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Addendum StartPage: 0

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

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

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**DIRECT TESTIMONY OF CARL ZEITLER, JR.,
INDIVIDUALLY AND ON BEHALF OF MARY FRANCES ZEITLER**

Intervenor Carl Zeitler, Jr. files the attached Direct Testimony, individually and on behalf of Mary Frances Zeitler. Carl Zeitler, Jr. 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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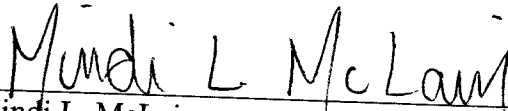
ATTORNEYS FOR INTERVENOR

1126

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
CARL ZEITLER, JR.
individually and on behalf of
MARY FRANCES ZEITLER

NOVEMBER 7, 2013

TABLE OF CONTENTS

<u>HEADING</u>	<u>PAGE</u>
I. INTRODUCTION	4
II. PURPOSE OF TESTIMONY	5
III. DESCRIPTION OF THE PROPERTY AND IMPACT OF THE TRANSMISSION LINE ON THE PROPERTY	5
IV. CONCLUSIONS AND RECOMMENDATIONS	8
Exhibit A - Map of Property Boundaries	8

I. INTRODUCTION

Q. Please state your name and address.

A. My name is Carl Zeitler, Jr. My address is 11835 Brush Canyon Drive, Tomball, Texas 77377.

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

A. I was raised on the farm and helped with all the farm work, picking cotton, driving tractor, irrigating, caring for animals, and all the other work associated with farming cotton, grain, and vegetables. I graduated college with a BS and MS in Electrical Engineering. I also obtained an MBA while working. I was a 2nd Lieutenant in the Signal Corps. I worked in the design and development of large computer systems for IBM, Compaq Computer and Newisys, a start-up, for a total of 46 years.

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 sister Mary Frances Zeitler.

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. My sister and I own property in Cameron 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 Cameron County, Texas?

A. Yes.

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

A. The property has belonged to our family and my mother's family, Steve and Mary Habec, since the 1930's and 40's and was passed on to my sister, Mary Frances, and me. We were raised on the farm and worked on it during our youth. We left after graduation from college. The land has been rented out since the early 1960's.

II. PURPOSE OF TESTIMONY

1
2 **Q. What is the purpose of your testimony?**

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

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

9 A. Yes, it is.
10

III. DESCRIPTION OF THE PROPERTY AND IMPACT OF THE TRANSMISSION LINE ON THE PROPERTY

13 **Q. Please describe your property.**

14 A. As described above, my family and I own approximately 264 acres of land in Cameron
15 County. The properties are located approximately 4 miles south of La Feria. All blocks
16 border on Cobarubias Road, formerly known as South Parker Road, stretching from U.S
17 281 on the south, to FM 3067 on the north. The blocks are noncontiguous. The property
18 has been improved for use as irrigated farmland.

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

21 A. The property boundaries are roughly consistent with Property IDs 178209, 178217,
22 178218, 178219, 177984, 177986, 177987, 177988, 177989, 177990, 177994, 177995,
23 177996, 177997, 177998, and 177999 as shown on Exhibit "A" attached hereto.

24 **Q. On which links are your property located?**

25 A. There are nine different proposed links that cross my family's property, and 23 of the 42
26 proposed alternative routes cross the property. Our property will be impacted by Joint
27 Applicants' proposed transmission line if any route utilizing Links 222, 224, 225, 227,
28 228, 229, 230, 231, and/or 232 is approved.

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

30 A. The old family home, now rented, is located on Block 8 Dana Tract on Cobarubias Road.
31 There are no proposed links adjacent to the homestead.

1 **Q. Please describe the property's current uses and operations.**

2 The property is used for agricultural production. It is currently leased for farming.
3 Cotton and grain sorghum are the current main crops along with some corn. Some of the
4 land is also farmed during the fall and winter months.

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

6 A. Yes, there are 3 water wells, now abandoned. One well on the southwest end of Block 7
7 would be impacted if it were put back in service by Link 227 and possibly 228.

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

10 Yes, my property is already burdened in two separate locations with transmission lines.
11 There is an existing transmission line that runs from east to west across the entirety of
12 Property IDs 177990 and 178217. There is also a pipeline north of the above-referenced
13 existing transmission line. Further south, a different existing transmission line runs from
14 east to west across the entirety of Property ID 178209.

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

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

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

21 A. Yes, I will discuss my concerns about the effects of individual proposed links and about
22 the effects of having another transmission line on my property in general. Specifically, if
23 Links 222 and 231 are approved, this will be the third transmission line on my property.
24 The two existing lines do not closely parallel one another and neither will the new
25 proposed line. Link 231 will be approximately $\frac{3}{4}$ mile north of one of the existing lines.
26 Although Link 232 does attempt to parallel one of the existing transmission lines, it will
27 still damage the farmland and make it even more difficult to aerial spray and utilize
28 implements around the structures and wires. Also because Joint Applicants routed
29 Link 224 north of the existing line and Link 232 south of the existing line, if certain
30 combinations of Links 224, 228, 229, and 232 are approved, there will be one or more
31 corner structures in the middle of my property where the new larger line will have to

1 cross over the existing line. If any routes utilizing Links 227, 228, 229, and 230 are
2 approved, the proposed transmission line will run the entire length of my property from
3 north to south, resulting in multiple non-parallel transmission lines running
4 perpendicular to one another which will further increase the difficulty of utilizing the
5 property for farming. The inability to spray properly completely jeopardizes not only my
6 property, but my neighbor's properties as well. A Boll Weevil eradication program has
7 been and continues to be in effect. Any unsprayed cotton puts the whole program in the
8 Rio Grande Valley at higher risk; not only my land but all lands planted in cotton crossed
9 by transmission lines, especially non-parallel lines.

10 I am concerned that any placement of a 345-kV transmission line across my property will
11 be devastating to the property and decrease the utility and value of the land. Because the
12 property is used primarily for agricultural farming, I am concerned that the construction,
13 placement, and maintenance of the line with its attendant poles, other structures and wires
14 will:

- 15 (1) result in the need for major changes to the current irrigation system, including
16 changes in ditch placement and possible loss of land usage due to any placement
17 change;
- 18 (2) create hazards to aerial crop spraying to such an extent that it may no longer be safe
19 to even attempt aerial applications;
- 20 (3) create obstacles and hazards to the use of farm equipment and implements, including
21 getting 8-row equipment around poles and other structures, causing a loss of time and
22 money in doing so;
- 23 (4) result in the additional burden of maintaining the areas surrounding poles and other
24 structures to prevent insect buildup, weeds, tall grass, etc. all of which will have to be
25 done with manual labor, at our expense in perpetuity;
- 26 (5) create a packing of the soil caused by construction, increased vehicle traffic, and use
27 of heavy equipment on the land;
- 28 (6) interfere with farming operations during construction and create or cause crop loss
29 due to said construction; and
- 30 (7) cause potential crop destruction in the future due to required necessary transmission
31 line maintenance, fallen lines, pole replacement, etc.

1
2 **IV. CONCLUSIONS AND RECOMMENDATIONS**

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

5 A. Like most other landowners, my family and I do not want the proposed transmission line
6 to cross our property. We are vehemently opposed to Links 222, 224, 225, 227, 228, 229,
7 230, 231, and 232, and any of Joint Applicants' alternative routes that utilize the same,
8 including Alternative Routes 1, 2, 3, 5, 11, 12, 13, 15, 16, 17, 19, 20, 21, 25, 27, 28, 29,
9 31, 1S, 4S, 5S, 8S, and 9S. In my opinion, placing the line on any of the routes which I
10 oppose would not (i) be consistent with maintaining the environmental integrity of my
11 property as suggested by Public Utility Regulatory Act § 37.056; (ii) route the line, to the
12 extent reasonable, to moderate the impact on the affected community and my family as
13 landowners; or (iii) conform to the policy of prudent avoidance, as set forth in P.U.C.
SUBST. R. 25.101.

14 **Q. Do you support any routes? If so, please explain why.**

15 A. Yes, I support Alternative Route 3S which I believe best complies with the routing
16 factors to be considered by the Administrative Law Judge and the PUC as set forth in
17 P.U.C. SUBST. R. 25.101 and Public Utility Regulatory Act § 37.056. I could probably
18 also support a similar route that does not utilize Link 222, 224, 225, 227, 228, 229, 230,
19 231, and/or 232.

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

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

Exhibit "A"



