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

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JOINT APPLICATION OF
ELECTRIC TRANSMISSION
TEXAS, LLC AND SHARYLAND
UTILITIES TO AMEND THEIR
CERTIFICATES 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 GEORGE d'HEMECOURT ON BEHALF OF
INTERVENOR D'HEMECOURT PROPERTIES, INC.**

George d'Hemecourt hereby files this Direct Testimony on behalf of Intervenor d'Hemecourt Properties, Inc. ("d'Hemecourt Properties"), which is attached hereto.

Respectfully submitted,

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By: _____

Carrie Collier-Brown

ATTORNEYS FOR d'HEMECOURT
PROPERTIES, INC.

1195

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record in accordance with SOAH Order Nos. 4 and 5 by filing in this docket, and by first class mail to Intervenor Jose C. Rodriguez, 25337 Pennsylvania Avenue, San Benito, Texas 77587.



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

JOINT APPLICATION OF ELECTRIC TRANSMISSION TEXAS, LLC AND SHARYLAND UTILITIES TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE 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

**GEORGE d'HEMECOURT
ON BEHALF OF INTERVENOR
D'HEMECOURT PROPERTIES, INC.**

NOVEMBER 8, 2013

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I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND ADDRESS.

A. My name is George d'Hemecourt. I am one of the owners of d'Hemecourt Properties Inc. ("d'Hemecourt Properties"). My business address is P.O. Box 507, Mercedes, Texas 78570.

Q. PLEASE DESCRIBE YOUR BACKGROUND, PROFESSION AND EXPERIENCE.

A. I was residential land developer for 30 years.

Q. ON WHOSE BEHALF ARE YOU FILING THIS DIRECT TESTIMONY?

A. I am testifying on behalf of d'Hemecourt Properties.

Q. HAVE YOU EVER PARTICIPATED OR TESTIFIED IN ANOTHER PROCEEDING BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS ("PUC")?

A. No.

Q. ARE YOU AN INTERVENOR IN THIS PROCEEDING, P.U.C. DOCKET NO. 41606?

A. Yes.

Q. PLEASE DESCRIBE YOUR INTEREST IN P.U.C. DOCKET NO. 41606, SOAH DOCKET NO. 473-13-5207.

A. d'Hemecourt Properties owns several tracts of land in the City of Progreso, Hidalgo County, Texas. Electric Transmission Texas, LLC and Sharyland Utilities, L.P. ("ETT/Sharyland") have proposed to build a 345-kV double circuit transmission line from North Edinburg to Loma Alta using multiple links that would traverse property owned by d'Hemecourt Properties. These tracts are hereinafter referred to collectively as the "Affected Properties."

Q. ARE YOU FAMILIAR WITH THE AFFECTED PROPERTIES AND THIS AREA OF PROGRESO IN HIDALGO COUNTY?

A. Yes.

Q. PLEASE DESCRIBE YOUR OWNERSHIP HISTORY OF THE AFFECTED PROPERTIES IN PROGRESO, HIDALGO COUNTY, TEXAS.

A. My family formed d'Hemecourt Properties in the 1940s, and has owned the Affected Properties for more than 50 years.

II. PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

A. The purpose of my testimony is to address ETT/Sharyland's proposed 345-kV transmission line

1 from North Edinburg to Loma Alta as it affects property owned by d'Hemecourt Properties along
2 proposed Links 196b, 195, and 194. Specifically, my testimony will: (1) describe my property;
3 (2) describe the expected effect of the proposed transmission line on my property; (3) support
4 Alternative Route 3S; and (4) voice my opposition to any route that uses Links 196b or 195.

5 **Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY TRUE AND CORRECT**
6 **TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?**

7 A. Yes.

8 **Q. ARE ANY OTHER WITNESSES FILING DIRECT TESTIMONY IN THIS CASE ON**
9 **YOUR BEHALF?**

10 A. No.

11
12 **III. DESCRIPTION OF AFFECTED PROPERTIES AND EFFECT OF ROUTING THE**
13 **TRANSMISSION LINE ON THOSE PROPERTIES**

14 **Q. PLEASE DESCRIBE THE TRACTS OWNED BY d'HEMECOURT PROPERTIES THAT**
15 **WOULD BE AFFECTED BY THE PROPOSED TRANSMISSION LINE.**

16 A. d'Hemecourt Properties owns several acres of land in the Progreso area, several of which would
17 be directly affected by the proposed transmission line. In particular:

- 18 • Link 196b would directly affect d'Hemecourt Properties identified in ETT/Sharyland's
19 Application as Tracts 219971, 219968, 220031, 220028, 513634, 220010, 220005, and
20 219996;
- 21 • Link 195 would directly affect d'Hemecourt Properties identified in ETT/Sharyland's
22 Application as Tracts 219701, 219702, 219703, 219714, 219713 and 219761; and
- 23 • Link 194 would directly affect d'Hemecourt Properties identified in ETT/Sharyland's
24 Application as Tract 219659.

25 **Q. PLEASE DESCRIBE THE CURRENT USES OF THE AFFECTED PROPERTIES.**

26 A. d'Hemecourt Properties currently uses the Affected Properties for agricultural purposes.

27 **Q. PLEASE DESCRIBE ANY PLANNED FUTURE USES OF THE AFFECTED**
28 **PROPERTIES IF THOSE ARE DIFFERENT FROM CURRENT USES PREVIOUSLY**
29 **DESCRIBED.**

30 A. d'Hemecourt Properties has no plans to change the future use of the Affected Property located on
31 Link 194. However, the Affected Properties located on Links 195 and 196b may be developed
32 for commercial and residential purposes in the future.

1 Q. DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES CROSS THE
2 AFFECTED PROPERTIES? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY
3 CROSS THE PROPERTY.

4 A. There are no existing transmission or distribution lines on any of the Affected Properties.

5 Q. HOW WILL YOUR PROPERTY BE DIRECTLY AFFECTED BY THE PROPOSED
6 TRANSMISSION LINE?

7 A. Several of the routes proposed by ETT/Sharyland, including Route 32, use Link 196b
8 through Progreso. Link 196b would be located on between 1.75 and 2 miles of
9 d'Hemecourt Properties' land along Highway 281. That is a genuine concern for
10 d'Hemecourt Properties because those Affected Properties are best suited for retail and
11 distribution commercial facilities as well as single family residential development. If
12 located on those Affected Properties, the transmission line could seriously hinder such
13 potential development.

14 Q. PLEASE DESCRIBE YOUR CONCERNS WITH LOCATING THE TRANSMISSION
15 LINE ON THE AFFECTED PROPERTIES USING LINK 196b.

16 A. The properties along Highway 281 are some of the most valuable, if not the most
17 valuable, in the Progreso area. This is the area with the most potential for growth within
18 the Progreso School District. If located on these properties, the new transmission line
19 will materially affect the use and value of these properties. For instance, a line placed
20 parallel to the highway might limit or eliminate the highway frontage, thereby damaging
21 its commercial and property tax value. Similarly, a line placed next to single family
22 homes has a negative impact on both property values and home sales.

23 Moreover, the Affected Properties located along Link 196 are small tracts of land,
24 and the easements would have a material and negative impact on the land planning
25 process. In some cases the result could be so severe as to prevent the development of the
26 property for its intended use.

27 Q. BASED ON YOUR PERSONAL KNOWLEDGE, WHY IS THE LAND ALONG
28 HIGHWAY 281 BEST SUITED FOR COMMERCIAL AND RESIDENTIAL
29 DEVELOPMENT?

30 A. US Highway 281 is one of the three major regional highways to and within the Lower
31 Rio Grande Valley. It is one of two major connectors linking the
32 McAllen/Edinburg/Pharr metropolitan area and the Brownsville/Harlingen metropolitan

1 area. The highway has direct access to all the international bridges between Hidalgo and
2 Brownsville and thus carries a significant portion of the Valley's international trade. In
3 addition, the undeveloped properties in Progreso and Progreso Lakes already have water
4 and sewer facilities, and thus have been prepared for further development. The two cities
5 of Progreso and Progreso Lakes together are the only materially populated areas on
6 Highway 281 between the two large metropolitan areas. The remaining areas along Hwy
7 281 are largely rural.

8 In addition, Progreso is bisected by FM 1015 which connects Expressway US 83
9 with the Progreso International Bridge. Link 196b would cross the intersection of
10 Highways 1015 and 281, which is a very high traffic area. The convenience store located
11 on the northwest corner is one of the most highly trafficked and consistently busy stores
12 in the Valley. Link 196b appears to impact the southeast and the southwest corners of
13 that intersection, both of which are owned by d'Hemecourt Properties.

14 **Q. DO YOU SUPPORT USING LINK 193C INSTEAD OF LINK 196B THROUGH**
15 **PROGRESO?**

16 A. Yes. d'Hemecourt Properties believes that Route 32 and any other route that uses Link
17 196b would not be compatible with the Public Utility Commission of Texas's
18 ("Commission") policy of prudent avoidance. When compared to the other proposed
19 routes that use Link 193c rather than 196b, this route poses a greater threat to potential
20 development and property values. Thus, it would be reasonable to select a route that uses
21 Link 193c.

22 **Q. DO YOU HAVE A POSITION REGARDING SPECIFIC ROUTING ALTERNATIVES**
23 **PROPOSED BY ETT/SHARYLAND?**

24 A. I believe the Administrative Law Judge in this case correctly ruled in SOAH Order No. 6 that
25 there is not sufficient evidence to support ETT/Sharyland's position that all routes must pass
26 through the "routing circle" around the South McAllen Substation. All of the routes initially
27 proposed in ETT/Sharyland's Application passed through that routing circle and they should be
28 rejected, including Route 32, which ETT/Sharyland identified as the route they favored.

29 Instead, one of the Alternative Routes proposed by ETT/Sharyland in their Amended
30 Application, filed on October 28, 2013, or a similar route using noticed links in a forward
31 progressing manner should be approved. I specifically support the Rhodes Alliance Route

1 (Alternative Route 3S), which would use Links 193c and 194. As I discussed above, Link 194
2 would cross Tract 219659 owned by d'Hemecourt Properties.

3 **Q. WHY DO YOU SUPPORT USING LINK 194 INSTEAD OF LINK 195?**

4 A. The Affected Property on Link 194 is located on lesser urbanized area, and is not likely
5 to be developed in the near future. However, Affected Properties on Link 195 are suited
6 for single family residential development because they are adjacent to existing residential
7 developments and schools. If located on property located on Link 195, the transmission
8 line could seriously hinder such potential development and will materially affect the use
9 and value of these properties. For instance, a line placed next to single family homes has
10 a negative impact on both property values and home sales.

11
12 **IV. CONCLUSION**

13 **Q. PLEASE SUMMARIZE YOUR POSITION IN THIS PROCEEDING REGARDING**
14 **ETT/SHARYLAND'S RECOMMENDED ROUTE 32 AND THE PROPOSED**
15 **ALTERNATIVE ROUTES.**

16 A. d'Hemecourt Properties opposes any route that uses Link 196b, which would run parallel to and
17 either adjacent to or in close proximity to US Highway 281. d'Hemecourt Properties
18 does not oppose the selection of a route that uses Link 193c instead, which is the only
19 other alternative link through Progreso proposed by ETT/Sharyland. In addition,
20 d'Hemecourt Properties opposes any route that uses Link 195 rather than Link 194.
21 Therefore, d'Hemecourt Properties supports the "Rhodes Alliance Route" (Alternative Route 3S),
22 which would use Link 193c rather than Link 196b, and would also use Link 194 rather than Link
23 195.

24 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

25 A. Yes, however, I reserve the right to supplement my testimony should additional issues need to be
26 addressed in this proceeding.

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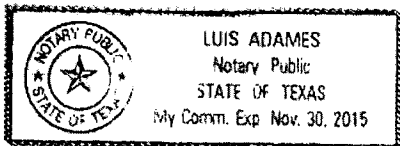
AFFIDAVIT OF GEORGE d'HEMECOURT

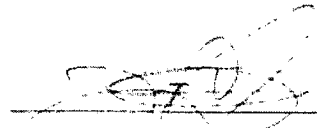
BEFORE ME, the undersigned authority, on this day personally appeared George d'Hemecourt, who, having been placed under oath by me, deposed and said the following:

1. "My name is George d'Hemecourt. I am of over 18 years of age, and capable of making this affidavit.
2. I am one of the owners of d'Hemecourt Properties Inc., which owns the affected properties identified in my Direct Testimony.
3. The statements contained in my Direct Testimony are true and accurate, and are made with personal knowledge. The statements are a representation of what my testimony would be if the testimony were to be given orally at the time the written testimony is offered into evidence.


George d'Hemecourt

Subscribed and sworn to before me today, November 8, 2013.




Notary Public, State of Texas

My Commission Expires: 11/30/15

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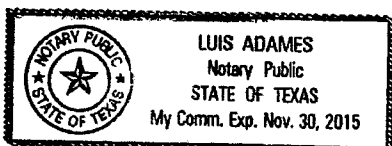
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