



Control Number: 44837



Item Number: 261

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SOAH DOCKET NO. 473-15-5258
PUCT DOCKET NO. 44837

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

PATRICIA PITTMAN LIGHT'S REPLY TO AEP TEXAS CENTRAL COMPANY'S
OBJECTIONS
TO HER DIRECT TESTIMONY

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

Intervenor Patricia Pittman Light responds to AEP's objections to her prefiled direct testimony as follows:

Response to General Objections:

Regarding the general objections Mrs. Light has not made claims as to valuation of the property. Neither has she made claims strictly as to future uses of the property. She has pointed out the question of whether the policy of prudent avoidance has been properly observed. She is not presenting herself as an expert on the matter of electromagnetic forces, or EMF.

She is an interested party with some knowledge of the subject and as an interested party with reasoned perceptions and opinions about EMF who wants to make sure that issue has been properly and thoroughly considered in accordance with the 16 TAC 25.101(b)(3)(B). The Texas Rules of Evidence Rule 601 (a) states that "every person is competent to be a witness unless these rules provide otherwise." TRE 701 allows opinions of lay witnesses that are rationally based on the witness's perception of the facts and her research regarding same. TRE 702 does not forbid testimony by testimony by a competent person other

than an expert witness, and Mrs. Light does not present herself as an expert on EMF. All of her opinions/general statements are legitimate statements of concerns reflecting community values.

Response to Additional Testimony of "Concerns":

AEP suggests that the ALJ dismiss or disregard Mrs. Light's testimony and concerns regarding damage to the historic Big Oak (which shows up on the aerials submitted as a part of AEP's application), San Antonio River and the Cabeza Creek that could occur from construction accidents and explosions of a gas pipeline if Link CC is used for the proposed 138 kV line. As stated in her testimony, she and her family have lived on the property affected by Link CC for 4 generations, and she has extensive knowledge of the history and importance of those natural treasures. AEP's reason for disregarding her testimony is that she did not include enough specific analysis of those dangers or because she does not state specific evidentiary conclusions.

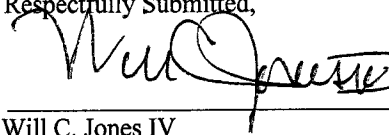
AEP does not offer any specific TRE in support of its objection. On that basis alone, Mrs. Light requests that that objection be overruled. Furthermore, Mrs. Light believes that her testimony in this regard should be allowed as an opinion of a lay witness rationally based on her actual perception and her extensive personal knowledge, research and writings on the history of the area pursuant to TRE 701. Alternatively, given Mrs. Light's experience, knowledge and skills related to the matters discussed on page 14, lines 12 – 15, of her Direct Testimony to which AEP objects (the San Antonio River and Cabeza Creek), she could also be considered an expert witness on those matters.

Response to AEP's Testimony Objections:

PUC Interchange Number and Witness Name	Page/Line	Testimony Objected To	Basis of Objection and Rule Cite	Basis of Response
228 Patricia Pittman Light	P 8, lines 20-21; p. 9, lines 5, 8, 9-10		Summaries of asserted positions objected to as "concerns" or improper testimony under TRE, per entries below.	No testimony is listed; therefore, no valid objection is made. Second, The risk the proposed lines will have on the "environment" and community is based on Mrs. Light's own personal knowledge of the ecosystem and topography that comprise her land, in addition to her being a resident of the community in which the lines will be located. Her statements to this effect are relevant under TRE 401 as they are of consequence in determining the action, and admissible under TRE 701 as an opinion of a lay witness rationally based on that witness's actual perception.
	p. 15, lines 1-8 and Exhs. PPL 10-1 to 10-4	"As evidenced . . ." to "... <u>Exhibit PPL 10-4.</u> "	Hearsay TRE 802; testimony wholly based on hearsay foundation; these types of hearsay statements not admissible through this witness (see PUC Dkt. No. 40728, SOAH Order No. 8 at 1); witness not qualified under TRE 701 or 702 to reply on hearsay for this particular topic of opinion; TRE 701, improper basis for opinion of witness.	The resolutions of the Goliad County Commissioners' Court and the current County Judge are not hearsay. Said testimony is an exception to hearsay under TRE 803(8) as a "public record" in which a matter is observed while under a legal duty to report. The same rationale supports the admissibility of the statements of the other two public entities, the Goliad County Historical Commission and the Goliad County Farm Bureau.

	p. 15, line 20 to line 22 and Exhibit PPL 7-3	"However...." To "...In that regard..."	Hearsay TRE 802	The email between Mrs. Light's attorney and an attorney at the PUC is admissible as it is not hearsay and admissible under TRE 801(e)(2) as an opposing party's statement or TRE 803(6) as a record of regularly conducted business.
	p. 16, lines 6-8	"There is . . ." to "invaluable historic tree"	Speculation TRE 602; witness not qualified under TRE 701 or 702 to render particular opinion.	The risk machinery imposes on the historic oaks is based on Mrs. Light's own personal perception and knowledge of damage that can be done by construction equipment, the location and condition of the historic Big Oak tree on her property in conjunction with the proposed RoW width and proximity in relation to the tree. Testimony should be allowed under TRE 701 as opinion testimony of a lay witness rationally based on witness's actual perception.
	p. 18, lines 7-14	"as I understand ..." to "...69KV line."	Speculation TRE 602; witness not qualified under TRE 701 or 702 to render particular opinion. No foundation or qualifications demonstrated for interpretation of prudent avoidance as argued, as PUC policy focuses on limiting. Exposure to <i>humans</i> (see e.g. PUC Dkt. No. 40684, Order at Conclusion of Law No. 8.	Mrs. Light's opinions regarding the policy of prudent avoidance is an opinion of a lay witness admissible under TRE 701 as witness's statements are based on witness's actual perception of the proposed location of the lines and the costs/limitations those locations will impose.

Respectfully Submitted,



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ATTORNEY FOR PATRICIA PITTMAN LIGHT

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on the Commission Staff by regular mail, overnight mail, facsimile transmission or hand-delivery on or before December 18, 2015.



Will C. Jones IV