIFICATES OF
CONVENIENCE AND NECESSITY FOR
THE PROPOSED NORTH EDINBURG
TO LOMA ALTA DOUBLE-CIRCUIT
345-KV TRANSMISSION LINE IN
HIDALGO AND CAMERON COUNTIES,
TEXAS

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF ELIZABETH GRACE PEREZ

Intervenor Elizabeth Grace Perez files the attached Direct Testimony and 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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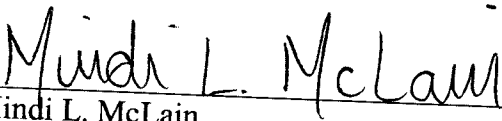
By: Mindi L. McLain
Todd W. Boykin
State Bar No. 02791600
Mindi L. McLain
State Bar No. 24066814

ATTORNEYS FOR INTERVENOR

CERTIFICATE OF SERVICE

I certify that on November 7, 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. 4 and will be served on the following by first-class U.S. mail in accordance with SOAH Order No. 5:

Jose C. Rodriguez
25337 Pennsylvania Ave.
San Benito, Texas, 78586


Mindi L. McLain

DIRECT TESTIMONY
of
ELIZABETH GRACE PEREZ

NOVEMBER 7, 2013

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I. INTRODUCTION

Q. Please state your name and address.

A. My name is Elizabeth Grace Perez. I am also known as Betty Perez. I reside at 22901 Jara Chinas Road, La Joya, Texas 78560; my mailing address is P.O. Box 741, Penitas, Texas 78576.

Q. Please describe your background, profession and/or experience.

A. I have a Bachelor of Arts degree from the University of Texas at Austin with a study emphasis on botany. I manage my family's ranch property which includes managing cattle ranching, native plants nursery, farmland, and hunting leases. I have lived and worked on the ranch since 1995.

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 my own behalf and on behalf of my family members Eduvijos Ana Josephson, Librada Gertrudis Perez, James Anthony Perez-Giese, Christian Andres Perez-Giese, and Ana Cristina Josephson, as owners of the affected property.

Q. Please describe your interest in SOAH Docket No. 473-13-5207 and PUC Docket No. 41606.

A. I intervened in this proceeding as a potentially affected landowner. I own an interest in property in Hidalgo County which might be impacted by the transmission line proposed in this docket to be built by Electric Transmission of Texas, LLC and/or Sharyland Utilities (referred to herein collectively as the "Joint Applicants").

Q. Are you familiar with the affected property and this area of Hidalgo County, Texas?

A. Yes.

Q. Briefly describe your ownership history in the affected property.

A. My grandfather, M.D. Cavazos, bought 441 acres of land in 1925 and an adjacent 40 acres in 1953. It was passed on to his wife, Eduvijos Garcia Cavazos, and his daughter, Maria Antonia Cavazos Perez. It is now owned in undivided interests by me, my two sisters, Eduvijos Ana Josephson and Librada Gertrudis Perez, my two nephews, James

1 Anthony Perez-Giese and Christian Andres Perez-Giese, and my niece, Ana Cristina
2 Josephson.

3
4 **II. PURPOSE OF TESTIMONY**

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

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

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

11 A. Yes, it is.
12

13 **III. DESCRIPTION OF THE PROPERTY AND IMPACT**
14 **OF THE TRANSMISSION LINE ON THE PROPERTY**

15 **Q. Please describe your property.**

16 A. As described above, my family and I own approximately 481 contiguous acres in Hidalgo
17 County. The property is located approximately 10 miles north of La Joya, Texas on Jara
18 Chinas Road.

19 **Q. Is your property accurately identified on Joint Applicants' landowner maps or
20 otherwise in their Joint Application?**

21 A. No. The property boundaries and ownership information contained in the Joint
22 Application are incorrect. My property has been identified by Joint Applicants as
23 Property ID 291124. Exhibit "A" to my testimony is a portion of Attachment 9a Hidalgo
24 County Ownership Map No. 1 that shows Joint Applicants' identification of the property.
25 My property is actually much larger than depicted by Joint Applicants and includes
26 additional property that is roughly consistent with Property IDs 291124, 542558, and
27 279610. Exhibit "B" to my testimony is a map showing the correct approximate
28 boundaries of my property and the features located thereon.

1 **Q. On which link is your property located?**

2 A. My property will be impacted by Joint Applicants' proposed transmission line if any
3 route utilizing Link 52 is approved.

4 **Q. Are there any habitable structures or other improvements on your property?**

5 A. There is one large barn near the west property boundary and near Jara Chinas Road as
6 identified on Exhibit "B". It appears that the centerline of Link 52 would be less than
7 200 feet from said barn and Joint Applicants' right of way would be less than 100 feet
8 from the barn. There are also some corrals and hunting blinds on the property.

9 **Q. Please describe your property's terrain, ecological features, and environmental
10 status.**

11 A. The property is called Santa Eduvijas. It consists of approximately 260 acres of farmland
12 and 220 acres of old brush vegetation and second growth vegetation that is used for cattle
13 grazing. Santa Eduvijas drains into the LaJoya Creek watershed. The terrain gently
14 slopes to the dry creek bed to the west. The native brush on the land is the oldest we
15 have on any of our properties. We like to use it as a seed source for our native plants
16 nursery which supplies seedlings to the U.S. Fish and Wildlife Service for revegetation of
17 the Lower Rio Grande Valley National Wildlife Refuge. There are several rare plants on
18 our properties, but we have not yet had a survey done of the vegetation on Santa
19 Eduvijas. We have a Conservation Agreement with Texas Parks and Wildlife and the
20 Nature Conservancy on our property two miles to the north to protect three rare species:
21 Vasey's Adelia (*Adelia vaseyi*), Chihuahua balloonvine (*Cardiospermum dissectum*), and
22 Runyon's huaco (*Manfreda longiflora*). I would expect to find many of these same
23 species on Santa Eduvijas. I am aware of four threatened animal species on the property:
24 the Texas Tortoise, the Texas Indigo Snake, the Texas Horned Lizard and the Reticulated
25 Collared Lizard. With an estimated 95% of native habitat cleared in the Lower Rio
26 Grande Valley, native vegetation is considered more valuable than cleared land in our
27 area.

28 **Q. Please describe your property's current uses and operations.**

29 A. The property is currently used for agricultural production, including farming and cattle
30 grazing. We lease the farmland consisting of approximately 260 acres. As discussed
31 above, we also use the native brush on the property as a seed source for our native plants

1 nursery which supplies seedlings to the U.S. Fish and Wildlife Service for revegetation of
2 the Lower Rio Grande Valley National Wildlife Refuge. We are also leasing the property
3 for white-tailed deer hunting.

4 **Q. What are your long-range plans for the property?**

5 A. While I currently reside approximately two miles away from the Santa Eduviges, because
6 of its old growth vegetation and the views to the west, I am considering building my
7 home there.

8 **Q. Are there any water well sites on the property? If so, describe the general location.**

9 A. Yes, there is a water-well located on the property near the barn and adjacent to Jara
10 Chinas Road. It appears that the well is very near to Link 52 and possibly within the
11 required right-of-way for said link which would be devastating to the property.

12 **Q. Do any existing transmission or distribution lines or pipelines cross the property? If
13 so, describe how and where they cross the property.**

14 A. Yes, there is an easement for an existing transmission line built in 1954 by Central Power
15 and Light Company running through the native vegetation portion of the property. The
16 existing line runs through the entirety of the property from east to west without following
17 any property boundary, effectively bisecting it. The Joint Applicants' proposed
18 transmission line will run parallel to and south of this existing line before angling to the
19 southwest and running across the entirety of the farmland portion of the property. It will
20 further bisect the native vegetation and unduly burden the otherwise undisturbed land.
21 Also to the south of the existing transmission line is a farm field where a high pressure
22 gas line is in the process of being built for Kinder Morgan Tejas Pipelines.

23 **Q. Would the links that might impact the property run along any boundary lines of the
24 property?**

25 A. As discussed above, Joint Applicants' transmission line is proposed to parallel an existing
26 line built in 1954. The existing line does not follow any property boundaries but bisects
27 the entirety of the northern tract for almost a mile. This new line will further bisect the
28 property from east to west by paralleling the old line and not paralleling the property
29 boundary. In addition, the new line will further burden the property by adding almost
30 another mile of transmission line structures, wires and right-of-way along with west
31 boundary of the farmland tract. If Link 52 is approved and constructed the result will be

1 that my barn, corrals, water well, and gate will effectively be surrounded on three sides
2 by transmission lines (see Exhibit "B").

3 **Q. Would you have to regularly drive under the transmission line if installed on the**
4 **property?**

5 A. Yes, I and all other visitors to the Property would have to regularly drive under the line if
6 Link 52 is approved and constructed. It appears from the Joint Applicants' maps that the
7 entrance to my property (closest to the barn, corrals, and water well) and the gate located
8 thereon would be directly impacted by the proposed transmission line and within the
9 right-of-way.

10 **Q. If the transmission line is built on the property, do you have any concerns about**
11 **Joint Applicants having access to the property?**

12 A. Yes, I have the general concerns of landowners who are required to give third parties
13 access to their property. I hope that Joint Applicants will respect my Property if I am
14 required to give them access.

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

16 A. Our family has tried to hold on to the land our grandfather purchased and left us. If we
17 decide to sell it, its value will decrease with the presence of this large transmission line
18 bisecting the property. The land is the only piece we have where we have some control
19 because we own the mineral rights here. I am seriously concerned about the health and
20 safety issues associated with transmission lines, especially multiple transmission lines
21 running parallel to one another. In addition, and as previously discussed, I am concerned
22 about the line's impact on the native vegetation, on my water well, barn and corrals, and
23 on my gate and entrance and the fact that I and other visitors to the property will have to
24 regularly drive and work under the line. In addition, I am concerned about the impact
25 this line will have on the farmland and our ability to use implements under and around
26 the line.

27 **Q. If the transmission line is built on the property, is there anything that you would**
28 **like the Joint Applicants to do?**

29 A. If the PUC ultimately decides that the line must be built on my property, which I
30 vehemently oppose, I would request that the Joint Applicants be made to replace any
31 native vegetation that is cleared for the line with similar natives.

1 **IV. CONCLUSIONS AND RECOMMENDATIONS**

2 **Q. Please summarize your position in this proceeding regarding Joint Applicants'**
3 **proposed alternative routes.**

4 A. Like most other landowners, my family and I do not want the proposed transmission line
5 to cross our property. We are adamantly opposed to Link 52 and any of Joint Applicants'
6 alternative routes that utilize the same, including Alternative Route 18. I believe the
7 Administrative Law Judge ("ALJ") in this case correctly ruled in SOAH Order No. 6 that
8 there is not sufficient evidence to support the Joint Applicants' contention that all routes
9 must pass through their designated "routing circle." Accordingly, all of the routes
10 initially proposed in the Joint Application which passed through the routing circle should
11 be rejected, including Alternative Route 32 which the Joint Applicants identified as the
12 route they preferred. Instead, one of the Alternative Routes filed by the Joint Applicants
13 in the Supplement to the Joint Application filed on October 28, 2013, or a similar route
14 using noticed links in a forward progressing manner should be approved.

15 **Q. Do you have other reasons for opposing Route 18 based on other information filed**
16 **in this proceeding?**

17 A. Yes. In addition to my concerns about my own property, there appear to me to be other
18 issues with Route 18 that should be considered. Although I am not an expert on
19 transmission line routing, I would like to express other concerns based on other
20 information filed by the Joint Applicants in this proceeding. Route 18 is one of several
21 routes that is not forward progressing because it exits the North Edinburg Substation and
22 heads west and through the routing circle. I do not believe it is routed to the extent
23 reasonable to moderate the impact on the affected community and landowners. Based on
24 information found in the Joint Application:

25 (1) Route 18 is one of the longest routes at 115.1 miles. There are 31 routes shorter in
26 distance. Also, Route 18 is 115.1 miles long but it only parallels property boundaries

1 for 13.1 miles. There are 38 other routes that parallel property lines for a greater
2 distance than Route 18.

3 (2) Route 18 is one of the more expensive routes at \$362,855,000, and costs \$85,591,000
4 more than the least expensive route. There are 24 less expensive alternative routes.

5 **Q. Do you support any routes?**

6 A. Yes, I support Alternative Route 3S which I believe best complies with the routing
7 factors to be considered by the ALJ as set forth in P.U.C. PROC. R. 25.101 and Public
8 Utility Regulatory Act § 37.056. I could probably also support one of the Alternative
9 Routes filed by the Joint Applicants in the Supplement to the Joint Application filed on
10 October 28, 2013, or a similar route using noticed links in a forward progressing manner,
11 which does not utilize Link 52.

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

13 A. Yes, that concludes my testimony, subject to subsequent correction or rebuttal.
14

Exhibit "A"

Incorrect Property Boundaries as Depicted by Joint Applicants



Exhibit "B"

Correct Approximate Boundaries and Features of my Property

