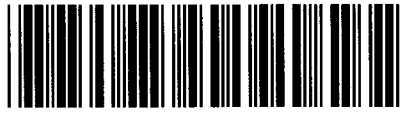




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SOAH DOCKET NO. 473-16-2751
PUC DOCKET NO. 45624

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APPLICATION OF THE CITY OF
GARLAND TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
PROPOSED RUSK TO PANOLA
DOUBLE CIRCUIT 345-KV
TRANSMISSION LINE IN RUSK AND
PANOLA COUNTIES, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF

KARTREBA DENESE MCDANIEL TOLER

APRIL 27, 2016

260

**SOAH DOCKET NO. 473-16-2751
PUC DOCKET NO. 45624**

APPLICATION OF THE CITY OF GARLAND TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED RUSK TO PANOLA DOUBLE CIRCUIT 345-KV TRANSMISSION LINE IN RUSK AND PANOLA COUNTIES, TEXAS	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**DIRECT TESTIMONY OF
KARTRENA DENESE MCDANIEL TOLER**

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**SOAH DOCKET NO. 473-16-2751
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DIRECT TESTIMONY OF

1 **I. QUALIFICATIONS AND EXPERIENCE**

2 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

3 A. My name is Kartrena Denese McDaniel Toler.

4 My address is:

5 23972 FM 850

6 Arp, TX 75750

7 **Q. HAVE YOU EVER PROVIDED TESTIMONY BEFORE THE PUBLIC**
8 **UTILITY COMMISSION OF TEXAS BEFORE?**

9 A. No.

10 **Q. WOULD YOUR PROPERTY BE AFFECTED BY ONE OR MORE OF**
11 **THE SEGMENTS USED TO MAKE ONE OR MORE OF THE**
12 **PROPOSED ROUTES FOR THE CITY OF GARLAND'S APPLICATION?**
13 **IF SO, PLEASE IDENTIFY THE SEGMENTS THAT WOULD AFFECT**
14 **YOU LAND.**

15 A. Yes, my property is affected by Segments 5 and 6.

1 Q. WHAT MATERIALS HAVE YOU REVIEWED FOR YOUR
2 PREPARATION OF THIS TESTIMONY?

3 A. I have reviewed the routing criteria provided to me by my attorney. I have
4 also reviewed the proposed routing segments being considered as the
5 best route and the one proposed for settlement.

6 Q. IS THE INFORMATION CONTAINED IN YOUR TESTIMONY TRUE AND
7 CORRECT TO THE BEST OF YOUR INFORMATION?

8 A. Yes.

9 II. PURPOSE OF THE TESTIMONY

10 Q. What is the purpose of your testimony?

11 A. The purpose of my testimony is to show that the facts demonstrate why it
12 would be contrary to the routing criteria set out in the statute and
13 Commission rules for the proposed transmission line to be routed on my
14 property. I discuss a route that I believe most Intervenor's would support
15 and that would comply with Panola County community values. I also
16 discuss the conditions that should be imposed before the utility could
17 condemn or force obtaining a property easement from a landowner.

18 III. WHY THE LINE SHOULD NOT CROSS MY PROPERTY

19 Q. PLEASE DESCRIBE THE BACKGROUND OF THE ACQUISITION OF
20 YOUR PROPERTY AND HOW IT IS UTILIZED.

21 A. I inherited the property from my father. It has been in my family from the
22 late 1800s. It is land owned by several generations of my father's family.

1 It was the homestead off both my father and grandfather. It is used as a
2 timber farm and wildlife habitat. It is also a corridor for migratory birds.

3 **Q. WHAT, IF ANY, ADVERSE IMPACT WOULD THE USE OF THE**
4 **SEGMENT AFFECTING YOUR LAND HAVE ON HISTORICAL AND**
5 **AESTHETIC VALUES AND ENVIRONMENTAL INTEGRITY?**

6 A. It is close to a historical cemetery, an unnamed burial ground for many
7 gaining freedom after slavery as told to me by my father that the routing of
8 the line could harm. Close by are community playgrounds used by
9 children in the community. The route does not follow any of the routing
10 criteria. It does not follow property boundaries; instead, it just crosses the
11 property, which would cause destruction to timber and wildlife habitat.

12 **Q. ARE THERE ANY NEARBY RECREATIONAL OR PARK AREAS THAT**
13 **WOULD BE AFFECTED IF THE ROUTE USING THE SEGMENT**
14 **IMPACTING YOUR PROPERTY IS USED?**

15 A. Yes, children play in the community park area close by where the route
16 would go.

17 **Q. HAS THE PROPOSED TRANSMISSION LINE BEEN ROUTED ON**
18 **YOUR PROPERTY SO AS TO MODERATE ANY IMPACT TO YOU AND**
19 **YOUR FAMILY?**

20 A. No. The utility has made no effort to moderate the placement of the line
21 on my property boundaries.

1 **Q. DOES THE SEGMENT ON YOUR PROPERTY PARALLEL AN**
2 **EXISTING TRANSMISSION LINE? IF IT DOES, HOW MANY**
3 **TRANSMISSION LINES ALREADY CROSS YOUR PROPERTY?**
4 **WOULD THE NEW LINES BE CLOSER TO A HABITABLE**
5 **STRUCTURE THAN ANY EXISTING TRANSMISSION LINES ON YOUR**
6 **PROPERTY?**

7 **A.** No. There are no existing transmission lines in the area. Routing the line
8 using these segments would simply disturbed new undisturbed area in the
9 county.

10 **Q. IN YOUR OPINION, DOES THE ROUTING OF THE TRANSMISSION**
11 **LINE ON YOUR PROPERTY CONFORM WITH COMMUNITY VALUES?**
12 **IF NOT, PLEASE EXPLAIN WHY IT DOES NOT.**

13 **A.** No transmission line should be placed close to where children play. For
14 instance, children could be flying kites in the area where children play and
15 have the kite tangled in the high power line and be electrocuted.

16 **Q. WOULD THE ROUTING OF THE TRANSMISSION LINE ON YOUR**
17 **PROPERTY ADVERSELY AFFECT YOUR BUSINESS OR OTHER**
18 **INCOME PRODUCING ACTIVITIES? IF SO, PLEASE EXPLAIN**

19 **A.** It would diminish the income I can receive from selling timber from my
20 land.

1 **IV. A ROUTE THAT PROTECTS COMMUNITY VALUES**

2 **Q. WHAT ROUTE, IN YOUR OPINION, BEST SUPPORT COMMUNITY**
3 **VALUES?**

4 A. A route comprised of segments 1, 7, 9, 13, 23, 24, 28, 31, 34, 41, and 43.
5 It appears from City of Garland's map that there are only six Intervenor
6 that are on those segments. It seems they have only three habitable
7 structures that are within 500 feet of the transmission line. I also strongly
8 recommend that the utility be required to route the transmission line on the
9 Intervenor's property so that it would have minimal impact on their property
10 in accordance with the Intervenor's wishes.

11 **V. A REASONABLE CONDITION THAT SHOULD APPLY**

12 **Q. ARE THERE REASONABLE CONDITIONS THAT SHOULD BE**
13 **INCLUDED IN THE ORDER IN THIS PROCEEDING THAT WOULD BE**
14 **IN THE PUBLIC INTEREST?**

15 A. Yes. City of Garland said at the technical conference held in Carthage,
16 Texas on April 20, 2016 that no progress had been made to construct the
17 transmission line to Mississippi and Alabama from the DC tie because of
18 financial reasons. I urge the Commission to condition the condemnation
19 and purchase of transmission easement for the City of Garland's proposed
20 Rusk to Panola 345 kV transmission project until Southern Cross provides
21 sufficient evidence to this Commission that sufficient financing and state
22 authority has been obtained to construct the transmission line to
23 Mississippi and Alabama. Panola landowners should not have their land

1 taken if in fact the transmission line proposed to be built to Mississippi and
2 Alabama is never built. Without the proposed transmission line in SERC
3 being built there will be no Southern Cross Project. It is reasonable and in
4 the public interest to ensure that landowner property is not condemned if
5 the project will never come to fruition.


6 **VI. CONCLUSION**

7 **Q. DOES THIS COMPLETE YOUR TESTIMONY?**

8 **A.** Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties in compliance with the Judge's Order No. 3 on the 27th day of April, 2016.


Jo Campbell