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

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PUBLIC UTILITY COMMISSION
FILING CLERK

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

DIRECT TESTIMONY OF MIGUEL ORTIZ

ON BEHALF OF MCMD L.P. AND 85 JACARANDA L.P.

NOVEMBER 8, 2013

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**DIRECT TESTIMONY OF MIGUEL ORTIZ
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I. INTRODUCTION AND BACKGROUND

Q. Please state your name and business address.

A. My name is Miguel Ortiz. My address is 187 Resaca Bend, Rancho Viejo, Texas 78575.

Q. Please briefly describe your occupation and educational background.

A. I am a farmer and a real estate developer. I have served on numerous County Farm boards including FSA and the Farm Bureau.

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

A. Yes, generally, I am.

Q. On whose behalf are you testifying?

A. I am testifying on behalf of my real estate development companies MCMD L.P. and 85 Jacaranda L.P.

Q. Did you attend one of the open house meetings conducted by ETT regarding this transmission line project?

A. Yes, I attended the meeting in Los Fresnos, Texas in 2012.

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

A. No, I have not.

1 **II. PURPOSE AND SCOPE**

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

3 A. My testimony provides a description of my property in Cameron County which is located
4 near the town of Rancho Viejo and includes resaca property that is the most valuable
5 property for residential development in Cameron County. This is due to its unique character
6 of providing a water feature that can be utilized as the centerpiece for a subdivision and
7 provides exceptional value to homes built on the portions of the property directly adjacent to
8 the resaca. Other property that may be impacted by proposed transmission line routes in the
9 Application are not located directly on resacas but are in the United States Highway 77/83
10 expressway corridor that is the prime growth corridor in the Brownsville area for both
11 commercial and residential development. My testimony will describe how the routing of the
12 transmission line on this property as is contemplated with proposed Links 295, 297, 298,
13 299, 300, 301, and 312 would have a devastating impact on the land, making much of it
14 impossible to develop as residential property due to the fact that several of the proposed
15 links directly impact property adjacent to resacas and in other valuable development areas.
16

17 **Q. How is your property identified in this case?**

18 A. As Property Nos. 140297, 140299, 140321, 140331, 140333, 140335, 151562, 166094, and
19 231540, potentially impacted by links 295, 297, 298, 299, 300, 301, and 312 of the North
20 Edinburg to Loma Alta transmission line project.
21

22 **Q. Is the depiction of the property on the Joint Applicants' maps accurate?**

23 A. It is generally accurate. Excerpts of the maps from Attachment 9b – Cameron County
24 Sheets 38, 40, 41, and 44 showing my properties are attached to this testimony as
25 Attachment A.
26

27 **Q. How long has your family owned the property?**

28 A. Part of the property has been owned by my family for at least 100 years.
29

1 **Q. Do you have a position regarding the routing of the proposed transmission line in this**
2 **case?**

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

15
16 **Q. Do you have a position regarding specific routing alternatives proposed by the Joint**
17 **Applicants?**

18 **A.** The Administrative Law Judge (ALJ) in this case correctly ruled in Order No. 6 that there is
19 not sufficient evidence to support the Joint Applicants' contention that all routes must pass
20 through their unilaterally designated "routing circle." All of the routes initially proposed in
21 the Application passed through the routing circle and should be rejected, including the
22 Route 32, which the Joint Applicants identified as the route they favored. Instead, one of
23 the Supplemental Routes filed by the Joint Applicants in the Supplement to the Application
24 filed on October 28 or a similar route using noticed links in a forward progressing manner
25 should be approved. I specifically support Supplemental Route 2S, which I believe best
26 complies with the routing considerations described below.

27 In general, I oppose proposed routes that would severely impact the use and value
28 of the land traversed and that would severely limit the economic development that could
29 occur on it as the Lower Rio Grande Valley continues to develop as one of the fastest-

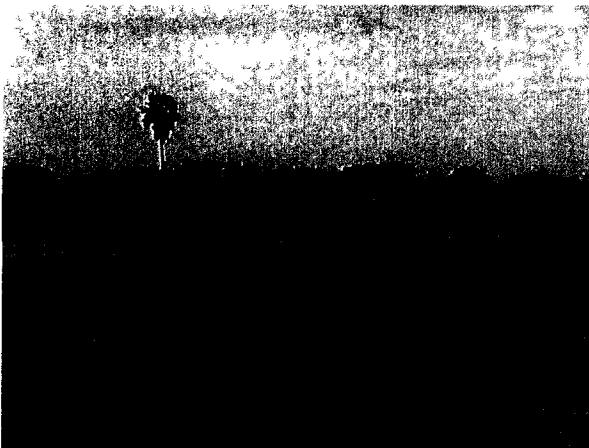
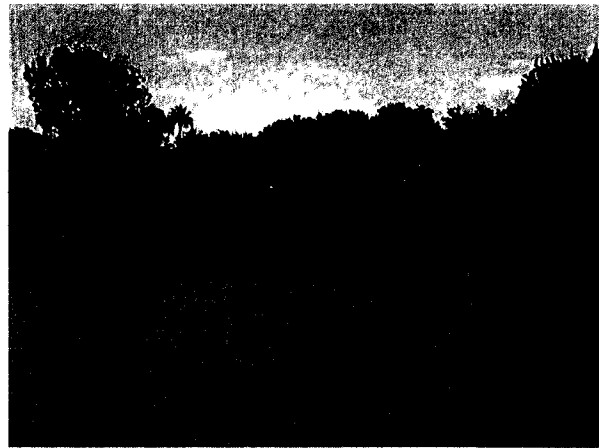
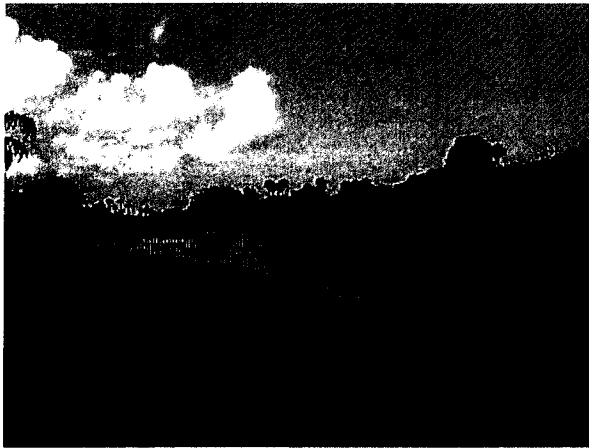
1 growing communities in the nation. The route that the Joint Applicants have recommended,
2 Rout 32, is one such route that I oppose. There are many competing interests represented by
3 the intervenors in this case and obviously, every individual landowner that will be impacted
4 by the line will have their own concerns regarding the presence of the line and I am not
5 dismissing or discounting those concerns. I do believe, however, that given the intrinsic
6 value of property on the resacas of Cameron County such as that where I have developed the
7 very successful Bend at Rancho Viejo subdivision and am in an advanced stage of
8 developing additional subdivisions on my property, there are more compatible routes
9 available than those that will have such detrimental impacts. The eastern Cameron County
10 part of the Supplemental Route S2 parallels existing transmission lines for a majority of its
11 distance and largely avoids the corridor of the US 77 expressway that is the gateway to the
12 Brownsville area and the Rancho Viejo area where there is extensive residential
13 development both complete and in various stages of development. I believe that this route,
14 or one very similar to it with some modifications to accommodate specific landowner
15 interests, could minimize the negative impacts of the proposed transmission line.

16 17 **III. DESCRIPTION OF THE PROPERTY**

18 **Q. What are the general geographical features of your property?**

19 A. My property is located in Cameron County in areas that are ideal for residential and
20 commercial development as the City of Brownsville and its surrounding communities
21 continue to grow in the only available corridor - northward. Many of my properties have
22 irrigated cropland that is used for agricultural production. Additionally, several of my
23 properties include resacas and the land surrounding them that is the most valuable land for
24 residential development in the county. The pictures below were taken on the property in
25 August, 2013, and are representative of the terrain and characteristics of the property:
26

1



2

3 **Q. How has the property been developed?**

4 **A.** For several generations my family has worked to develop and maintain our properties for
5 both agricultural production and residential development. A significant portion of my

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1 property is irrigated farmland with very good development potential. Most of the property
2 is adjacent to the resort town of Rancho Viejo and is in the direct growth pattern of
3 Brownsville. I have already developed one residential subdivision on the property, The
4 Bend at Rancho Viejo and it has been very successful. The Bend at Rancho Viejo is an
5 exclusive 37 lot, million dollar home subdivision on the south side of Rancho Viejo. The
6 subdivision wraps around one side of the Resaca and still has a great deal of water frontage
7 to develop. To give a context for the value of Resaca front property, the last two one-acre
8 lots sold at the Bend sold for over \$300,000 each. The Google map shots below better
9 depict the subdivision than Attachment 9b.

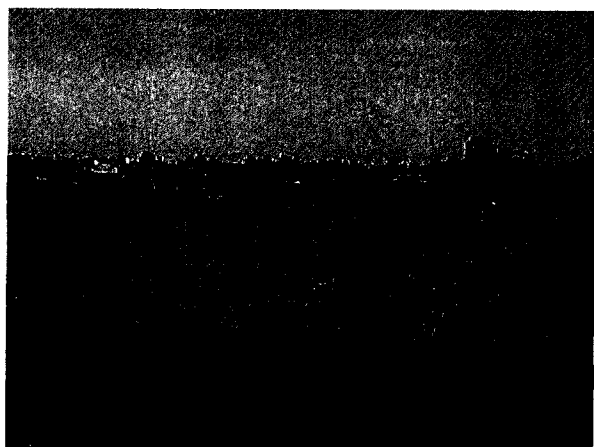
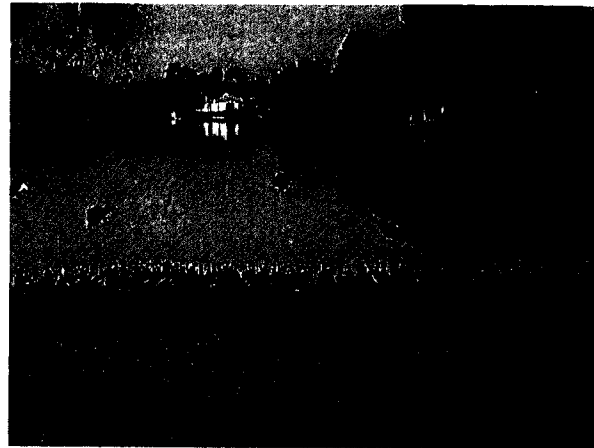




- 1
- 2 The pictures below were taken at the Bend at Rancho Viejo at various times in 2012:



3

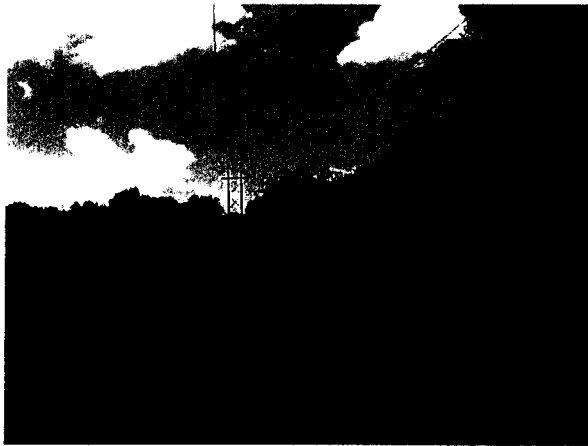


Q. Are habitable structures present on the property?

A. Yes. My home is located on Property No. 166094 and is extremely close to the 500-ft notice area for proposed Link No. 298, although it is not listed in the Application as an impacted habitable structure. There are two habitable structures located on Property No. 166094 that are passed in extremely close proximity by proposed Link No. 299.

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

A. There is a 69-kV transmission line paralleling the southern boundary of Property No. 140335. The same 69-kV line parallels the northern side of FM 1732 on the southern boundary of Property No. 166094 and then turns south. This line is has wooden H-frame poles that are not much larger than distribution poles as shown on the pictures below.



1
2
3 **Q. Do any other types of easements affect the property?**

4 **A.** There are various pipeline, irrigation, road, and other types of easements on parts of these
5 properties. For the most part these easements have minimal effect or interference on the use
6 of the property.
7

8 **IV. IMPACTS OF THE PROPOSED TRANSMISSION LINE ON PROPERTY**

9 **Q. In what manner would your land be impacted by the proposed transmission line?**

10 **A.** Proposed Link No. 295 would parallel the eastern boundary of Property Nos. 140297 and
11 140299 and make a near-right angle turn along the southern boundary of Property No.
12 140299, effectively boxing it in, although the depiction in Attachment 9b suggests that the
13 easement would just avoid being routed on the property.
14

15 Proposed Link Nos. 297, 298 and 299 would have significant impacts on Property
16 No. 166094. Proposed Link No. 298 would bisect the property from east to west following
17 no apparent boundary and making a significant number of Resaca front lots unusable,
18 incurring significant financial cost. The link would proceed to bisect the same property
19 from north to south, generally paralleling a road that traverses the property lengthwise. The
20 proposed Link No. 298 would terminate south of FM 1732 where proposed Link Nos. 297
21 and 299 meet. These lengths traverse Property No. 166094 east to west, paralleling the

1 road. Propose Link No. 299 takes a 90-degree turn to the south, however, with the 150-ft
2 right-of-way traversing the entire eastern boundary of the property.

3
4 Proposed Link No. 297 further impacts Property Nos. 140321, 140331, 140333,
5 and 140335. Although the right-of-way for the link as depicted in Attachment 9b appears to
6 be directly adjacent to the properties but does not traverse them, any habitable structures
7 built on the properties would almost certainly be within 500-ft of the line. Further, Property
8 No. 140321 is Resaca front property, with high development value that would be
9 irreversibly diminished by the immediate proximity of the 150-ft tall towers.

10
11 Proposed Link No. 312 would bisect Property No. 151562, cutting off a roughly
12 triangle shaped property from the rest of the property, with few apparent uses.

13
14 **V. CONCLUSION**

15 **Q. Are all of the pictures included in this testimony true and correct reproductions of**
16 **photographs of you property?**

17 **A.** Yes. Full sized copies of each photograph are attached as an exhibit to this testimony as
18 Attachment B.

19
20 **Q. Does this conclude your testimony?**

21 **A.** Yes it does.

ATTACHMENT A

EXCERPTS FROM ATTACHMENT 9A TO THE APPLICATION

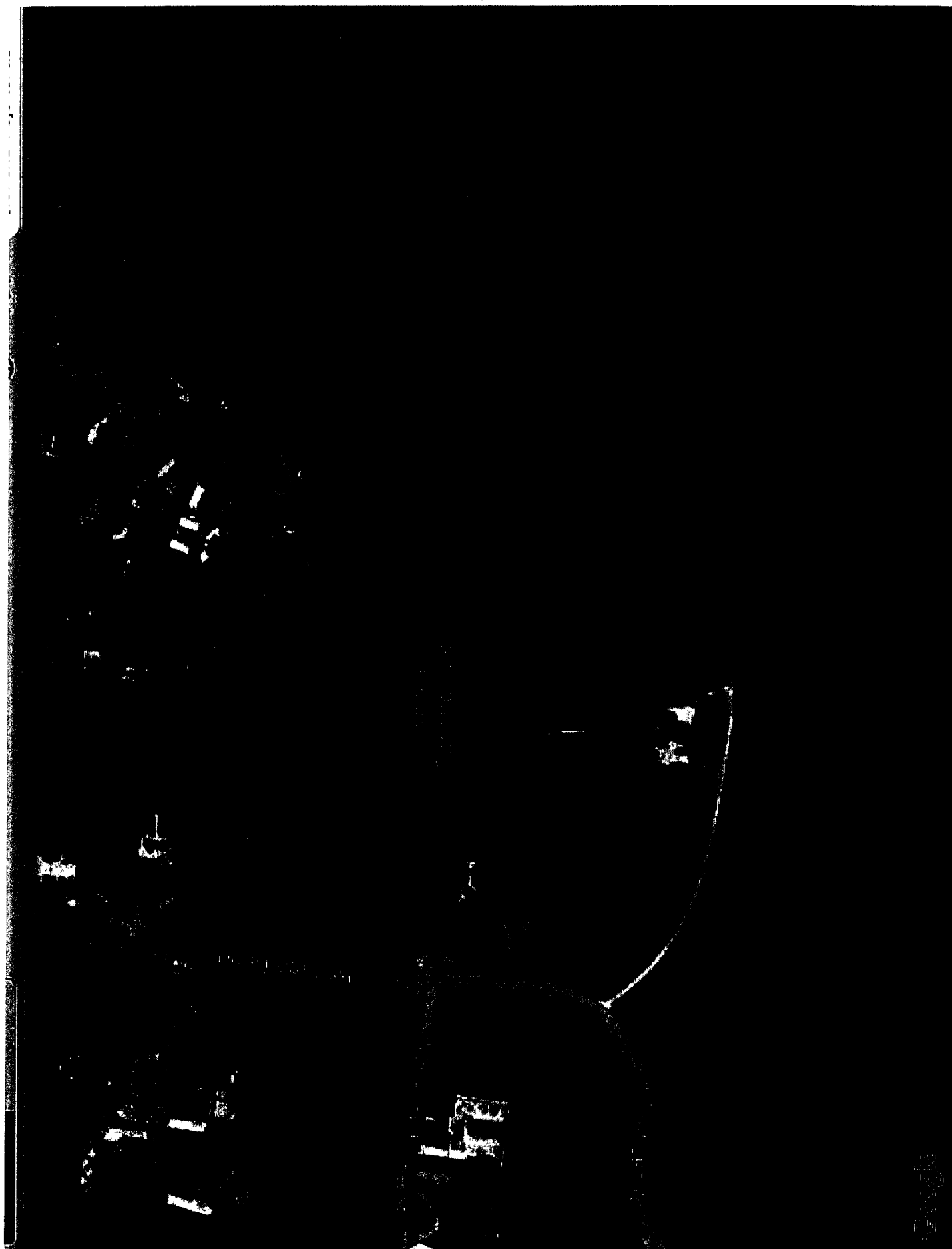


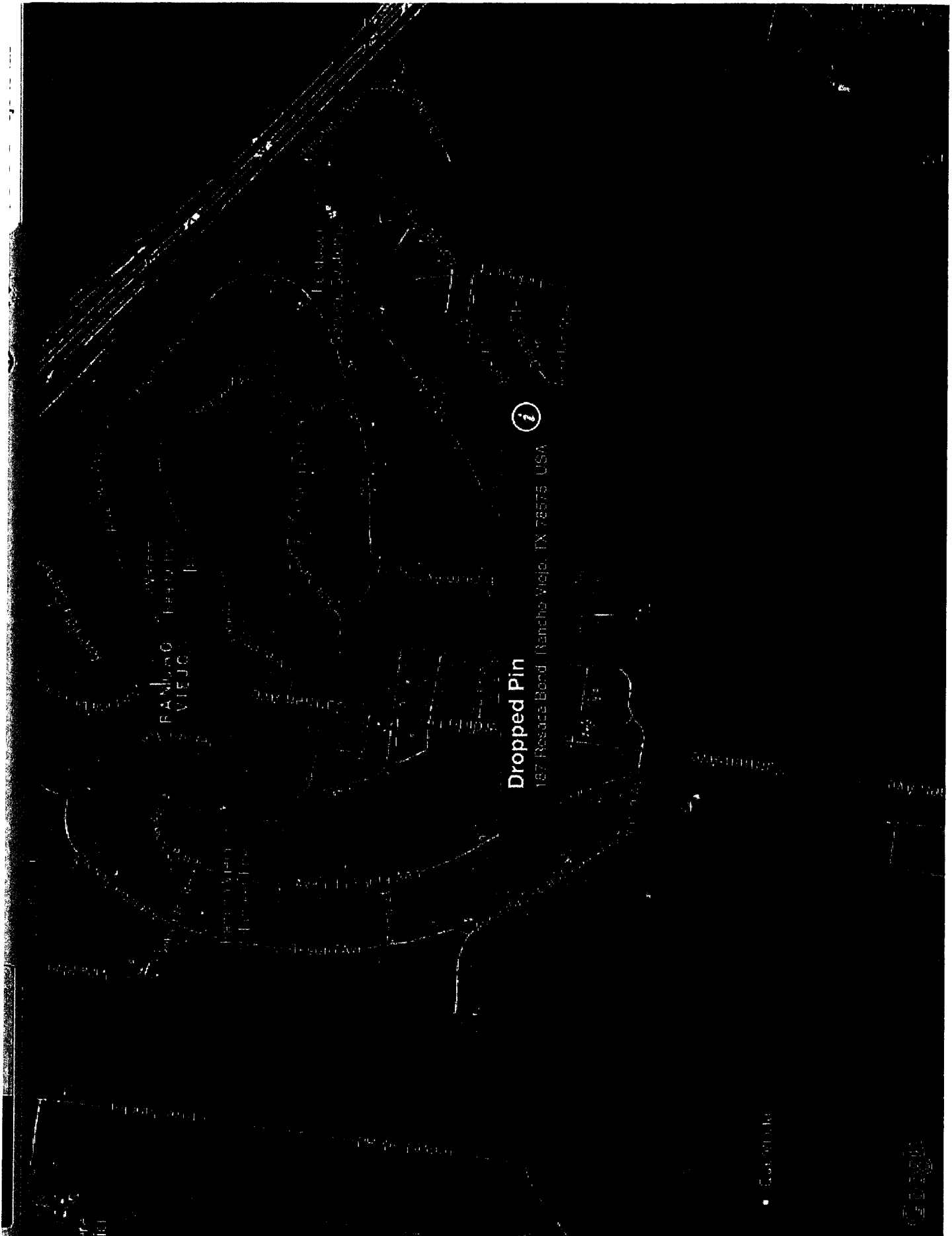




ATTACHMENT B

FULL SIZE COPIES OF TESTIMONY PHOTOGRAPHS









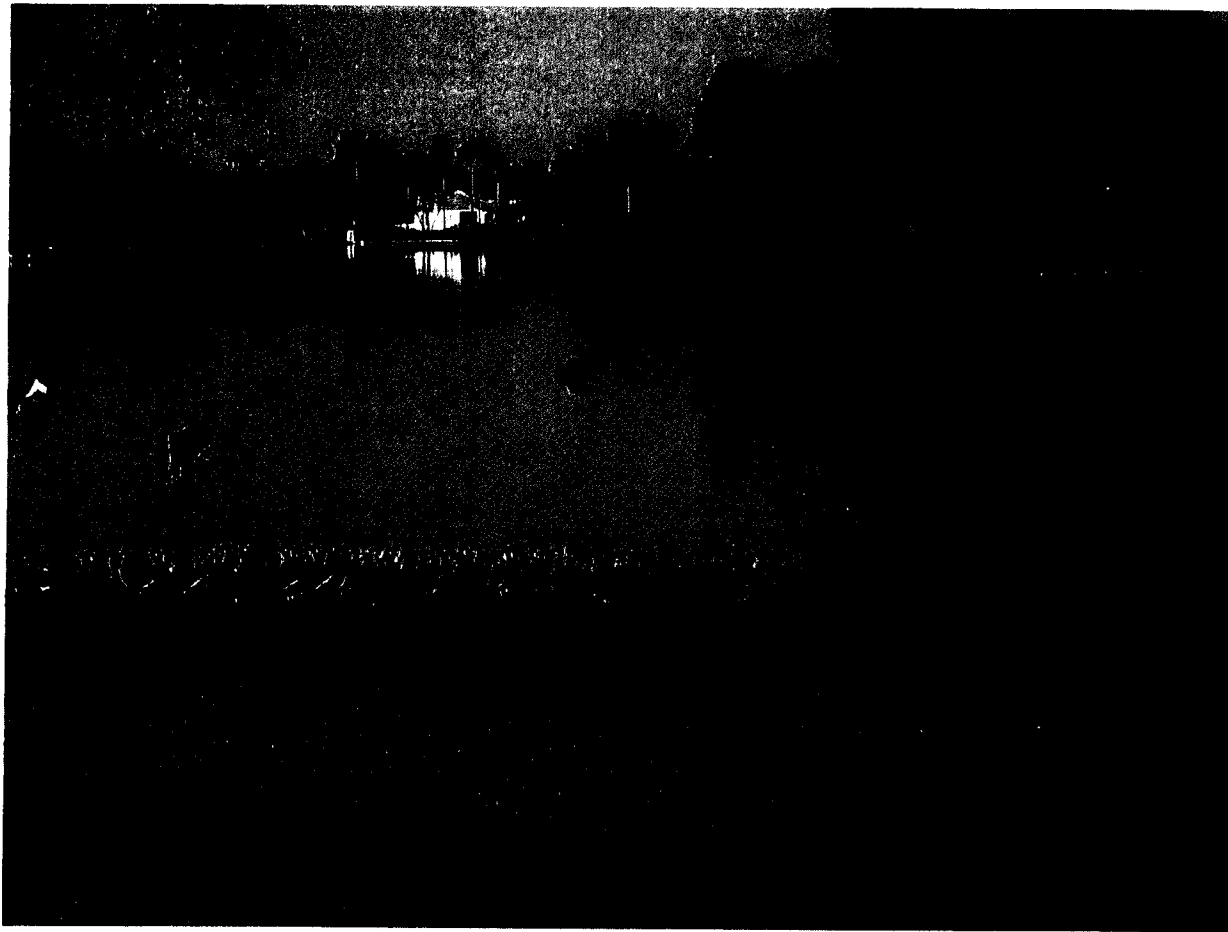




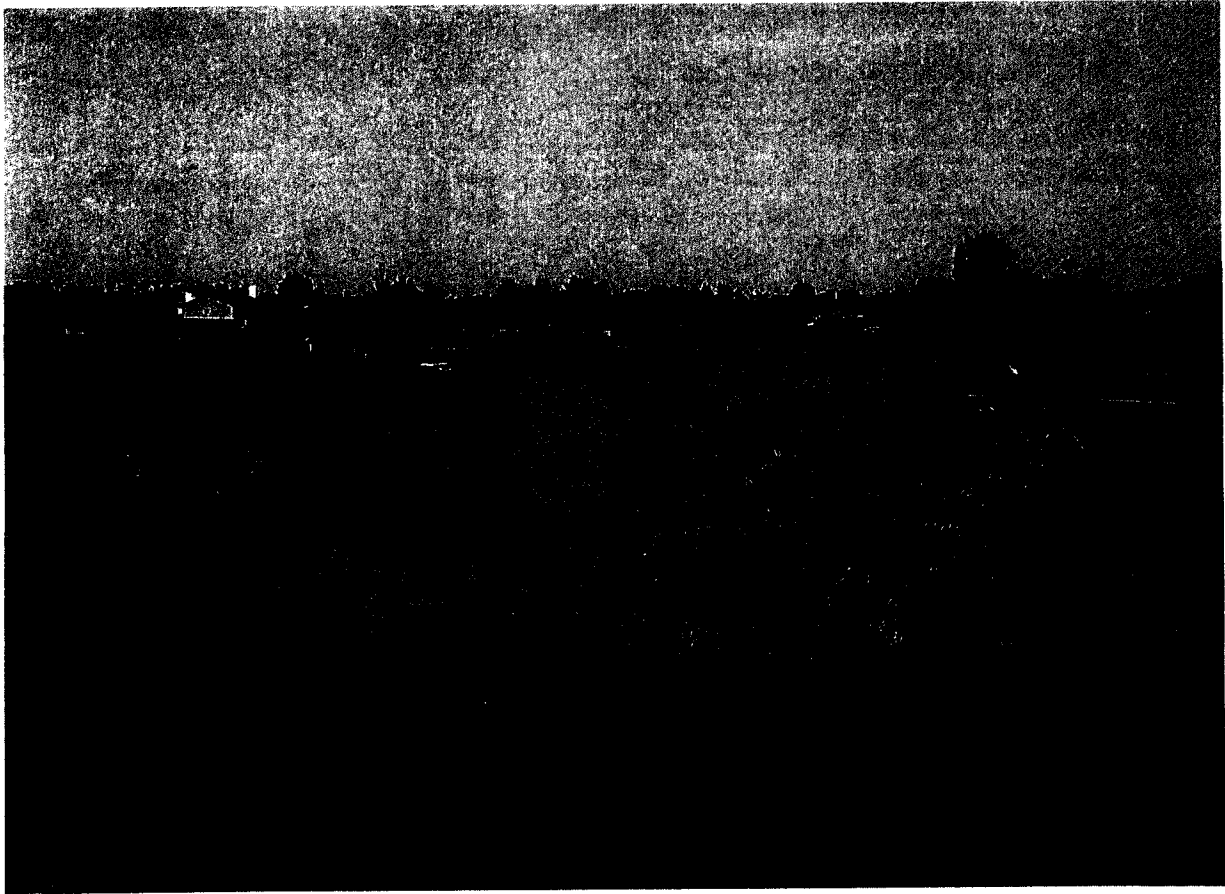














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