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RECEIVED
PUBLIC UTILITY COMMISSION
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BEFORE THE STATE OFFICE

APPLICATION OF AEP TEXAS
CENTRAL COMPANY TO AMEND
ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
FOR THE PROPOSED TULETA TO
EULER TO COLETO CREEK
DOUBLE-CIRCUIT 138KV
TRANSMISSION LINE IN BEE AND
GOLIAD COUNTIES, TEXAS

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OF

ADMINISTRATIVE HEARINGS

**DIRECT TESTIMONY OF INTERVENORS JOSEPHINE W. RODGERS,
ROBERT RODGERS, CHARLES RODGERS, AND MARY RODGERS**

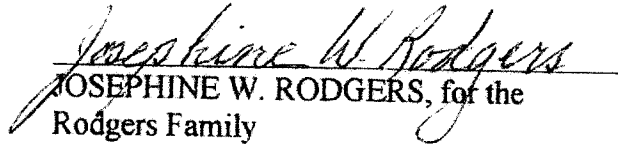
Intervenor JOSEPHINE W. RODGERS, ROBERT RODGERS, CHARLES
RODGERS, AND MARY RODGERS (the "Rodgers Family") files this Direct
Testimony, which is attached, and stipulates that this Direct Testimony can be treated by
all parties as if the answers were filed under oath.

Respectfully submitted,

By: Josephine W. Rodgers
JOSEPHINE W. RODGERS, for the
Rodgers Family

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 7, 2015, in accordance with Public Utility Commission Procedural Rule 22.74.


JOSEPHINE W. RODGERS, for the
Rodgers Family

Direct Testimony of JOSEPHINE W. RODGERS, ROBERT RODGERS, CHARLES RODGERS, AND
MARY RODGERS
SOAH DOCKET NO. 473-15-5258
PUC DOCKET NO. 44837

TABLE OF CONTENTS

I. INTRODUCTION4

II. PURPOSE AND SCOPE OF TESTIMONY5

III. DESCRIPTION OF PROPERTY AND THE LINE’S IMPACT6

IV. CONCLUSION AND RECOMMENDATIONS10

1

1
2 **I. INTRODUCTION**
3

4 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
5 RECORD.
6

7 ANSWER: Josephine W. Rodgers
8 4718 Hallmark Drive., Apt. 911
9 Houston, TX 77056
10

11 Robert Rodgers
12 438 South Crest Road
13 Chattanooga, TN 37404
14

15 Charles Rodgers
16 210 Coachlite Ct., S.
17 Onalaska, WI 54650
18

19 Mary Rodgers
20 2728 McKinnon St., Apt. 723
21 Dallas, TX 75201
22

23 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-15-3158
24 AND PUC DOCKET NO. 43878 AND ON WHOSE BEHALF ARE YOU
25 TESTIFYING?
26

27 ANSWER: Yes we filed interventions, but then asked to be withdrawn. We are
28 asking to be reinstated as Intervenors and for our Direct Testimony to be considered as
29 evidence.
30

31
32
33 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY
34 COMMISSION OF TEXAS ("PUC" OR "COMMISSION") PROCEEDING?
35

36 ANSWER: No, I have not.
37
38
39

1 QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND
2 WORK HISTORIES.

3
4 ANSWER: Josephine W Rodgers, MA, retired, Director of Language Programs, School
5 of Continuing Studies, Rice University,
6 Robert W Rodgers, MS, Senior Engineer Highway Designer, Tennessee Dept. of
7 Transportation
8 Mary R Rodgers, CPA, Fidelity Investments
9 Charles A Rodgers, Ph.D., Senior Alfalfa Breeder, Forage Genetics
10
11

12 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
13

14 ANSWER: Goliad County on Highway 59 between Berclair and Goliad
15
16
17

18 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?
19

20 ANSWER: My deceased husband's father bought the property in the 1930s. The land
21 has been in the family almost 85 years, for three generations, and it is our intention to
22 keep it in our family for many more generations.
23
24
25

26 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF GOLIAD COUNTY,
27 TEXAS?
28

29 ANSWER: Yes. I currently divide my time between my home on this property and
30 my apartment in Houston
31
32
33
34

35 **II. PURPOSE AND SCOPE OF TESTIMONY**

36
37 QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?

1
2 ANSWER: The purpose of our testimony is to (a) describe our property, (b) describe
3 the expected impact of the proposed transmission line on our property and (c) voice our
4 opposition against POWER's Route EC 7 and AEP TCC's Route EC 8 and any route
5 using Segment U and Segment HH.
6
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10 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
11

12
13 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE
14 PROPERTY?
15

16 ANSWER: Yes I have a house and my son Charlie owns the adjoining barn.
17

18
19 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
20 ECOLOGICAL OR BIOLOGICAL FEATURES.
21

22 ANSWER: The land is rolling Gulf Coastal Prairie land. A portion of the property has
23 terraces and is used for farming. The rest of the property is used as pasture land. The
24 pasture land is managed to provide grazing for cattle on the property and some of the land
25 is left in brush for wildlife habitat.
26

27
28
29 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES.
30

31 ANSWER: The farms grow sorghum, wheat and at times corn or cotton.
32 The pastures are used for grazing cattle.
33
34
35
36

1 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
2 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE
3 PROPERTY?
4

5 ANSWER: Yes. During the years that my husband, Tom Rodgers (who died in 2011),
6 and I owned the land we made every effort to control erosion and brush, thus preserving
7 its best possible productivity. My husband won the South West Conservation District
8 Award for land management in Goliad County in 1995. My father-in-law, Bill Rodgers,
9 won the Wildlife Conservation Award for the Karnes – Goliad Soil Conservation
10 Districts of America in 1960. Our family values the land as a place where we have put
11 down roots, a place where we have formed strong bonds. We have worked in conjunction
12 with Natural Resources and Conservation Services to build terraces on our farms,
13 improve our tanks, and reduce brush. We have spent a great deal of money to comply
14 with NRCS advice to protect the topsoil and decrease erosion from the farmland.
15
16

17 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF
18 SO, DESCRIBE THE GENERAL LOCATION.
19

20 ANSWER: We have one well to service the headquarters. Two other wells are on the
21 property for cattle operations. One well is near the highway and the other is near the
22 center of the property. We also have three tanks on the property to provide water for
23 cattle on the property.
24
25
26

27 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO,
28 DESCRIBE THE GENERAL LOCATION.
29
30

31 ANSWER: Yes. The well is not currently active.
32
33
34

35 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF
36 SO, DESCRIBE THE GENERAL LOCATION.
37

38 ANSWER: No
39
40
41

1 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR
2 PROPERTY IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES
3 PREVIOUSLY DESCRIBED.
4

5 ANSWER: No
6
7
8

9 QUESTION: PLEASE DESCRIBE THE CURRENT AND PLANNED FUTURE
10 USES OF YOUR PROPERTY AND HOW THOSE USES CONTRIBUTE TO THE
11 COMMUNITY VALUES OF GOLIAD COUNTY, TEXAS?
12

13 ANSWER: The property is currently used for farming and cattle. We do not plan to
14 change the land's use. Cattle operations and farming are the traditional use for rural land
15 in the area. As Houston and San Antonio have grown, land in this area is being
16 subdivided and sold as ranchettes for weekend use. While this has brought new
17 opportunities we feel it is important for some land to provide opportunities for families
18 who have lived in the area for generations to be able to continue to make a living the way
19 they have for generations. By using our land in this traditional manner we provide
20 opportunity to the farmer and cattle man who lease from us to continue their established
21 form of making a living.
22
23
24

25 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES
26 CROSS YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE
27 THEY CROSS THE PROPERTY.
28

29 ANSWER: No
30
31
32

33 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES
34 ON YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY
35 CROSS THE PROPERTY.
36

37 ANSWER: No

1 QUESTION: WOULD THE LINKS THAT MIGHT IMPACT YOUR PROPERTY
2 RUN ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?
3

4 ANSWER: Yes. The link will run along the ROW line of US 59 and along the property
5 line that separates our property and from our cousins' land.
6
7

8 QUESTION: HOW WOULD A 138 KV ELECTRIC TRANSMISSION LINE IMPACT
9 YOUR PROPERTY AND ITS OPERATIONS?
10

11 ANSWER: The line will cut across the larger farm field on our property.
12
13

14 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
15 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.
16

17 ANSWER: Yes. The line will go over our connection to US 59. My son, Robert, has
18 talked to the AEP representative and they have adjusted the proposed route of the line
19 twice so that if the line must come across our property it stays well away from our house
20 on the property.
21
22
23

24 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF
25 AEP BUILDS A 138 KV TRANSMISSION LINE ON YOUR PROPERTY.
26

27 ANSWER: The towers and line will impact our view to the south and west of the
28 property.
29
30
31

32 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
33 YOU HAVE ANY CONCERNS ABOUT AEP HAVING ACCESS TO YOUR
34 PROPERTY?
35

36 ANSWER: Yes. We do not want the terraces on the farmland to be damaged. The farmer
37 will need to be compensated for damage to crops from any maintenance work done on
38 the line. We also worry that workers will forget to close gates and allow cattle onto the

1 highway. At times we use aerial applications via crop dusters (fixed wing aircraft) to our
2 farmland. Herbicides, Insecticides, Crop Growth Regulators, and Harvest Aides are
3 routinely applied to these crops. Having wires suspended across the fields, guy wires,
4 and/or towers within or near the fields certainly present a safety issue. There have been 7
5 deaths in the last decade regarding crop dusters and towers, and 14 deaths from crop
6 dusters hitting power lines (<http://www.agaviation.org>).

7
8
9
10
11 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
12 YOU HAVE ANY OTHER CONCERNS?

13
14 ANSWER: Yes. Federal and State Laws require REIs (Restricted Entry Intervals) after
15 pesticides are applied to cropland. This would require your workers not to enter the land
16 for anywhere from 4-48 hours after certain pesticide applications, or wear certain PPE
17 (personal protective equipment), whether application was made by air or ground.

18
19
20
21 QUESTION: IS THERE ANYTHING ELSE YOU WOULD LIKE THE
22 ADMINISTRATIVE LAW JUDGE AND THE PUBLIC UTILITY COMMISSION TO
23 CONSIDER IN THIS PROCEEDING?

24
25 ANSWER: No.

26
27
28 **IV. CONCLUSION AND RECOMMENDATIONS**

29
30 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS
31 PROCEEDING REGARDING AEP'S RECOMMENDED ROUTE AND THE
32 PROPOSED ALTERNATIVE ROUTES?

33
34 ANSWER: We oppose a POWER's Route EC 7 and AEP TCC's Route EC 8 and any
35 route using Segment U and Segment HH. We support a northern route like Route 1 as

1 the route that best meets the overall community values and PURA § 37.056(c)(4) and
2 P.U.C. SUBST. R. 25.101(b)(3)(B).

3

4

5

6 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?

7

8 ANSWER: Yes.