



Control Number: 45624



Item Number: 263

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PUBLIC UTILITY COMMISSION

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

VENITA JUDICE

APRIL 27, 2016

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DIRECT TESTIMONY OF  
VENITA JUDICE

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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** § **BEFORE THE STATE OFFICE**  
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§  
§ **OF**  
§  
§  
§ **ADMINISTRATIVE HEARINGS**  
§

1 I. INTRODUCTION

2 Q. PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE

3 RECORD.

4 A. Venita Judice

5 121 County Road 128

6 Gary, TX 75643

7 Q. ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-16-2751 AND

8 PUC DOCKET NO. 45624 AND ON WHOSE BEHALF ARE YOU

9 TESTIFYING?

10 A. Yes and I am testifying on behalf of my parents, Weldon and Jane Gray,

11 who own the land in the projected path of this transmission line on

12 Segment 16.

13 Q. HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF

14 TEXAS PROCEEDING?

15 A. No, I have not.

1    **Q.    BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND**  
2    **WORK HISTORIES.**

3    A.    I currently live next to my parents. In 2002, my husband, David, and son,  
4    Benjamin, moved to Gary to be closer to my parents. I graduated from UT  
5    Tyler with an All Level Physical Education degree. I have stepped aside  
6    from the workforce to help care for my parents and assist in maintaining  
7    the farm.

8    **Q.    WHERE IS THEIR PROPERTY LOCATED?**

9    A.    Their property is located on County Road 127 and County Road 128 in  
10    Gary, Texas. They own approximately 150 acres.

11   **Q.    HOW LONG HAVE THEY OWNED THE PROPERTY?**

12   A.    They have owned this property since 1963. They purchased this property  
13   after being unable to acquire two other similar tracts in another area of  
14   Panola County. This property is approximately 2½ miles from my  
15   mother's parent's home place.

16   **Q.    ARE YOU FAMILIAR WITH THIS AREA OF PANOLA COUNTY?**

17   A.    I am very familiar with Panola County. I was born and reared in Panola  
18   County. My parents were born and reared in Panola County and have  
19   lived all their life here. My father, Weldon, worked and retired from Union  
20   Pacific Resources in Panola County in 1988 as the Maintenance  
21   Supervisor after 31 years of service.

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

2    **Q.    WHAT IS THE PURPOSE AND SCOPE OF THEIR TESTIMONY?**

3    A.    The purpose of their testimony is to (a) describe their property, (b)  
4           describe the expected impact of the proposed transmission line on their  
5           property and (c) voice their opposition against Transmission Route  
6           Segment 16.

7                    **III.    DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**

8    **Q.    ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?**

9    A.    Yes. They have their house that was built in 1967. My husband, David,  
10           and son, Benjamin, and I have a home next to my parents that we moved  
11           onto the property in April of 2002.

12   **Q.    PLEASE DESCRIBE THEIR PROPERTY'S PHYSICAL, ECOLOGICAL,  
13           OR BIOLOGICAL FEATURES?**

14           The property consists of mixed timber with both pine and hard wood, with  
15           about half of the hardwood timber to be over 100 years old. The  
16           pastureland for their cattle is divided into 3 separate pastures and is well  
17           balance with both grass and ponds to sustain the current herd. The  
18           current herd count is 23. There are also three hay meadows that are used  
19           to cut and supply winter hay for the herd and Brushy Creek that is  
20           considered the southern property boundary. It is believed that Indians  
21           were once presence due to the manmade knolls located close to this  
22           creek. In addition, they have found numerous arrowheads over the years  
23           in various places of the property.

1    **Q.    PLEASE DESCRIBE THEIR PROPERTY'S CURRENT USES.**

2    A.    The property is currently used for cattle grazing, hay meadows, timber,  
3           gardening, and enjoyment of country living.

4    **Q.    HAVE YOU, YOUR PARENTS, OR FAMILY UNDERTAKEN ANY**  
5           **EFFORTS TO RESTORE THE LAND OR THE ENVIRONMENTAL**  
6           **QUALITY OF THE PROPERTY?**

7    A.    Yes. When they first purchased this property in 1963, there were no  
8           quality fences for the property boundaries. Because they intended to raise  
9           cattle, they had to upgrade the fences. The open pasture was over grown  
10          with grass, and there were numerous trees and underbrush that needed to  
11          be cleared or burned. Over the years, they have replaced the fences for  
12          quality property boundary lines and for pasture grazing for their cattle.  
13          They brought cattle to graze the open pasture, and as a family we, piled  
14          and burned the underbrush and trees to improve the land for value worth.  
15          In addition, they built three ponds to supply water in each section of their  
16          pasture for the cattle. My parents also had their pine timber cut that was  
17          12"and 12" above ground and replanted the pine timber themselves in the  
18          southern part of their property to add value to the land. They have  
19          maintained the Brushy Creek area with timber and fenced off this area to  
20          prevent any future erosion by their cattle.

1 Q. ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF SO,  
2 DESCRIBE THE GENERAL LOCATION.

3 A. There are currently two water wells on the property; one well provides  
4 water for my parents, and the other for the Judice family. Both wells are  
5 rendered with the water district.

6 Q. ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO,  
7 DESCRIBE THE GENERAL LOCATION.

8 A. Yes, there are three well pads on this property, with one well pad that has  
9 a Tank Battery that includes 12 storage tanks, 1 fan, 1 compressor, 1  
10 exchanger, and 8 separators. The Tank Battery is visible from their house  
11 and is approximately 900 feet south of their house. The pad with two  
12 wells is located north of their house, and is on a 10-acre tract that was  
13 bought from a relative and did not have any wells or pipeline at the time of  
14 purchase. The fourth well is located at the southern end of the property  
15 and is also 150' from the projected path of the ROUTE 16 segment power  
16 line.

17 Q. ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF  
18 SO, DESCRIBE THE GENERAL LOCATION.

19 A. They have a total of 21 pipelines. Of those 21 pipelines, three of those  
20 lines are gas transmission pipelines on their property, which cross the  
21 entire property from east to west. CenterPoint - carries residue gas  
22 (methane) (49 CFR PART 192) Enterprise - natural gas liquids (ethane  
23 and ethane plus) (49 CFR PART 195). The second line of Enterprise was



1 installed in November 2015 is to be commissioned this fall, we think. In  
2 this same right of way, MarkWest has a gathering line for well head gas  
3 and DCP has a gathering line they still maintain. The above lines are  
4 located approximately 1100 ft. south from their habitat and the proposed  
5 345kV line will be approximately 500 ft. south from these gas transmission  
6 pipelines. In addition to those five lines, my parents also have 16  
7 additional flow lines that consume approximately 30% of their land with  
8 each line having 30 ft. easements. All three well sites also had to have  
9 access roads. On the 10-acre tract north of their house, there are  
10 currently two water lines that supply Tenaska in Rusk County. These lines  
11 were the results of the Sabine River Authority order and my parents were  
12 told to get a lawyer if they disagreed with this proposal. This is a 75 ft.  
13 right-of-way that was placed down the middle of this 10-acre tract; it also  
14 has a proposed 90" line in the future if needed. This completely leaves  
15 this 10-acre tract with little to no use. As the results of the well pads, they  
16 had to reduce their herd from 33 to 23.

17 **Q. PLEASE DESCRIBE ANY PLANNED FUTURE USES OF THEIR**  
18 **PROPERTY IF THOSE USES ARE DIFFERENT FROM THE CURRENT**  
19 **USES PREVIOUSLY DESCRIBED.**

20 **A.** That is the issue for them. There are no future uses. With the amount of  
21 easements, pipelines, and well pads, my parents cannot improve or  
22 increase any value to this property. **Should the transmission line cross,**  
23 **my parents will be at complete loss with any property improvements**

1        **and would also devalue their property worth.** This transmission line  
2        would finish off the 150 acres that they have left to be considered for  
3        property value improvements.

4    **Q.    PLEASE DESCRIBE THE CURRENT AND PLANNED FUTURE USES**  
5        **OF THEIR PROPERTY AND HOW THOSE USES CONTRIBUTE TO**  
6        **THE COMMUNITY VALUES OF PANOLA COUNTY?**

7    A.    My parents are and will continue to be tax and rate paying customers.  
8        Although the current wells located on their property are not minerals rights  
9        they collect, the wells do provide revenue to both Panola County and the  
10       Gary school district. They only received property damage for the wells  
11       that are on this property. They attempted to purchase the mineral rights  
12       on two occasions with no avail.

13   **Q.    DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES**  
14        **CROSS THEIR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND**  
15        **WHERE THEY CROSS THE PROPERTY.**

16   A.    Yes. My parents have one electric transmission line and one distribution  
17        electric line that cross their property. Deep East Texas Co-Op parallels  
18        their east boundary property line by County Road 127. This company also  
19        provides them with electricity. The other transmission line is  
20        Southwestern Electric (AEP). This line is on a 19-acre tract across the  
21        road from the 120 acres tract. This land belongs to my mother who  
22        inherited this land after her mother died in 1995. The Southwestern line  
23        has a 50 ft. easement that travels the east property line from north to

1 south. As mention before, they have five transmission lines, one for  
2 CenterPoint, and two with Enterprise, DCP has one gathering line and  
3 MarkWest has one gathering line.

4 **Q. ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON**  
5 **THEIR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE**  
6 **THEY CROSS THE PROPERTY.**

7 A. Sabine River Authority can still add another proposed 90" line to the 10-  
8 acre tract. That easement is 75 ft. with a 24" and 12" line that is currently  
9 in service. Their hope is there will not be any more, but since the mid-  
10 eighties, my parents have been generous to allow easements to progress  
11 oil and gas drilling as well as distribution lines to allow the process to be  
12 transported. They are an easement burden property as of today.  
13 They do not want any more lines that require easements.

14 **Q. WOULD THE POWER LINE THAT MIGHT IMPACT THEIR PROPERTY**  
15 **RUN ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?**

16 A. No, it would cross the back portion of their property, which is all that is left  
17 of their property that has one existing easement.

18 **Q. HOW WOULD A 345-KV ELECTRIC TRANSMISSION LINE IMPACT**  
19 **YOUR PROPERTY AND ITS OPERATIONS?**

20 A. For one, the area that is being considered as a projected path is very wet.  
21 My parents have left that area with the existing timber to maintain the  
22 environmental protection of erosion. Second, this area of their property  
23 consists of several types of animal habitat. My dad believes he has seen

1 the **Red-cockaded woodpecker** on the southern part of his property.  
2 This would be possible because of all the recent clear-cut of pine timber in  
3 the Shelby County area which their property is approximately two miles  
4 from this county line. The mature pines are prime target for this particular  
5 woodpecker. The last impact is value. This 150' right-of-way would take  
6 approximately eight acres to cross their property with about 95% of that  
7 eight acres would be timber.

8 **Q. WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE**  
9 **TRANSMISSION LINE IF INSTALLED ON THEIR PROPERTY?**

10 A. Yes. They have a small hay meadow that this projected path would cross  
11 as well as the area of this path serves as entrance into their property at  
12 the south end.

13 **Q. DESCRIBE THE AESTHETIC IMPACT TO THEIR PROPERTY IF**  
14 **GARLAND LIGHT BUILDS A 345-KV TRANSMISSION LINE ON THEIR**  
15 **PROPERTY?**

16 A. My parents know that the transmission line will be approximately eight  
17 acres that would be used, and will decrease the current value of their  
18 property even more. As a matter of fact, no one would buy this property  
19 with the amount of existing easements. This is also the land they intend to  
20 leave to their three off springs to inherit. Of the eight acres in the path,  
21 they will lose approximately seven acres just in timber. This will also  
22 cause considerable increase in erosion to an already existing erosion

1       problem due to all the existing transmission pipelines that are located  
2       north of this projected path.

3       My parents are currently battling this problem with Enterprise who just  
4       added a new 10" line. The construction company they hired is no longer  
5       working on the project. With all the recent rain, a pond dam broke and  
6       has caused considerable washout because the construction company  
7       redirected the water flow and caused the dam to break. This water flows  
8       south and is causing more erosion in the projected path of this possible  
9       transmission line.

10    **Q.   DESCRIBE HISTORICAL, ARCHEOLOGICAL, OR CULTURAL**  
11       **SIGNIFICANCE OF LAND THAT MIGHT BE CROSSED IF THE**  
12       **TRANSMISSION LINE IS PLACED ON THEIR PROPERTY.**

13    A.   There are manmade Indian knolls located on the Brushy Creek area.  
14       They have found several arrowheads over the years and they also have  
15       natural springs throughout the property. There is also history that nine  
16       Civil War Skirmishes occurred in this area.

17    **Q.   DESCRIBE THE ENVIRONMENTAL IMPACT, SPECIFIC TO THIS**  
18       **AREA THAT WOULD BE CAUSED BY THIS TRANSMISSION LINE.**

19    A.   As mentioned before, a recent Enterprise 10" line that has been installed  
20       has caused increase erosion to their property. This line was placed on the  
21       existing right of way in November 2015 and Wilbro's left in December  
22       2015 and have not returned to finish the job. With any rainfall, the

1 condition of the pipeline is causing more erosion to their property as well  
2 as to the projected path of the transmission line.

3 **Q. IF THE TRANSMISSION LINE IS BUILT ON THEIR PROPERTY, DO**  
4 **YOU HAVE ANY CONCERNS ABOUT GARLAND LIGHT HAVING**  
5 **ACCESS TO YOUR PROPERTY?**

6 A. Yes. My parents believe this will continue to add to an already existing  
7 problem with erosion because of more traffic will occur to this tract of land.  
8 It will also add to an existing problem of trespassers.

9 **Q. IF THE TRANSMISSION LINE IS BUILT ON THEIR PROPERTY, DO**  
10 **THEY HAVE ANY OTHER CONCERNS?**

11 A. Yes. This will interfere with their quality of life as they know it now. Since  
12 the Open House of December 2015, I have seen a steady decline in the  
13 health and activities of my parents. Which leads me to ask when will big  
14 companies stop imposing on landowners? Should line Segment 16 be  
15 used this will set up the next two Segments 18 and 19. If Segment 19 is  
16 used, it will parallel County Road 127 and this will clear the entire Brushy  
17 Creek and will cause increased erosion. If a steady amount of rainfall is  
18 received, this creek will swell and cause County Road 127 to be closed  
19 due to water over the road from two to four days depending on the amount  
20 of rainfall, and more erosion. If line Segment 12 is used, this will increase  
21 water flow and the erosion to their property. If Segment 18 is used, this  
22 too is an already wet area. If this transmission line is built on this property,  
23 it will eliminate any improvements because it will cross the southern part

1 of their property, **not a property boundary line**. The front part of the  
2 property is already covered with pipelines and with the amount of  
3 easements estimated to be 40 acres that is limited use to no use.

4 **Q. IS THERE ANYTHING ELSE THEY WOULD LIKE THE**  
5 **ADMINISTRATIVE LAW JUDGE AND THE PUBLIC UTILITIES**  
6 **COMMISSION TO CONSIDER IN THIS PROCEEDING?**

7 **A. Yes.**

- 8 • What will this electric line pose as a health issues to humans and  
9 cattle?
- 10 • How will this electric voltage effect the cathodic protection of  
11 pipelines?
- 12 • What will be the proposed environmental erosion plan to help with an  
13 already existing problem due to past and present construction  
14 pipelines run off?
- 15 • What assurances have the states of Louisiana, Mississippi, and  
16 Alabama given concerning the eastern leg of this transmission line?
- 17 • At the April 20<sup>th</sup> settlement meeting in Carthage, Texas, the question  
18 was asked if state regulatory approval had been received for the  
19 transmission line going to Mississippi and Alabama, the eastern leg of  
20 the line. The response was no. When asked why Garland's attorney  
21 said they had not obtained all of the financing for the transmission line.  
22 Will this be like Keystone XL? The Keystone XL pipeline was built  
23 across Texas from Port Arthur to Cushing, Oklahoma, destroying

1 hundreds of acres and leaving hundreds of landowners with this  
2 easement. As it stands now, it is not going to be finished. The  
3 Commission should add a condition that they cannot condemn  
4 property or buy easements in Texas until they have provided sufficient  
5 evidence that the eastern leg of the line across Louisiana Mississippi,  
6 and Alabama have been approved by the states and they have the  
7 necessary finances to construct the line.

- 8 • Because of the above question, Garland stands to get a lot of money  
9 on this line. What will the landowners, residents, and two counties and  
10 one parish receive? Will there be any jobs, other than construction?  
11 Unlike the oil field that provides work even if you own no minerals, will  
12 this power line have economic contribution other than taxes?
- 13 • Should this line cross my parent's land, they feel Garland should be  
14 asked to pay a yearly rent on the right of way because their land is  
15 subsidizing one to three states over to customers who did NOT give up  
16 anything.
- 17 • What assurance do they have that Southern Cross/Pattern Energy is  
18 going to be able to get the financing to finish the eastern leg?
- 19 • Senate Bill 933 in last year's 2015 Texas Legislation was supposed to  
20 benefit landowners according to our District 9 House of Representative  
21 Chris Paddie. The Bill stated that the "Relating to the authority of the  
22 Public Utility Commission of Texas to review transmission  
23 interconnections that enable imports or exports from the ERCOT



1 power grid.” This should be understood that, it is to carve out for the  
2 proposed Southern Cross transmission project, requiring the  
3 Commission to approve the project but allowing it to specify conditions  
4 designed to safeguard the public interest. **Will my parents public**  
5 **interest based on the testimony, be safeguarded?**

6 **IV. CONCLUSION AND RECOMMENDATIONS**

7 **Q. IS THERE A ROUTE YOU SUPPORT AS BEING IN ACCORDANCE**  
8 **WITH COMMUNITY VALUES?**

9 A. Yes, there was discussion of a route at a meeting held in Carthage that I  
10 support. It includes Segments 1, 7, 9, 13, 23, 24, 28, 31, 34, 41, and 43.  
11 There were very few intervenors that would be affected and the line would  
12 be close to only three intervenors. It was also a route where one of the  
13 intervenors preferred that the line to be routed to 43 rather than the other  
14 2 Segments where the line would cross her property. I believe most if not  
15 all, the other affected Intervenor could have concerns addressed if  
16 Garland attempted to do so. For instance, most people prefer the line  
17 follow their property line, rather than bisect their land.

18 **Q. HOW WOULD THEY SUMMARIZE THEIR POSITION IN THIS**  
19 **PROCEEDING REGARDING GARLAND LIGHT RECOMMENDED**  
20 **ROUTE?**

21 A. If this transmission line is built, this will scar my parent's property entirely.  
22 In the future generations to come, there is nothing to give to them.  
23 Because my parents have three off spring, they cannot divide this property

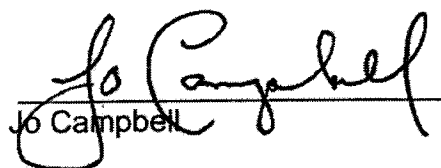
10 fairly now without having either an easement of pipelines or well pads.  
11 With the proposed path of a transmission line, this will finish off any true  
12 means of worth to pass on to the next generation. **They do not want this**  
13 **transmission line on their already burden easement property.**  
14 Furthermore, what will they leave to their three heirs? They will leave  
15 them with pipelines, well pads, a tank battery, and a possible 150'  
16 Transmission Line. In close, this property would not sell on the market  
17 with the number of easements, well pads, and a possible Transmission  
18 line.

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

12 **A. Yes.**

#### **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 27<sup>th</sup> day of April, 2016.

  
Jo Campbell