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SOAH DOCKET NO. 473-16-2983
DOCKET NO. 45601

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APPLICATION OF LCRA §
TRANSMISSION SERVICES §
CORPORATION TO AMEND ITS §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE ZORN- §
MARION 345-KV TRANSMISSION §
LINE PROJECT IN GUADALUPE §
COUNTY §

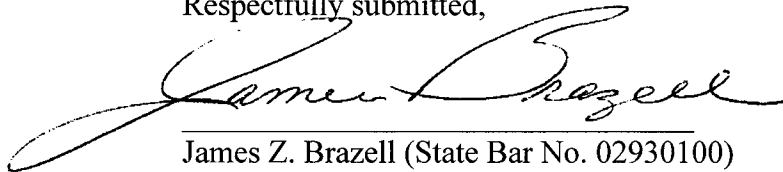
OF

ADMINISTRATIVE HEARINGS

**KRACKAU INTERVENORS' RESPONSES TO LCRA TSC'S 1ST REQUESTS FOR
INFORMATION FROM THE KRACKAU INTERVENORS**

COME NOW the Krackau Intervenor and submit their written responses to LCRA-TSC's 1st Requests for Information from the Krackau Intervenor. Each response is provided in or attached to a separate sheet with the request identified and restated. The Krackau Intervenor do not waive any right to object to admissibility at hearing. These responses may be treated as if filed under oath. For any requests produced for inspection that are voluminous, please contact the undersigned to arrange for inspection and copying.

Respectfully submitted,



James Z. Brazell (State Bar No. 02930100)
LAW OFFICE OF JAMES Z. BRAZELL
9442 North Capital or Texas Hwy.
Plaza One Suite 500
Austin, Texas 78759
512-340-7387 Direct
512-658-0830 Mobile
512-879-3971 FAX
jbrazell@brazelllaw.com
www.brazelllaw.com

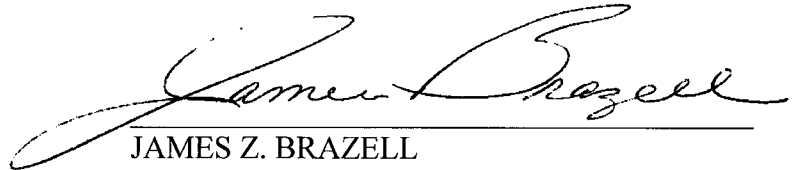
**ATTORNEY FOR CHARLES R. AND
LORI L. KRACKAU, JERRY W.
KRACKAU, LYNNETTE K. CRANFORD,
CLARENCE A. KRACKAU FAMILY**

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**TRUST, CHARLES R. KRACKAU,
TRUSTEE, AND THE ESTATE OF
LORINE K. KRACKAU, CHARLES R.
KRACKAU, EXECUTOR**

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May 2016 a true and correct copy of the foregoing document was served upon all parties by facsimile, e-mail, First-class United States mail, postage paid, courier, hand delivery, e-mail, or non-traditional service, as permitted by SOAH Order No. 2.


JAMES Z. BRAZELL

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Question LCRA-KRI 1.1:

Refer to the Direct Testimony of Charles R. Krackau at page 6, lines 11-14. Identify each and every way in which the Krackau properties are or would be affected by LCRA TSC's use of the existing open position for this Project. Explain fully.

Response LCRA-KRI 1.1:

Please see the direct testimony of Charles R. Krackau in this proceeding. Please also see the Krackaus' response to LCRA-KRI 1-2.

Prepared by: James Z. Brazell
Sponsored by: Charles R. Krackau

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APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE ZORN- MARION 345-KV TRANSMISSION LINE PROJECT IN GUADALUPE COUNTY	§ § § § § § § §	STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**KRACKAU INTERVENORS' RESPONSES TO LCRA TSC'S 1ST REQUESTS FOR
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Question LCRA-KRI 1.2:

Refer to the Direct Testimony of Charles R. Krackau at page 7, line 22, through page 8, line 3. Identify each and every way that landowners on whose property the existing Clear Springs to Zorn transmission line is located are affected by LCRA TSC's use of the existing open position for this Project. Explain fully.

Response LCRA-KRI 1.2:

Generally, landowners will be affected by the same kinds of impacts that LCRA considered in its application and EA and that TPWD addressed in its letter for the "new" portions. Moreover, whatever impacts may already exist because of the presence of the first circuit in the existing structures approved in Docket No. 33978, the same impacts will be increased (whether or not doubled) by the addition of the second circuit. Property owners may be affected by new requests for entry or easements. Property owners may be affected by new instances of LCRA or its contractors' entry and presence on the property.

More specifically, property owners may be affected by the addition of the second circuit, as follows:

1. LCRA or its contractors' additional entry onto the landowners' property to build/add/install the second circuit and to clean up after construction/installation could cause soil compaction, crop damage, damage to fences and roads, damage to farm structures and equipment, damage to livestock, and impairment of farming operations;
2. LCRA or its contractors additional entry to maintain and repair the second circuit could cause soil compaction, crop damage, damage to fences and roads, damage to farm structures and equipment, damage to livestock, and impairment of farming operations;

3. the second circuit could cause additional exposure to or damage/cost/danger from the second circuit's exposure to severe weather, storms, lightning, high winds, tornadoes, fire, or other natural phenomenon;

4. the second circuit could cause additional exposure to or damage/cost/danger from vandalism, collision with vehicles, implements, and equipment, aviation and air craft collision, electrocution, electrical damage, thermal damage, and overload;

5. the second circuit could cause additional exposure to or damage/cost/danger from additional noise from construction of, maintenance and repair of, and operation of the second circuit;

6. the second circuit could cause additional exposure to or damage/cost/danger from additional EMF from the second circuit;

7. the second circuit could cause additional visual and aesthetic impact;

8. the second circuit could cause additional impact on safety, environmental integrity, historical or archeological resources, vegetation, wildlife, birds, threatened and endangered species, community values, park and recreational areas, and the other impacts discussed by LCRA in the application, EA, testimony, and in TPWD's letter;

9. the second circuit could cause additional impact on property values;

10. the second circuit could cause additional proximity to habitable structures; and

11. the second circuit could cause additional impacts not now known or identified.

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Sponsored by: Charles R. Krackau

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Question LCRA-KRI 1.3:

Refer to the Direct Testimony of Charles R. Krackau at page 6, lines 11-14. Do you contend that the Application is required to identify properties on or across which LCRA TSC has not proposed route alternatives for a new transmission line? Explain fully.

Response LCRA-KRI 1.3:

The Krackaus maintain that the property owners, like the Krackaus, are affected by the portion of the circuit LCRA proposes to add to the open position of the existing structures approved in Docket No. 33978 (see Krackaus' response to LCRA-KRI 1.1 and 1.2) and that the effect of the proposed line is not limited to property owners on the "new" segments. The receipt of notice and an opportunity to participate in Docket 33978 on that portion of the circuit will not afford those property owners an opportunity to contest impact, need, and route of and for the line sought in *this* proceeding. The transmission circuit approved in Docket No. 33978 is not the same circuit as the circuit in this docket that LCRA is proposing to place in the second, open position of the structures approved in Docket No. 33978. The route, specifications, termination points, and need data for the circuit proposed in this case are not the same as those proposed for the second, open position in Docket No. 33978. Whether identifying property owners affected by the placement of the line in the open position of the structures of the line approved in Docket No. 33978 is required is a policy call for the Commission to determine. It is possible that the Commission could so find. On the other hand, the Commission could find that the notice in Docket No. 33978 is sufficient. Or, the Commission could decide not to address the issue in this proceeding or to defer the issue to be considered in a rulemaking focusing on the extent to which a route approved for a different circuit in an earlier docket may be deemed to include approval of and foreclose litigation of the route for other circuits sought in subsequent proceedings.

Prepared by: James Z. Brazell
Sponsored by: Charles R. Krackau

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Question LCRA-KRI 1.4:

Refer to the Direct Testimony of Charles R. Krackau at page 7, line 22 through page 8, line 3. Do you contend that LCRA TSC failed to comply with any Commission substantive or procedural rule? Explain fully.

Response LCRA-KRI 1.4:

While PUC Proc. R. 22.52(a)(3) requires notice to landowners whose land will be subject to an easement or other property interest obtained over all or any portion (the Krackaus and other landowners in the portion of the line in the open position of the line approved in Docket No. 33978 could be subject to new demands for additional easements to permit entry/construction/addition/installation of the second circuit) or contains a habitable structure that would be within 500 feet of the centerline (there may be landowners on portions of the route approved in Docket No. 33978 that have habitable structures within 500 feet of the centerline of the new circuit) and PUC Subst. R. 22.52(a)(4) appears to require notice to landowners affected by the entire *project*, not just the portion crossed by the "new" sections, including the portion LCRA proposes to build in the open second position of the transmission line approved in Docket No. 33978, the Krackaus do not assert at this time that LCRA violated any rule. The Krackaus could assert such a claim in briefing after the hearing if the evidence indicates there is a material issue, but the point of the Krackaus' discussion was to alert the Commission to the issue and to invite appropriate clarification by LCRA, if needed.

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Question LCRA-KRI 1.5:

Refer to the Direct Testimony of Charles R. Krackau at page 9, lines 16-17. Identify each and every authority relied upon as support for this assertion.

Response LCRA-KRI 1.5:

In conversations with LCRA, the Krackaus have learned that LCRA is not seeking approval of a second circuit in this docket, but is seeking approval of the first circuit and a route for the first circuit with a second, open position reserved in the same structures for the installation of a second circuit at a future time. The authorities that would apply if LCRA were seeking a second circuit without a termination point or a certain proposed route include the Commission's rules (PUC Subst. R. 25.101 and PUC Proc R. 22.52), the Commission's transmission line CCN application form, the ERCOT study offered by LCRA, LCRA and CPS's joint study, and Commission precedent (see, for example, Docket No. 33978).

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Sponsored by: Charles R. Krackau

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Question LCRA-KRI 1.6:

Admit or deny that transmission line structures are presently located on one or more Krackau properties on which agricultural operations are conducted.

Response LCRA-KRI 1.6:

Admit. See the direct testimony of Charles R. Krackau.

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Sponsored by: Charles R. Krackau

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Question LCRA-KRI 1.7:

If your answer to Question 1.6 above is "admit," answer the following:

a. Describe in detail the impact(s) that such transmission line structures have on the agricultural operations conducted on the Krackau properties.

Response LCRA-KRI 1.7(a):

Please see the impacts described in the direct testimony of Charles R. Krackau.

b. Have you taken steps to mitigate the impact(s) of such transmission line structures on the agricultural operations conducted on the Krackau properties? If so, fully describe all measures undertaken to mitigate these impacts.

Response LCRA-KRI 1.7(b):

There is nothing the Krackaus can do to mitigate the impact of the line structures on the Krackaus' farming operations. The structures have the impact described in the testimony of Charles R. Krackau. As he describes in his testimony, the operator of the farming equipment must deviate to avoid the structures, resulting in a significant loss of efficiency and creating a danger for the operator. The Krackaus have not found it cost effective to buy new equipment to mitigate. The utility's choice of structures can have a mitigating effect. Pole structures have less of an impact than lattice structures.

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Question LCRA-KRI 1.8:

In light of potential impacts that transmission line structures pose to the Krackau properties, including agricultural operations conducted on the Krackau properties, do you have a preference as to structure type (e.g., poles or lattice towers)?

Response LCRA-KRI 1.8:

Poles are preferred.

Prepared by: James Z. Brazell
Sponsored by: Charles R. Krackau