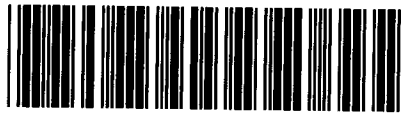




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Addendum StartPage: 0

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

2013 NOV -8 PM 1:06

PUBLIC UTILITY OFFICE

JOINT APPLICATION OF
ELECTRIC TRANSMISSION TEXAS,
LLC AND SHARYLAND UTILITIES
TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
FOR THE NORTH EDINBURG TO
LOMA ALTA DOUBLE-CIRCUIT
345-KV TRANSMISSION LINE IN
HIDALGO AND CAMERON
COUNTIES, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF TAYLOR AND MARTHA BLANTON

NOVEMBER 8, 2013

107

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

**DIRECT TESTIMONY OF
TAYLOR AND MARTHA BLANTON**

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

DIRECT TESTIMONY OF TAYLOR AND MARTHA BLANTON

I. INTRODUCTION AND BACKGROUND

Q. Please state your names and business address.

A. Our names are Taylor and Martha Blanton. Our business address is 27715 SH 100, San Benito, Texas 78586.

Q. Please briefly describe your occupation and educational background.

A. Martha is a graduate of the University of Texas at Austin and was a practicing real estate professional for ten years prior to moving back to the Valley. Taylor is a retired Foreign Service Officer with the U.S. Department of State, having served in Washington, D.C. and various foreign countries from 1969 until 1993. Both Taylor and Martha are Certified Master Naturalists, having completed the course offered by the Texas Parks and Wildlife Department in 2002, and are charter members of the Rio Grande Valley Chapter. Together we operate Casa Los Ebanos as an event and nature venue.

Q. Are you familiar with the application filed by Electric Transmission Texas, LLC (ETT) and Sharyland Utilities (Sharyland) (together, Joint Applicants)?

A. Yes, generally.

Q. On whose behalf are you both testifying?

A. We are testifying on own behalf as the business owners of Casa Los Ebanos, a property located at 27715 SH 100, San Benito, Texas and as homeowners of the property located at 29597 SH 100, San Benito, Texas.

Q. Have you ever testified before the Public Utility Commission (PUC or Commission) before?

1 A. No, we have not.

2
3 **II. PURPOSE AND SCOPE**

4 **Q. What is the purpose and scope of your testimony?**

5 A. Our testimony provides a description of our properties that could potentially be impacted by
6 this case. The first is our business, Casa Los Ebanos at Los Ebanos Preserve, a beautifully
7 preserved and restored home with extensive grounds that was built in 1937 as a family
8 homestead and is now an event venue. The second is our home, located on the Resaca de
9 Los Cuates. Our testimony will describe how the routing of the transmission line on, or in
10 the immediate proximity of, these properties would negatively impact them.

11
12 **Q. How are your properties identified in this case?**

13 A. Our home is identified as Property No. 362073 on Attachment 9b – Cameron County, Sheet
14 No. 38. Casa Los Ebanos at Los Ebanos Preserve is depicted on Attachment 9b – Cameron
15 County, Sheet No. 37 near the junction of Highway 77/83 and County Road 100, where the
16 “282” is printed for the link of that name.¹ Portions of the property are identified as “1113”
17 and “1121”, although these designations appear to apply to other properties as well and it is
18 not clear if the Casa Los Ebanos property has been individually delineated and identified by
19 a number in the application. Our home property (Property No. 360273) is potentially
20 impacted by Link 304 and Casa Los Ebanos is potentially impacted by Link 282 of the
21 North Edinburg to Loma Alta transmission line project.

22
23 **Q. Is the depiction of the properties on the Joint Applicants’ maps accurate?**

24 A. Attachment 9b depicts a generally accurate photographic depiction of the properties.
25 However, our home property is not specifically delineated as the number assigned by the
26 Joint Applicants is one of several within a larger yellow-bordered property outline. Casa
27 Los Ebanos is not delineated at all, nor is it given a distinct property number.

¹ For convenience, excerpts of Attachment 9b depicting our properties have been attached to this testimony as Attachment C.

1 **Q. How long have you or your family owned these properties?**

2 A. Martha's father, Frank Russell, bought the land in the mid 1930s and began farming. After
3 his death in 1957, his son James Russell graduated from MIT and returned to Texas to
4 actively farm and be an entrepreneur. James and one of his sons are still farming this land
5 and the farm is now owned by James and his four children. The Los Ebanos Preserve is a
6 naturally preserved area surrounded by the Russell farmland.

7
8 **Q. Do you have a position regarding the routing of the proposed transmission line in this**
9 **case?**

10 A. Yes. Generally, we support routing of the line on property that has already been developed
11 in a manner consistent with transmission infrastructure to the extent possible, specifically in
12 parallel to other existing transmission infrastructure. We support routing the line where its
13 aesthetic impacts are more compatible with existing land use and development and oppose
14 routing the line in areas where the existing land uses will be severely negatively impacted
15 by the presence of the line or where the line will take away the use of land with strong
16 economic development potential. Further, we strongly support routes that are formed by the
17 collaboration and settlement among the parties participating in this proceeding whose
18 interests may be directly impacted. By approving a transmission line route that is the result
19 of a settlement among landowners, the Commission can dramatically lessen the negative
20 impacts of the proposed line and truly give a voice to the interests of the community that
21 have come together to find a solution in this difficult process.

22
23 **Q. Do you have a position regarding specific routing alternatives proposed by the Joint**
24 **Applicants?**

25 A. The Administrative Law Judge (ALJ) in this case correctly ruled in Order No. 6 that there is
26 not sufficient evidence to support the Joint Applicants' contention that all routes must pass
27 through their unilaterally designated "routing circle." All of the routes initially proposed in
28 the Application passed through the routing circle and should be rejected, including the
29 Route 32, which the Joint Applicants identified as the route they favored. Instead, one of

1 the Supplemental Routes filed by the Joint Applicants in the Supplement to the Application
2 filed on October 28 or a similar route using noticed links in a forward progressing manner
3 should be approved. We specifically support Supplemental Route 2S, which we believe
4 best complies with the routing considerations described below.

5 In general, we oppose proposed routes that would severely impact the use and
6 value of the land traversed and that would severely limit the economic development that
7 could occur on it as the Lower Rio Grande Valley continues to develop as one of the fastest-
8 growing communities in the nation. The route that the Joint Applicants have recommended,
9 Route 32, is one such route that we oppose. There are many competing interests represented
10 by the intervenors in this case and obviously, every individual landowner that will be
11 impacted by the line will have their own concerns regarding the presence of the line and we
12 are not dismissing or discounting those concerns. We do believe, however, that given the
13 unique beauty and historical significance of Casa Los Ebanos, and the intrinsic value of
14 property on the resacas of Cameron County such as that where our home is built, there are
15 more compatible routes available than those that will have such detrimental aesthetic
16 impacts. The eastern Cameron County part of the Supplemental Route 2S parallels existing
17 transmission lines for a majority of its distance and largely avoids the corridor of the US 77
18 expressway that is the gateway to the Brownsville area. We believe that this route, or one
19 very similar to it with some modifications to accommodate specific landowner interests,
20 could minimize the negative impacts of the proposed transmission line.

21
22 **Q. Do you own other property in the study area?**

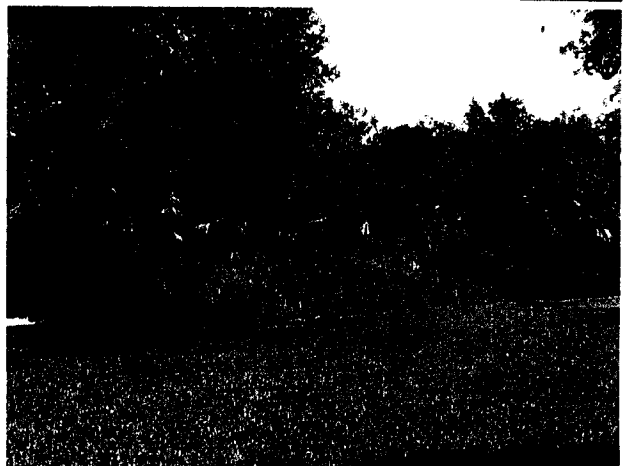
23 **A.** Yes. Martha owns two rental houses in Rancho Viejo. These properties could be impacted
24 by proposed Link No. 307.

25
26 **III. DESCRIPTION OF THE PROPERTY**

27 **Q. What are the general features of the Casa Los Ebanos property?**

28 **A.** Casa Los Ebanos is a property within an 82 acre private park known as the Los Ebanos
29 Preserve. The property consists of a southern colonial-style home built in 1937 that faces a

lake and is surrounded by gardens and spacious lawns with tropical and native landscaping. In addition to the 4,100 square foot main house, there is a dance pavilion attached to a building with food preparation and hospitality facilities, a garage, and a caretaker's cottage. The pictures below were taken on the property in August, 2013, and are representative of the terrain and characteristics of the property:



1



2

3



4

5



6

1 **Q. How is the Casa Los Ebanos property used?**

2 A. Casa Los Ebanos is used to host garden weddings and other outdoor events as well as indoor
3 events. Approximately fifty weddings per year are hosted at Casa Los Ebanos in addition to
4 a number of other types of events. A brochure for the property, demonstrating its use, is
5 attached to this testimony as Attachment A.
6

7 **Q. What is the history of the property?**

8 A. This property was part of the Espiritu Santo, a land grant to the de la Garza family from the
9 King of Spain. In modern times it was the homestead of the late Frank and Martha Sladek
10 Russell who came to the Rio Grande Valley from Oklahoma in the mid-1930s. They bought
11 property north of Brownsville and cleared much of it for the farming of cotton, sugar cane,
12 vegetables, and sorghum, retaining 82 acres for their home and private use.

13 The home at Casa Los Ebanos was occupied by Mrs. Russell until the year 2000.
14 In the fall of 2001, renovations began, and in January of 2002, we opened the 82 acres to the
15 public as a small birding and butterfly venue called Los Ebanos Preserve and began to host
16 weddings and other events in the house called Casa Los Ebanos. Over the past eleven years
17 there have been hundreds of weddings and other celebrations at Casa Los Ebanos.
18

19 **Q. Describe the habitable structures present on the property.**

20 A. The main house is a 4,100 square foot home decorated with antiques appropriate to its
21 heritage and meticulously maintained. In addition to a large living room the house has a
22 garden room with floor-to-ceiling windows, a formal dining room, and a book-lined study.
23 Additional spaces in the house are used for event purposes. Pictures of the interior of the
24 house are shown below:



2
3 In addition to the main house, there are number of other structures on the Casa Los Ebanos
4 property as mentioned above. These include a dance pavilion attached to a building with
5 food preparation and hospitality facilities, a garage, and a caretaker's cottage. Like the main
6 house, these structures are constantly maintained in the same style and quality with which
7 they were built.

8
9 **Q. Describe the Los Ebanos Preserve.**

10 **A.** The Estate of Martha Sladek Russell is the owner of the property, and Martha Russell
11 Blanton and her brother James Russell have a life estate in it. The Rio Grande Valley is
12 home to over 500 species of birds (native and migrants combined), more than anywhere else
13 in the United States. The conservation of native habitat here is an enormously important
14 factor for ecotourism and therefore the economy of the Valley.

15 The Brownsville Common Yellowthroat (*geothlypis trrichas insperata*) is an
16 endemic subspecies of the Common Yellowthroat that is restricted to the southern half of
17 Cameron County. Previously thought to be extinct, it was rediscovered in 1988. Its
18 population is estimated to consist of only 200-250 individuals, and the Los Ebanos Preserve
19 is the northernmost known population and one of the most accessible. In addition, the
20 property supports bobcats, javalena, coyotes, and numerous Texas protected Indigo snakes.

1 Shortly after it opened, Los Ebanos Preserve was featured in a nature television
2 program and was featured in an article describing its wide variety of birds and butterflies in
3 the November 2003 issue of Texas Highways magazine.
4

5 **Q. Is there an electric transmission line on the property?**

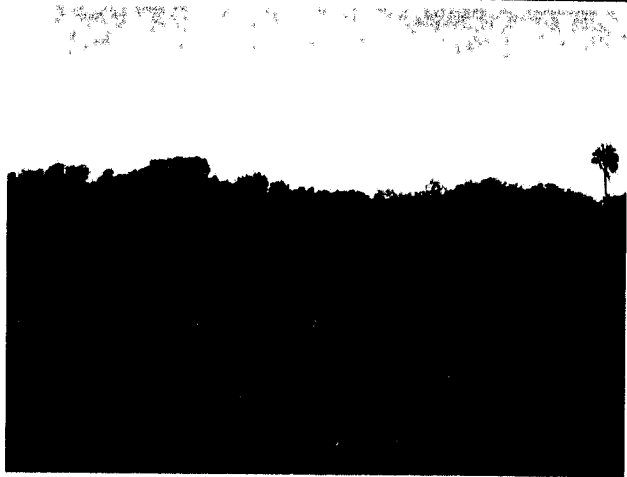
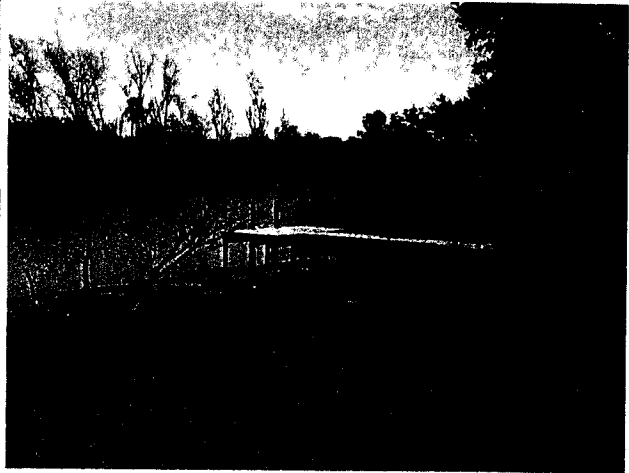
6 A. No.
7

8 **Q. Do any other types of easements affect the property?**

9 A. The Casa Los Ebanos at Los Ebanos Preserve property may have an unrecorded easement to
10 Rio Grande Palms Water District for an irrigation ditch and the Resaca on our home
11 property may also have an unrecorded easement to the district. In addition, our home
12 property has a road built on a 30-ft wide strip owned by Frank Russell, and he has given us a
13 right-of-way easement on his 30-ft strip, as we have on our 30-ft strip. The property on
14 either side of these strips is owned by James Russell and his family (Russell Plantation).
15

16 **Q. What are the general features of your home property?**

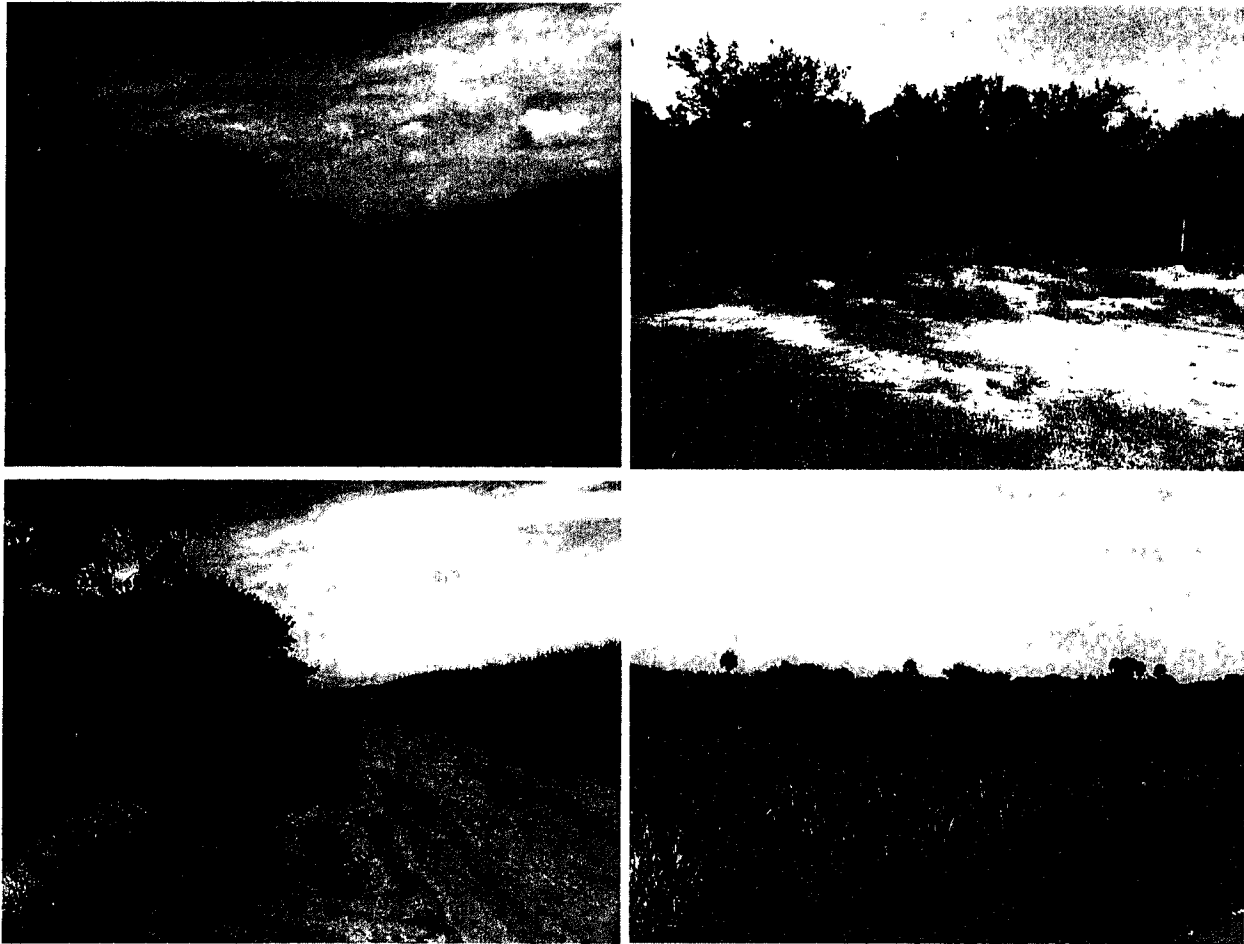
17 A. Our home is located on the Resaca de Los Cuates north of State Highway 100 and west of
18 San Carlos Road. We completed construction of our home three and a half years ago and it
19 is our permanent home. Building this house on part of the Russell farm fulfilled a lifelong
20 dream of Martha's to return to her roots in the Rio Grande Valley. Our goal is to live out
21 our lives on this property. Pictures of the house and its surrounding property are shown
22 below:



IV. IMPACTS OF THE PROPOSED TRANSMISSION LINE ON PROPERTY

Q. In what manner would your Casa Los Ebanos be impacted by the proposed transmission line?

A. Link 282 would encircle the north and east of the Los Ebanos Preserve as shown on the map excerpt from Attachment 9b – Cameron County, Sheet No. 37 that is attached to this testimony as Attachment B. It is not certain from the depiction on that exhibit whether or not the right of way for Link 282 would require that part of the Los Ebanos Preserve property be cleared, but it is clear that the 150-ft tall towers would be visible from most parts of the property, above all of the trees and palms. The pictures below show the edge of the Los Ebanos Preserve where Link 282 would be routed if approved:



As it encircles the Los Ebanos Preserve, the towers of Link 282 would be visible from the main house of Casa Los Ebanos and in the viewshed of the lake as seen in the pictures included in this testimony above and in the brochure attached as Attachment A. As you can see from the brochure, one of the most popular locations on the property for conducting weddings is on the lawn directly facing the lake. The presence of an immense transmission line looming in the near distance would dramatically reduce the appeal of this venue.

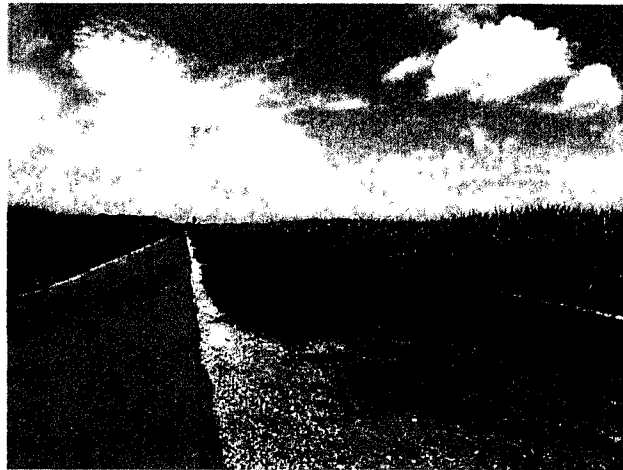
Q. Is there any way that the impact of Link 282 could be lessened?

A. None that is apparent. If the link were moved farther away from the Los Ebanos Preserve it would still traverse and greatly impact the surrounding farmland that is owned by members of our extended family. Further, it is not apparent that the link could be moved a meaningful enough distance to lessen the aesthetic impact on the Los Ebanos Preserve and

1 still serve its presumed purpose of connecting with other links to form a reasonable
2 transmission line route. Link 282 directly links to Link 283, which has a detrimental impact
3 on our home property, an impact that is far greater if Link 283 is then used to connect with
4 Link 304, which would be nothing short of devastating to our home property. All of the
5 links in the center of this area of Cameron County around the 83/77 Expressway traverse
6 property that is either already developed, in advanced stages of development, or is among
7 the most valuable land in the county for future development. This is the reason that we are
8 strongly advocating that, rather than approving routes that impact the Expressway area, a
9 northern route be approved that largely parallels existing transmission lines as it makes its
10 way to the Loma Alta substation. The Rhodes/Campbell proposed route is one such route
11 that makes use of these links impacting land where a transmission line is already present.
12

13 **Q. In what manner would your home property be impacted by the proposed transmission**
14 **line?**

15 **A.** Link 304 would be constructed directly parallel to the private asphalt road that we
16 constructed for access to our home. Although it is difficult to discern with certainty from
17 Attachment 9b – Cameron County, Sheet No. 38 exactly how the proposed Link 304 would
18 affect the road, it is evident that a significant portion of the road would be directly in the
19 line's right-of-way. Although we would hope that the Joint Applicants would not destroy
20 the road in order to construct the transmission line, we cannot be certain of that from the
21 way that Link 304 is depicted in the Application. The private road is the only means of
22 access to our home and if it were made unusable, it is not immediately clear how we could
23 continue to reside in our home. The pictures below depict the private road and the area
24 where Link 304 is proposed:
25



1
2 Link 304 would be in every view shed from our home, as would Link 283, though it would
3 be somewhat farther in the distance. It appears from Attachment 9b that our home is just
4 outside the 500-ft from the centerline notice area as defined in the Application. This does
5 not mean that we would not be dramatically impacted by the presence of the line if a route
6 including Link 304 were approved. We would be forced to drive on our private road every
7 day in direct proximity to the line, which raises significant safety concerns, particularly at
8 night. Additionally, we walk along our road frequently in the morning and evening and it is
9 difficult to imagine that we could continue to enjoy our property in this manner if Link 304
10 were constructed. Finally, we have concerns about the damage that would occur to our
11 private road during the construction of Link 304 even if its presence would not require the
12 road's removal. This concern is minimal, of course, compared to the severe aesthetic and
13 safety concerns that we have regarding Link 304.
14

1 **Q. Is there any way that the impact of Link 304 could be lessened?**

2 **A.** None that is apparent. If the link were moved to the west away from the road it would
3 directly impact our home and traverse even more closely to the Resaca de los Cuates,
4 destroying any other use of that land which is the most valuable type of land in Cameron
5 County. If moved eastward, Link 304 would have to clear the drainage ditch adjacent to the
6 private road that is important to the surrounding farmland owned by our relatives the
7 Russells. The Link would then directly impact the numerous properties to the east of the
8 ditch, many of which have habitable structures upon them. From Attachment 9b it appears
9 that several structures near State Highway 100 would be within the right-of-way of Link 304
10 if it were moved to the east. The Application states that structures within the right-of-way
11 of the approved line will likely have to be relocated. Moving Link 304 to the east would
12 have only modest aesthetic improvements for our property so it is difficult to conclude that
13 there would be any benefit from adjusting the line that could justify removal of habitable
14 structures.

15
16 **V. CONCLUSION**

17 **Q. Are all of the pictures included in this testimony true and correct reproductions of**
18 **photographs of your properties taken in August 2013?**

19 **A.** Yes. The photographs included in the brochure attached as Attachment A were taken on the
20 Casa Los Ebanos property at different dates. Full sized copies of each photograph are
21 attached as an exhibit to this testimony.

22
23 **Q. Does this conclude your testimony?**

24 **A.** Yes it does.

ATTACHMENT A

BROCHURE FOR CASA LOS EBANOS

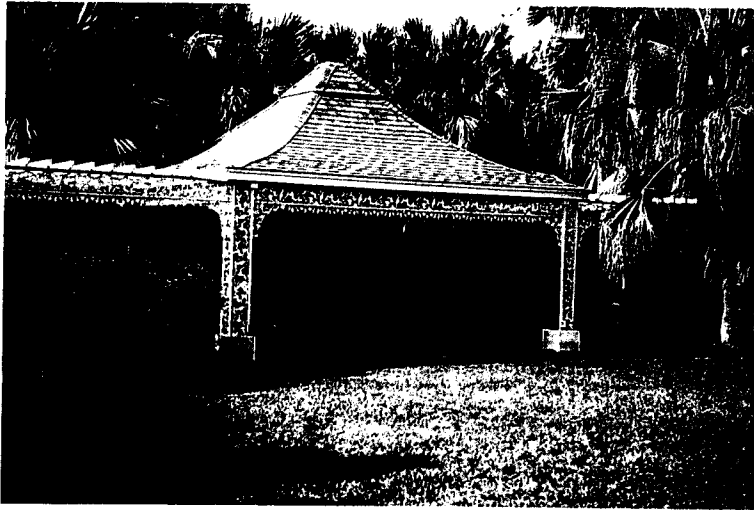
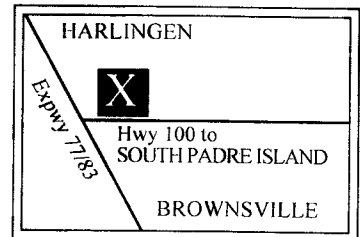
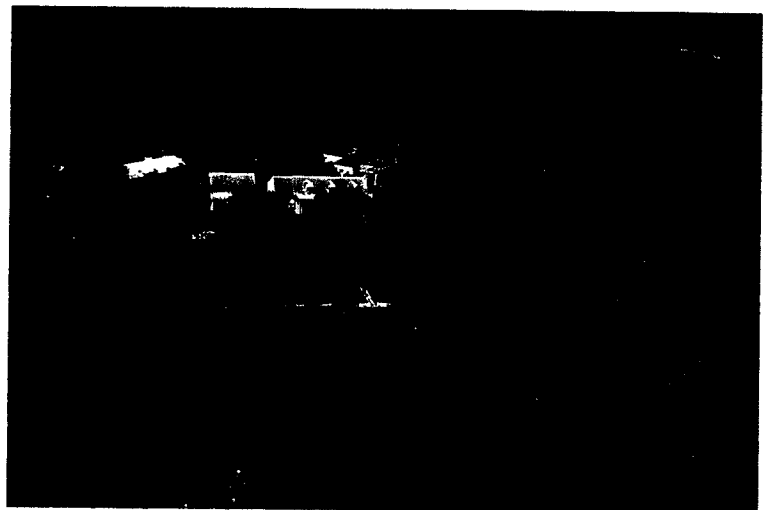


Photo Credit: www.johnfaulkimages.com



Location

On State Hwy. 100 between Harlingen and Brownsville. From Expressway 77/83, take the South Padre Island exit and go east 100 yards to our entrance on the left.



Casa Los Ebanos

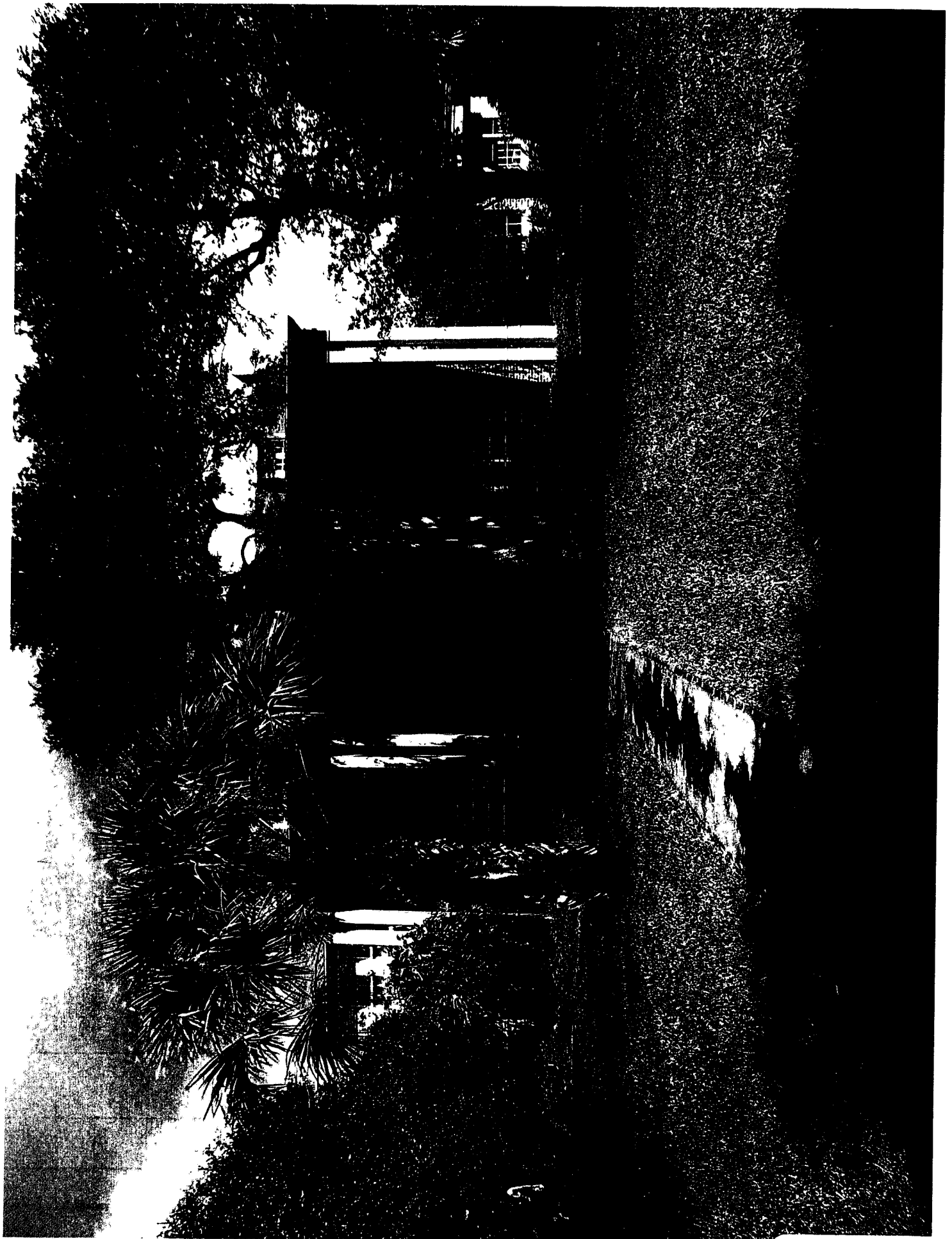
27715 State Highway 100 • San Benito, Texas 78586

(956) 399-9097

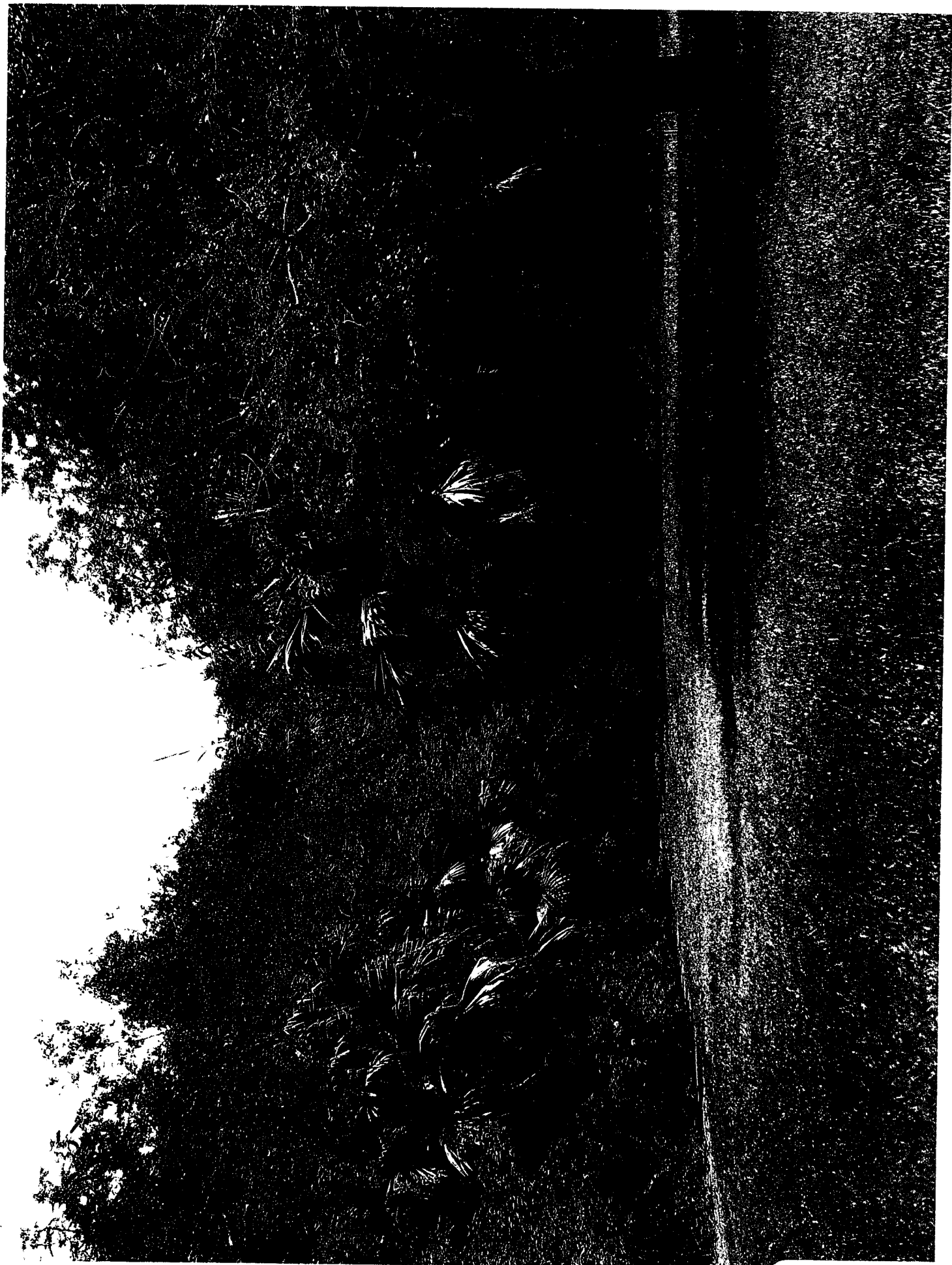
www.casalosebanos.com

ATTACHMENT B

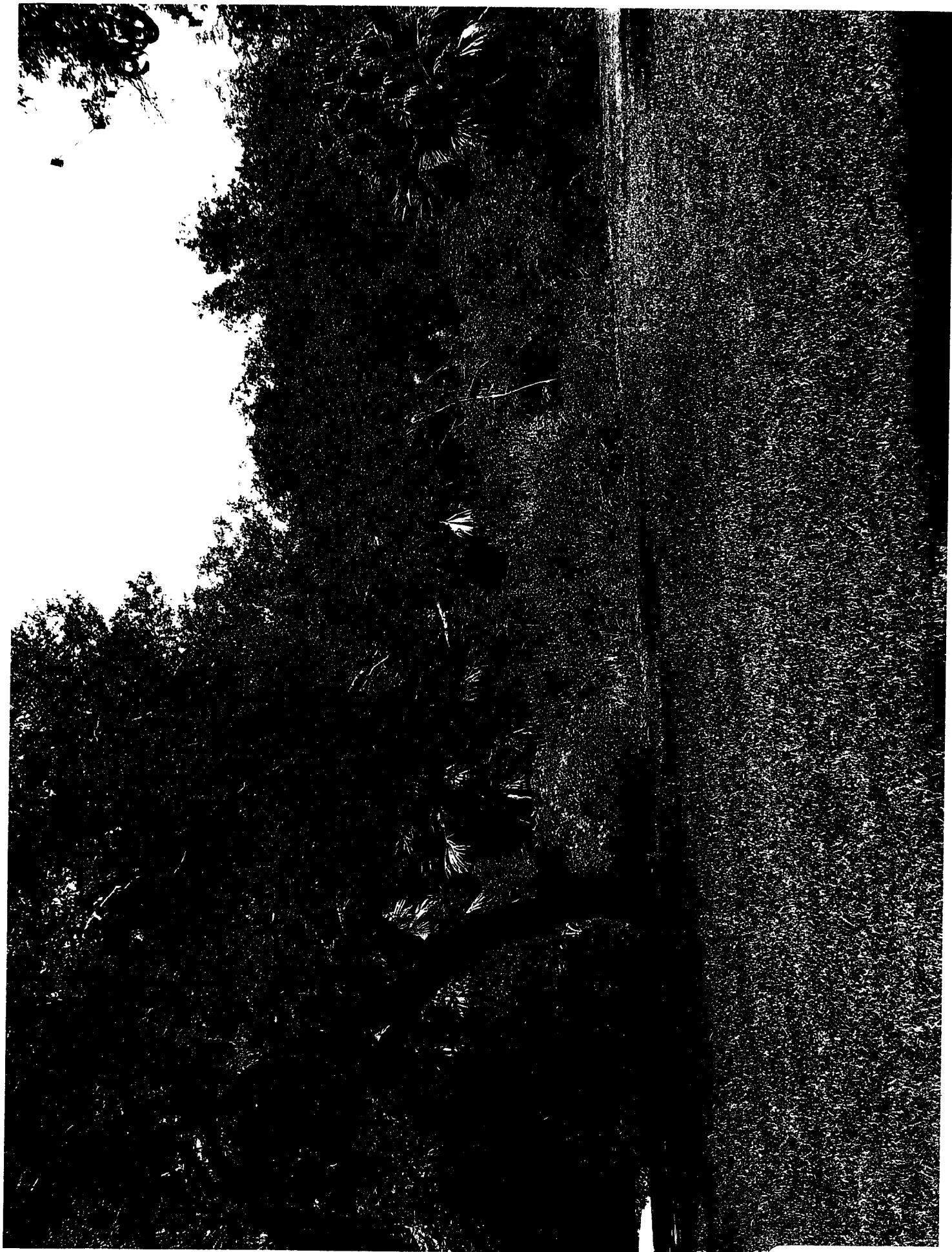
FULL SIZE PHOTOGRAPHS

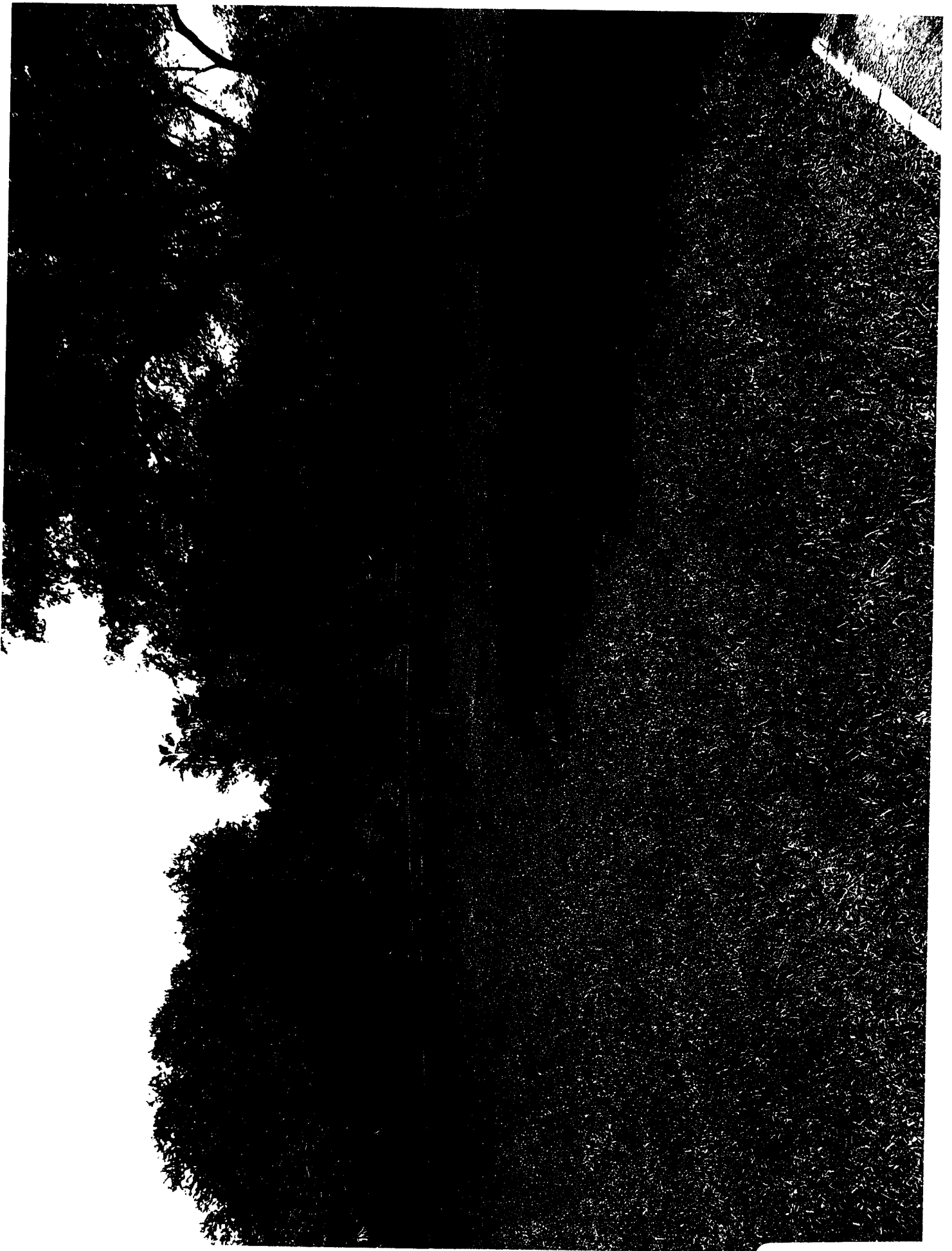




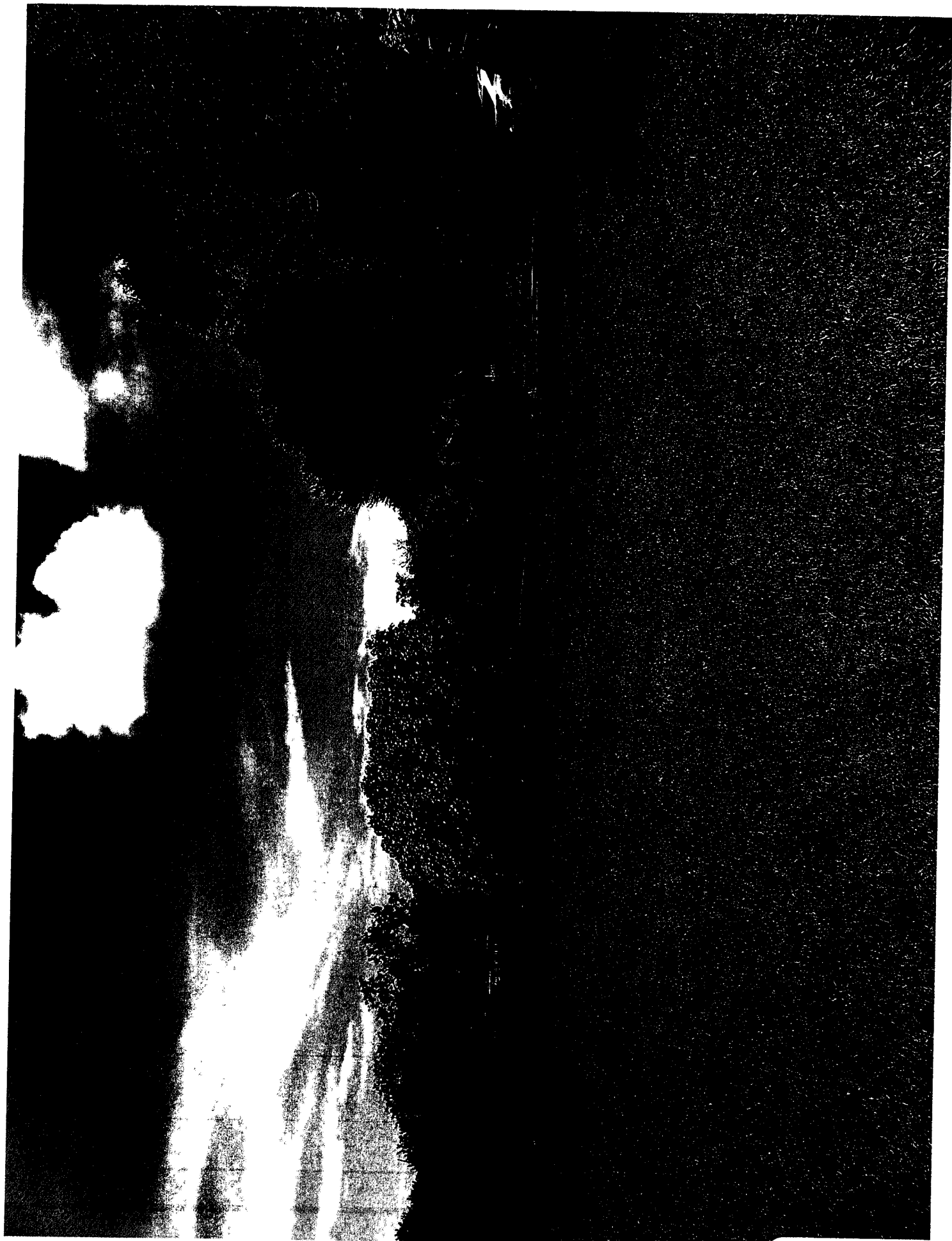


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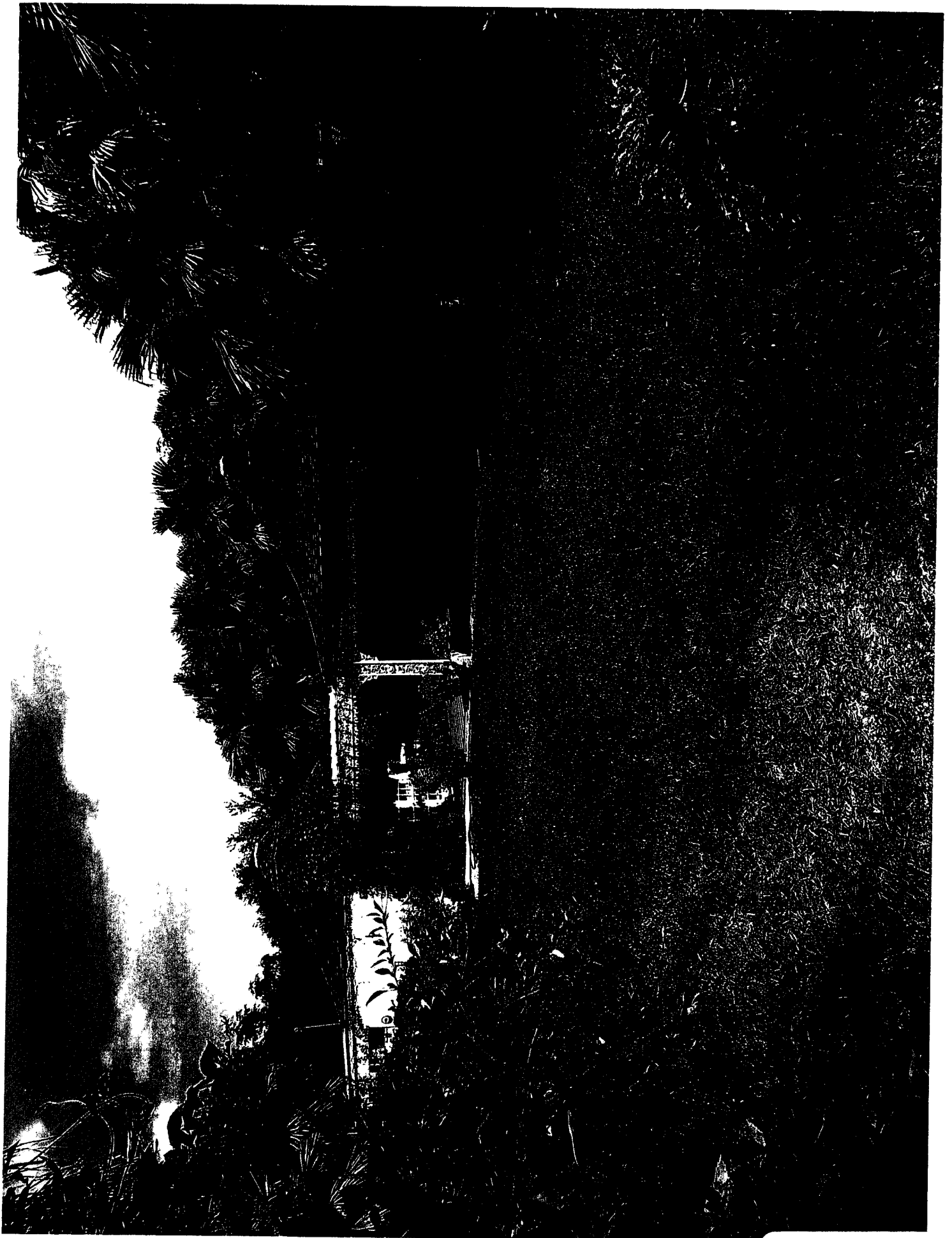


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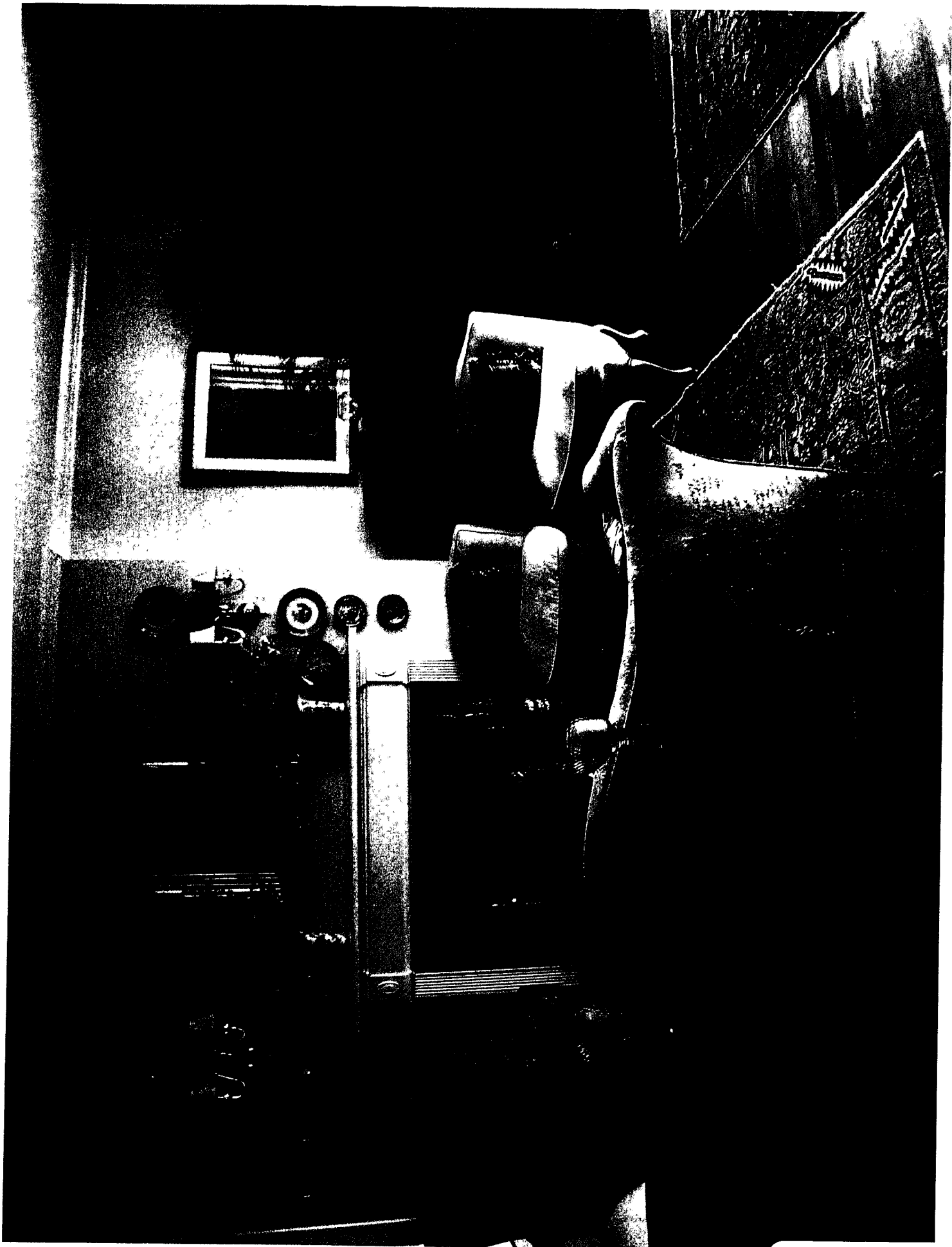




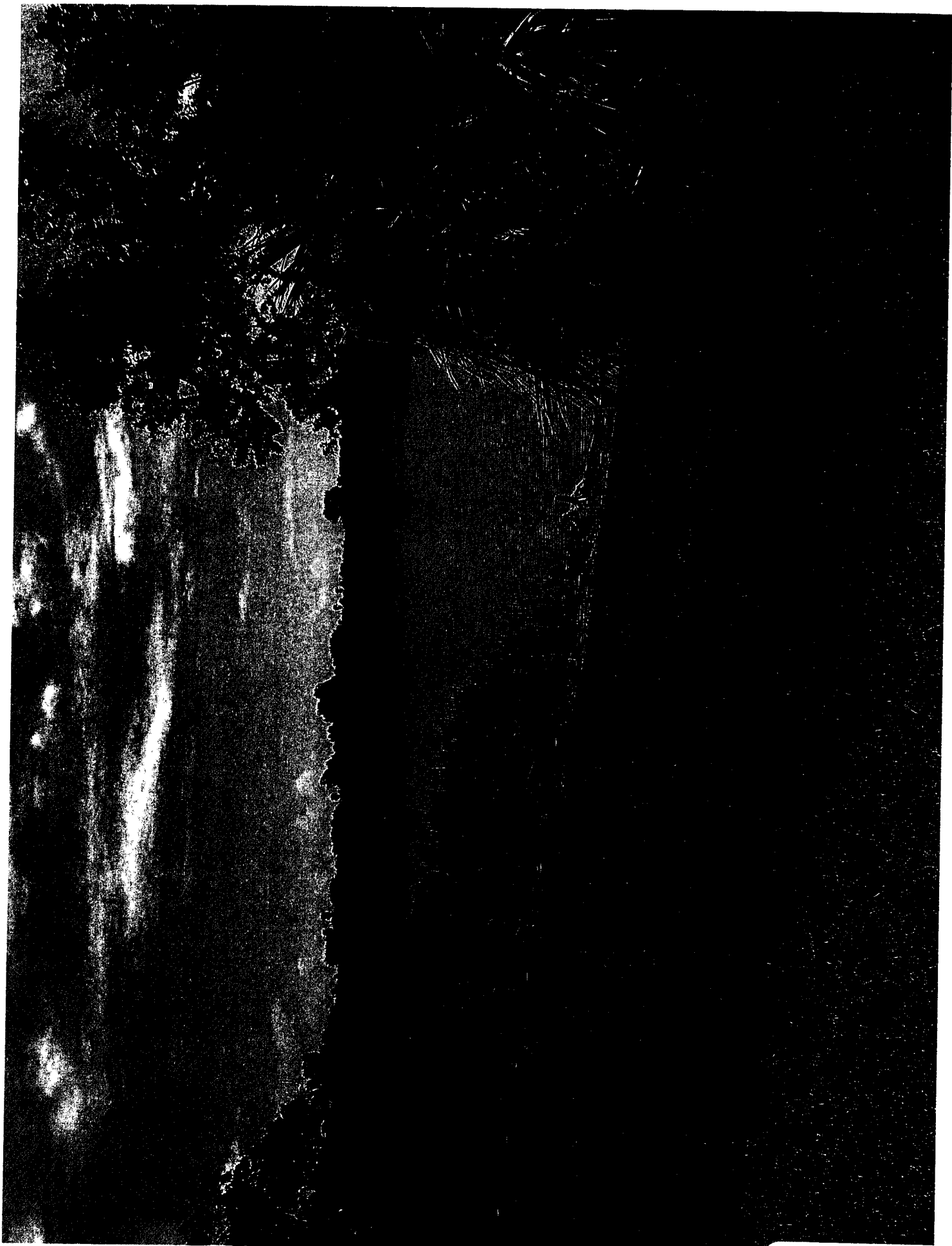




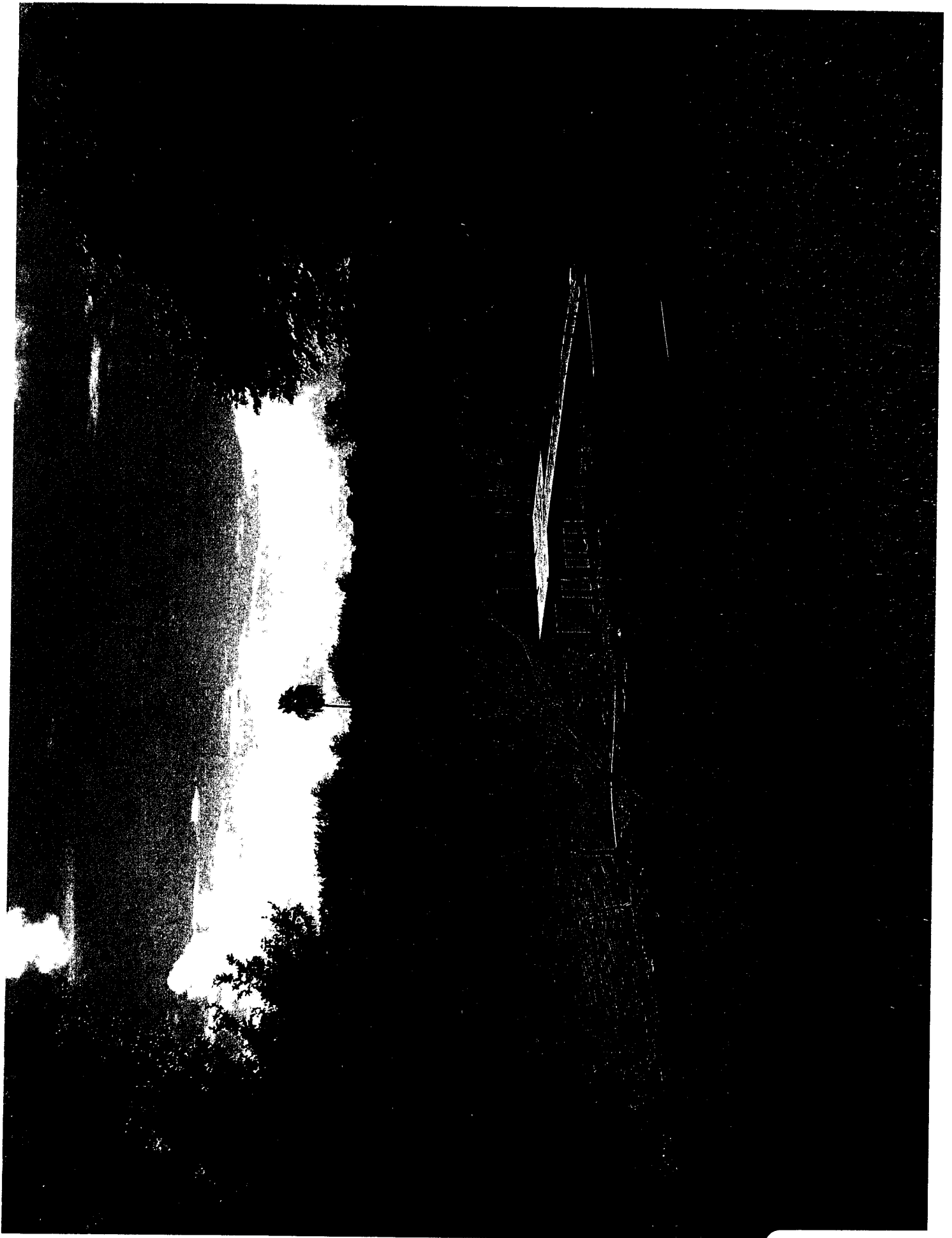
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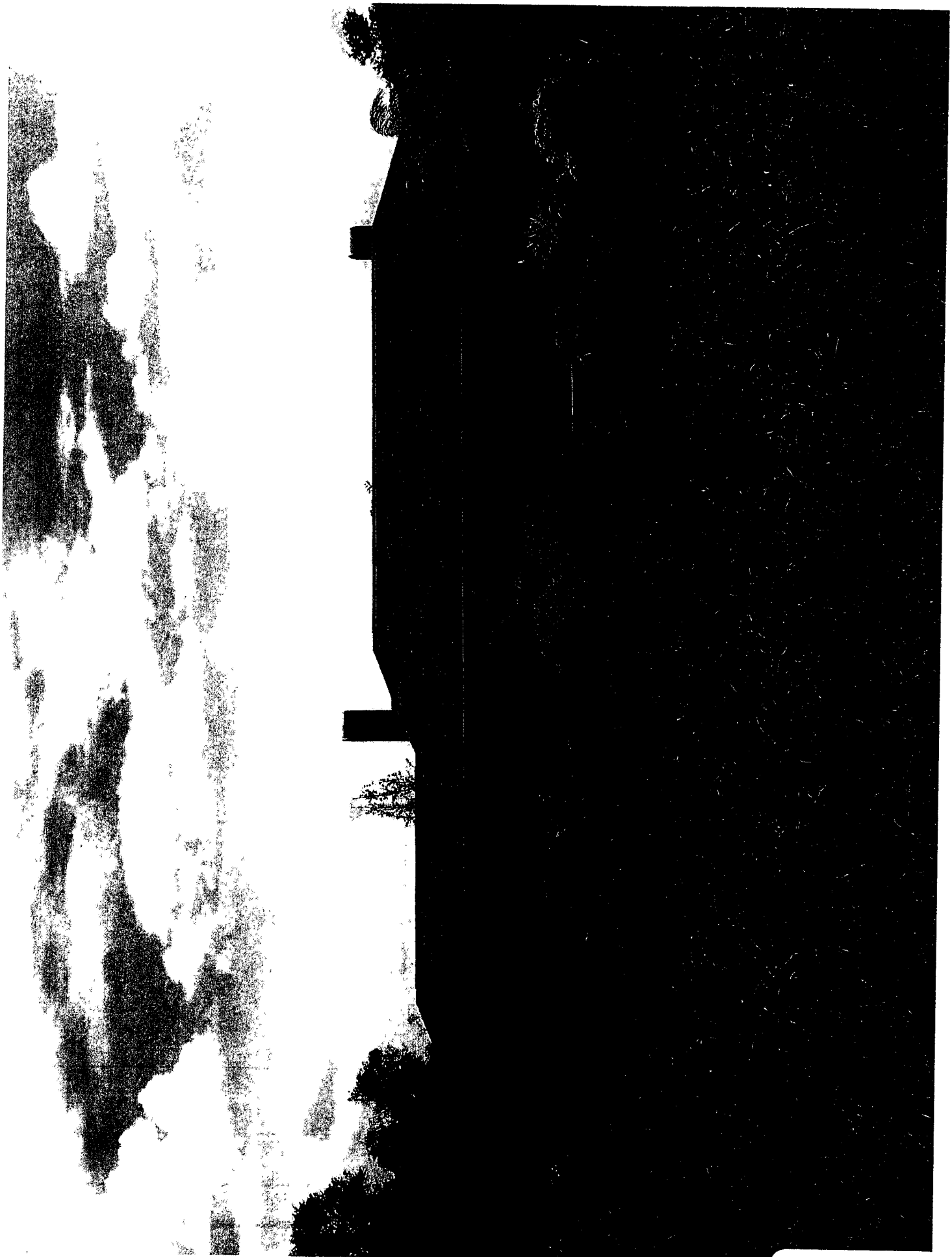


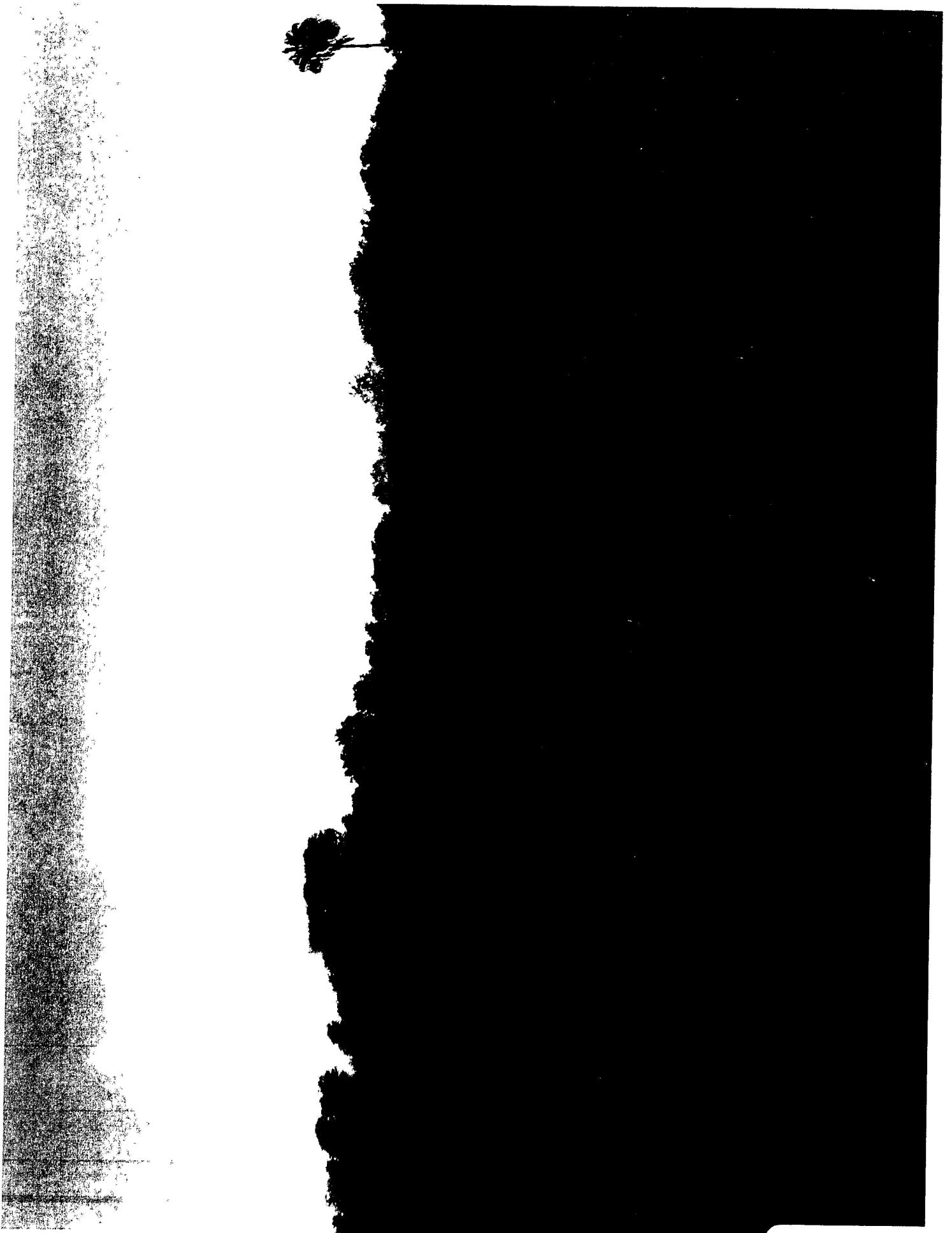


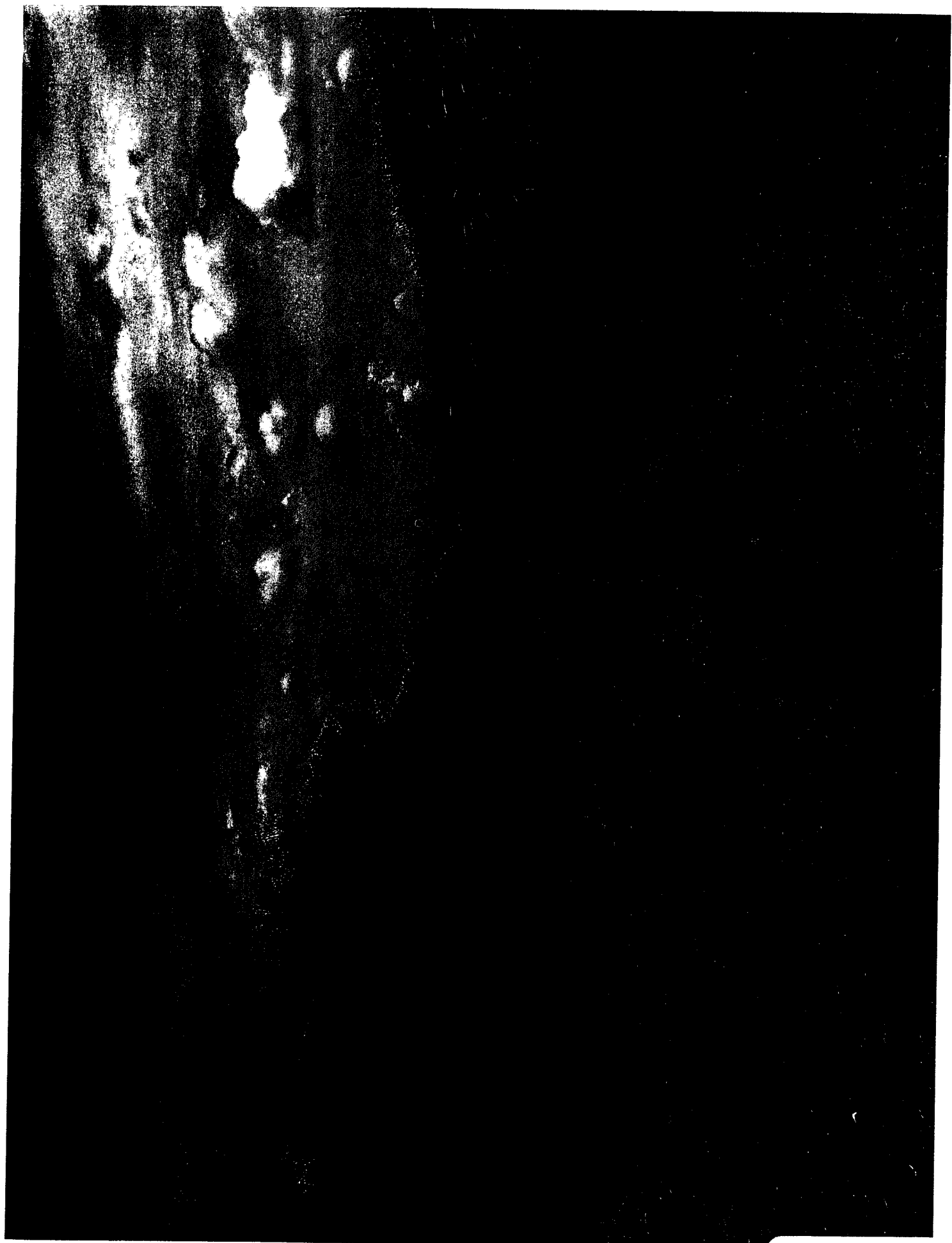


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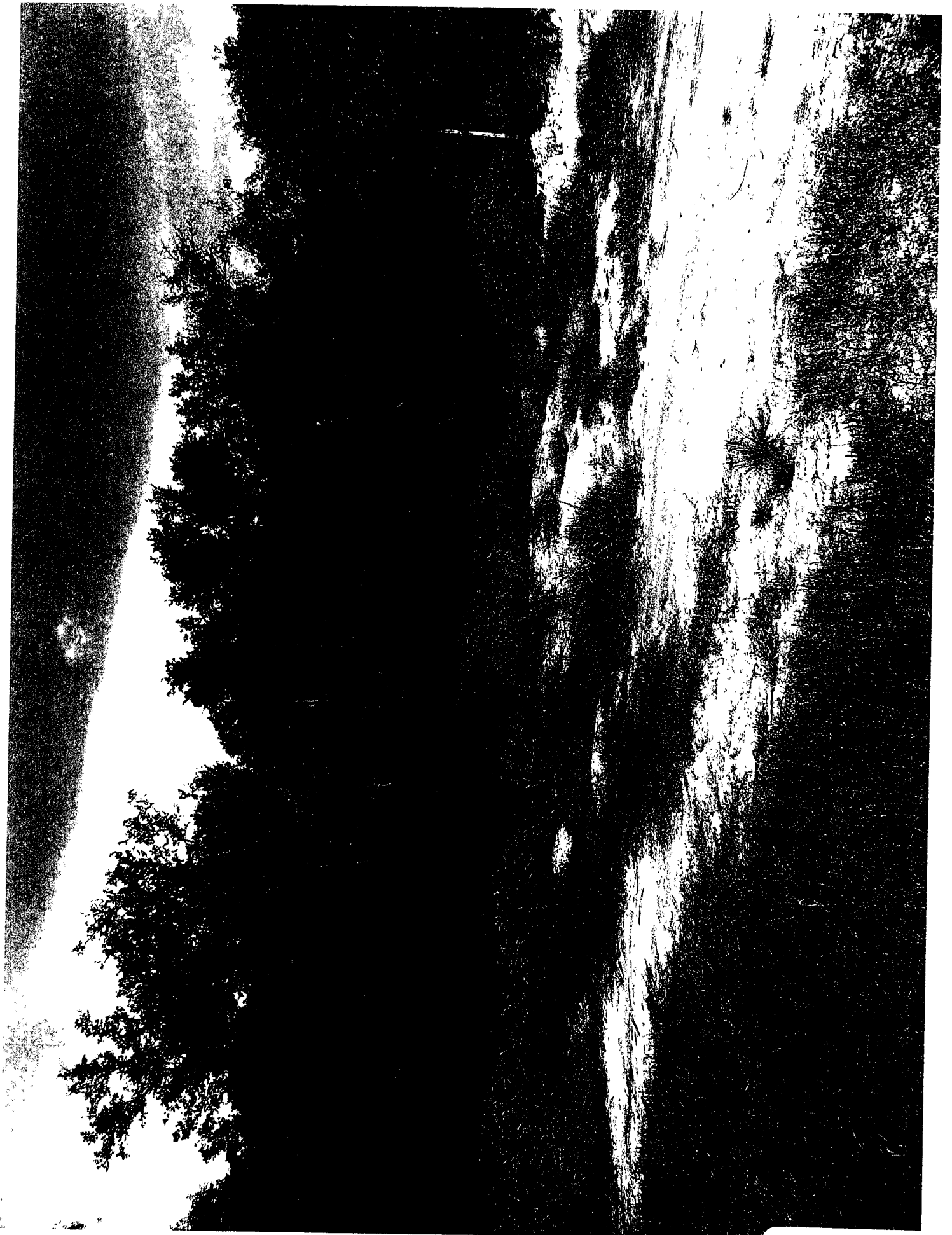




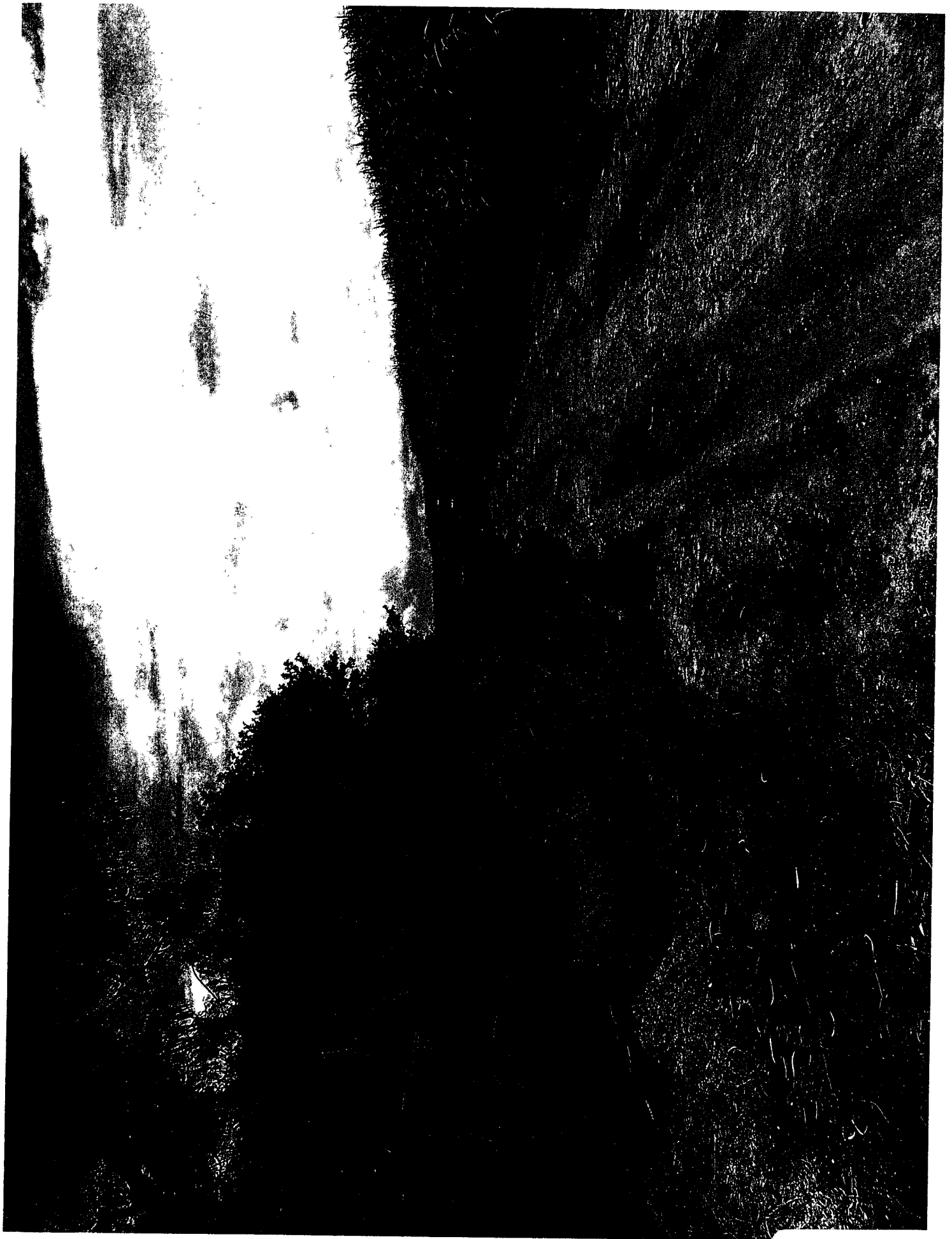




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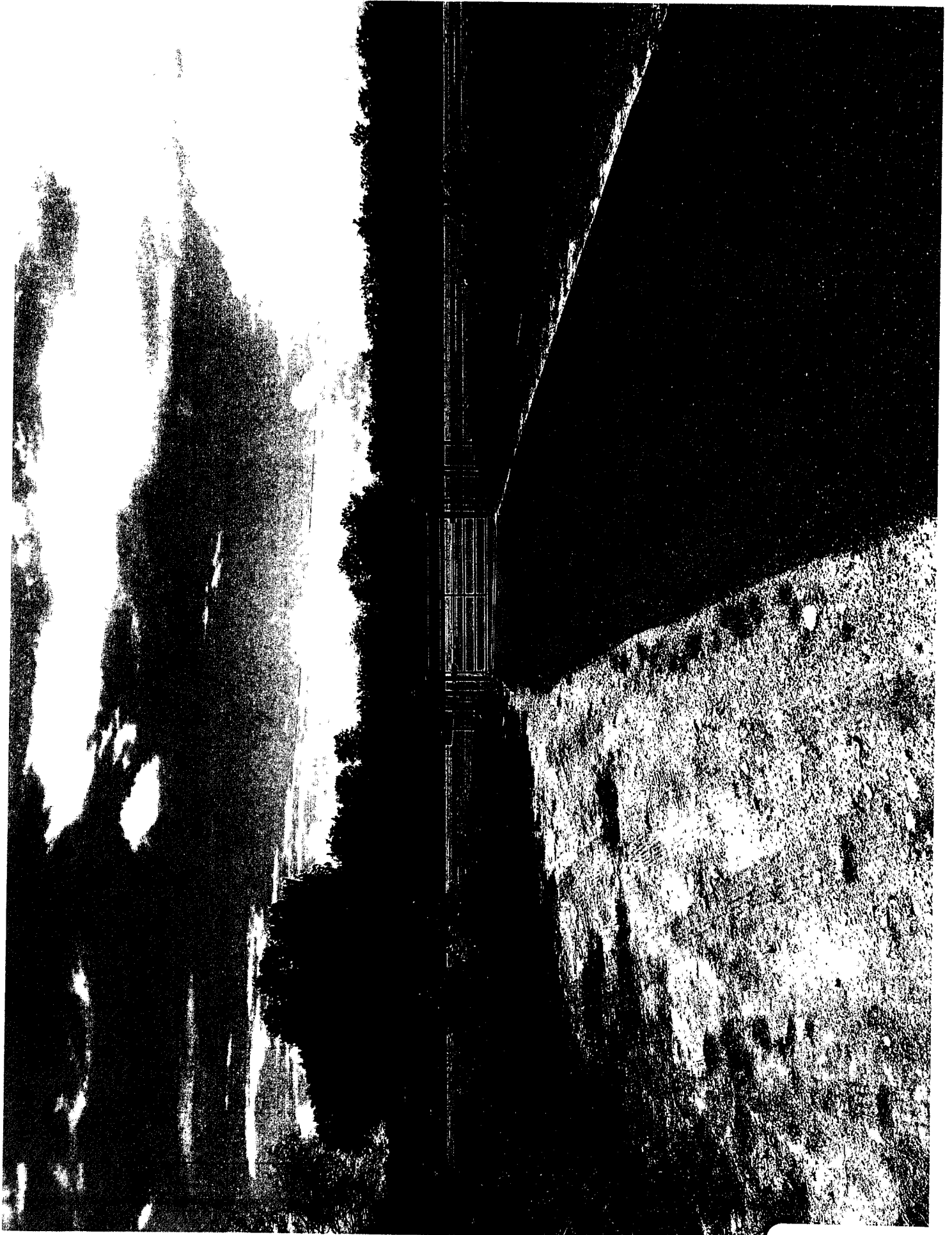


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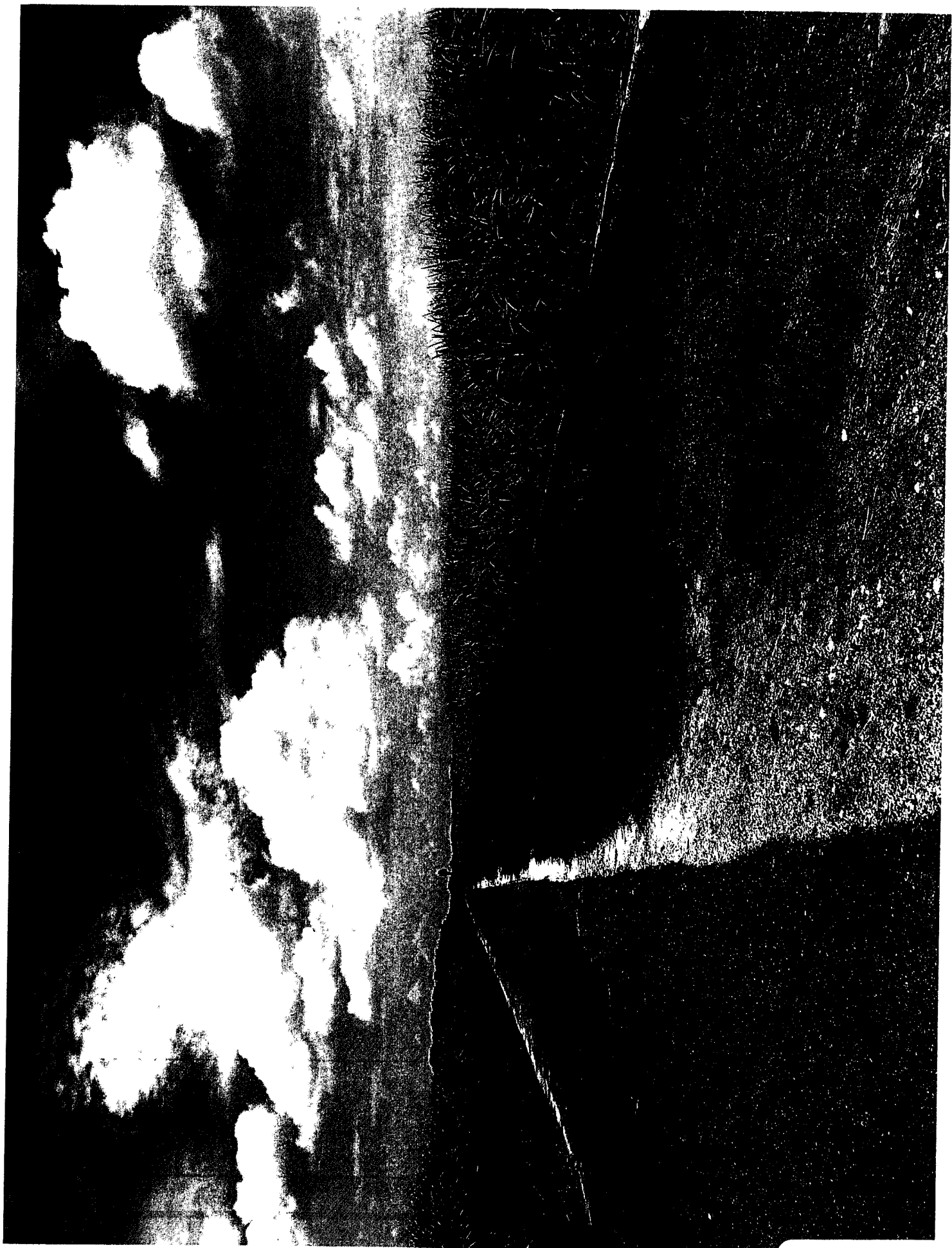




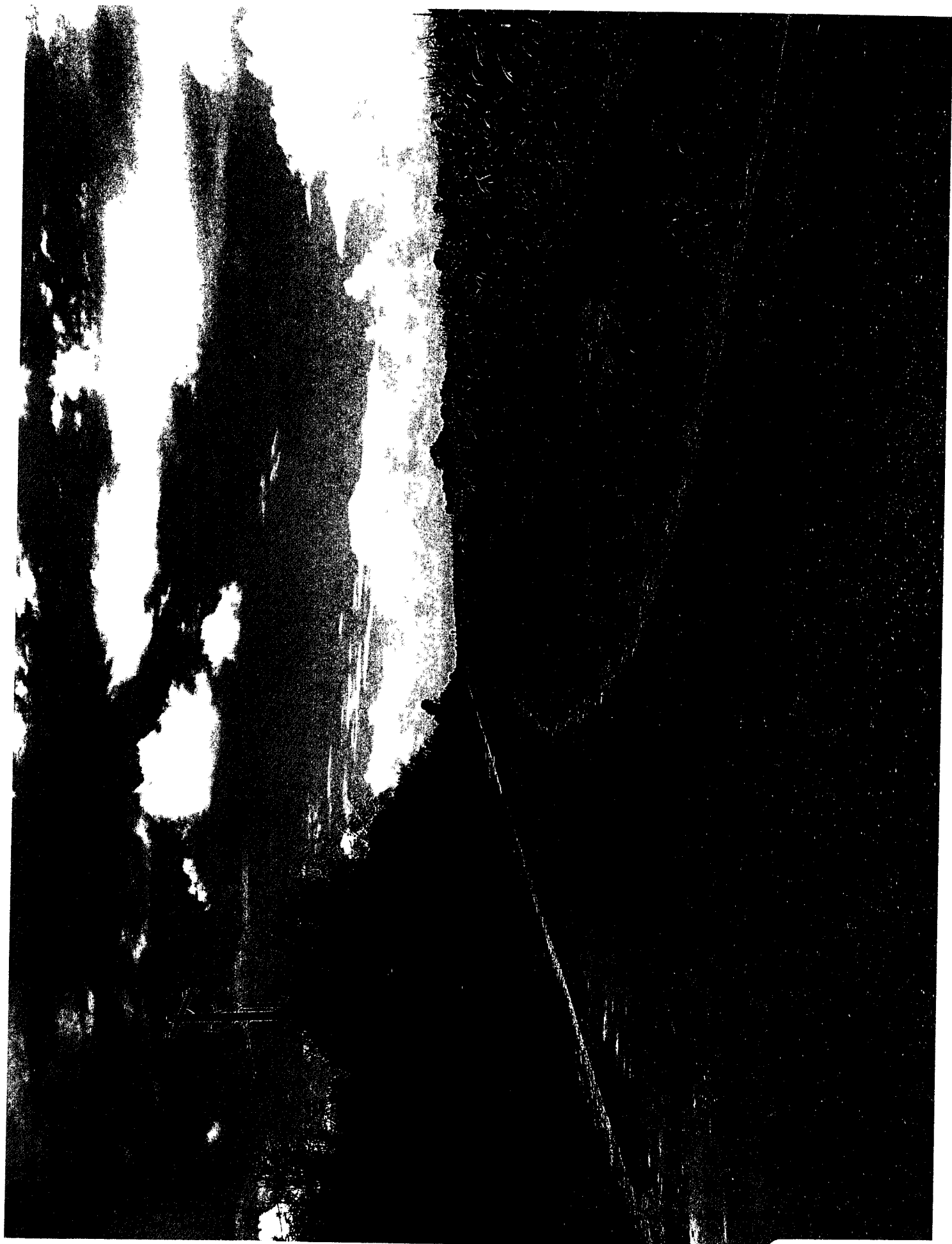
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ATTACHMENT C

EXCERPTS OF ATTACHMENT 9B TO THE APPLICATION



