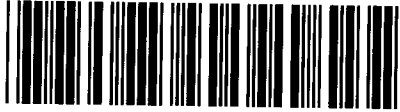




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APPLICATION OF THE CITY OF
GARLAND TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
PROPOSED RUSK TO PANOLA
DOUBLE CIRCUIT 345-KV
TRANSMISSION LINE IN RUSK AND
PANOLA COUNTIES, TEXAS

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PUBLIC UTILITY COMMISSION
BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF

BOBBY MIHLHAUSER

APRIL 27, 2016

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

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**DIRECT TESTIMONY OF

BOBBY MIHLHAUSER**

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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 OF ADMINISTRATIVE HEARINGS**

1 I. INTRODUCTION

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

3 RECORD.

4 A. Bobby Muhlhauser

5 2542 County Road 403

6 Carthage, TX 75633

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. My property is on Segment 8 and I have intervened in opposition to

11 the use of that segment.

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

13 TEXAS PROCEEDING?

14 A. No.

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

3 A. I have a bachelor's degree in electrical engineering from LeTourneau
4 University. I have extensive knowledge of automation control systems
5 including design, implementation, and programming. I have worked in
6 several positions as plant engineer and dealt with multiple magnetic noise
7 issues. I also do polymer design and testing for completion fluids in the
8 oil/gas industry. I work with multiphase fluid separation processes,
9 polymer degradation techniques, and wastewater discharge solutions. I
10 am a principal in several businesses.

11 **Q. WHERE IS YOUR PROPERTY LOCATED AND IS IT YOUR PLACE OF**
12 **RESIDENCY?**

13 A. My affected property is located at 2542 County Road 403 Carthage, TX. It
14 is my family's current residence.

15 **Q. HOW LONG HAVE YOU OWNED THE PROPERTY?**

16 A. I have owned the property two and a half years.

17 **Q. HOW MUCH LAND DO YOU OWN AT THAT LOCATION?**

18 A. I own 66 acres.

19 **Q. ARE YOU FAMILIAR WITH THIS AREA OF CARTHAGE AND PANOLA**
20 **COUNTY?**

21 A. Yes, my mother's family was born and raised in Carthage. I have lived in
22 Carthage for over 35 years.

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

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

3 A. The purpose of my testimony is to (a) describe my property, (b) describe
4 the expected impact of the proposed transmission line on my property and
5 (c) state my opposition against segment 8, (d) to show that the facts
6 demonstrate why it would be contrary to the routing criteria set out in the
7 statute and Commission rules for the proposed transmission line to be
8 routed on my property, (e) and also discuss a route that I believe most
9 Intervenors would support that would comply with Panola County
10 community values.

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

12 **Q. PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS**
13 **ECOLOGICAL OR BIOLOGICAL FEATURES.**

14 A. The property has improved grasslands for the production of hay. A portion
15 is wooded for wildlife habitation. It has three ponds on it. There is a creek
16 across it in the back half. It supports several wildlife species including
17 deer, squirrels, ducks, and a large group of bats.

18 **Q. DO YOU HAVE A PERMANENT HABITABLE STRUCTURE ON THE**
19 **PROPERTY?**

20 Yes, my wife and I are currently in the building process and have been for
21 a little over a year now. We currently live in a travel trailer on the property.
22 We hope to move into the new house in May or June 2016.

1 **Q. CAN YOU IDENTIFY YOUR HOUSE ON ANY PROPOSED ROUTE?**

2 A. Yes, it was identified in the Environmental Assessment and Alternative
3 Route Analysis Report by Burns McDonnell 2-16-2016 on page 7-3 Figure
4 7-1 Segment 8 Adjustments. I have attached a copy of that photo as
5 Exhibit BM-1. The photo shows two new houses and a new pond
6 displayed. The house to the right is my new home, which is under
7 construction. The house to the left is my son's home that has only been
8 stacked out and is to be started after completion of my home. I supplied
9 copies of my son's house plans to Burns McDonnell at the public meeting
10 December 2, 2015 in Carthage for date verification. We should have my
11 home completed in 2016 and my son's home potentially in 2017 or early
12 2018.

13 **Q. DO YOU SEE ANY CONFLICT WITH SEGMENT 8 AND YOUR HOUSE**
14 **LOCATION?**

15 A. Yes, my home was not included in the final route proposal in segment 8.
16 Looking at segment 8 routing, I believe my home will fall within the 500'
17 feet of the centerline of the right-of-way. Unfortunately, I have been left off
18 the whole process from the start until now. I have made the public
19 meetings, given tax records showing I am an affected landowner, I have
20 emails stating I am an affected landowner but have been left of the
21 landowners list and even off the Garland intervenors map.

1 **Q. IS THERE A CONFLICT ON THE HOUSE TO THE LEFT (WEST SIDE)**
2 **OF THE POND?**

3 A. Yes, this should tentatively begin construction later in 2016 and is
4 documented in the Environmental Assessment as ID #98 in Segment 8.
5 The Assessment identifies this location to be 240' from the centerline of
6 the ROW. Unfortunately this is a gross error, the distance from this
7 location to my property line where the proposed segment 8 crosses is only
8 162'. Taken the real distance into consideration, this home would be
9 within 87' of the centerline of the ROW which is entirely too close.

10 **Q. IS THERE A HIGHEST NUMBER OF HABITABLE STRUCTURES**
11 **AFFECTED BY THE PROPOSED ROUTES?**

12 A. I recognize the environmental assessment has not correctly identified all
13 of the habitable structures within 500 feet of the centerline for the
14 proposed transmission line, but Segment 8 has a significant number of
15 habitable structures that fall within that distance and it certainly has one of
16 the largest group of landowners who have intervened in opposition to the
17 use of the segment as part of the routing for the proposed transmission
18 line. The use of the segment would be contrary to prudent avoidance.

19 **Q. HOW DO YOU THINK THE LINE WILL AFFECT YOU?**

20 A. As an electrical engineer, I know there are many potential effects of long
21 term exposure to EMF's the science community has debated for decades.
22 There are several concerns I have about this exposure. The BioInitiative
23 Organization is a prominent group of researchers, doctors, and scientist

1 from the US, Canada, India, Sweden, Italy, Australia, Greece, and others.
2 Their objective is to study and disclose their findings relative to EMF and
3 RFR exposures. I have included an excerpt from one of their studies
4 published in 2007 as Exhibit BM-2.

5 **Q. HOW DO YOU THINK THE LINE WILL AFFECT YOUR PROPERTY**
6 **AND HAS THE LINE BEEN ROUTED TO MINIMIZE THE IMPACT ON**
7 **YOUR PROPERTY?**

8 A. I am fully aware that my property will be greatly devalued due to this
9 proposal. The line is routed so that it splits my property in half and is in
10 close proximity to our houses. It is not in keeping with prudent avoidance.
11 There has been no effort to parallel boundary lines.

12 **Q. ARE THERE ANY OTHER PEOPLE ON SEGMENT 8 YOU FEEL ARE**
13 **ADVERSELY AFFECTED?**

14 A. Yes, Jim Holder is habitable structure number 104 in Segment 8. He has
15 5.2 acres of land and a home that he has lived in for over 40 years. The
16 south side of his property has part of an existing 115 KV transmission line
17 on it. From the existing transmission line to the back of his house is 300'.
18 The proposal in Segment 8 is to put the 345kV line between the existing
19 ROW and his house, making a bad situation even worse. On top of that,
20 he is planning on building a shop on the east side of his land because of
21 road frontage and existing utilities, water, sewer, and electrical that would
22 be directly under the proposed line. The use of Segment 8 would simply
23 be contrary to community values when there is another route that could be

1 used that has very few Intervenor and is supported by many of the
2 landowners.

3 **IV. CONDITIONS, RECOMMENDATIONS, AND CONCLUSIONS**

4 **Q. ARE THERE REASONABLE CONDITIONS THAT SHOULD BE**
5 **INCLUDED IN THE ORDER IN THIS PROCEEDING THAT WOULD BE**
6 **IN THE PUBLIC INTEREST?**

7 **A.** Yes. City of Garland said at the technical conference held in Carthage,
8 Texas on April 20, 2016 that no progress had been made to construct the
9 transmission line to Mississippi and Alabama from the DC tie because of
10 financial reasons. I urge the Commission to condition the condemnation
11 and purchase of transmission easement for the City of Garland's proposed
12 Rusk to Panola 345 kV transmission project until Southern Cross provides
13 sufficient evidence to this Commission that sufficient financing and state
14 authority has been obtained to construct the transmission line to
15 Mississippi and Alabama. Panola landowners should not have their land
16 taken if in fact the transmission line proposed to be built to Mississippi and
17 Alabama is never built. Without the proposed transmission line in SERC
18 being built there will be no Southern Cross Project. It is reasonable and in
19 the public interest to ensure that landowner property is not condemned if
20 the project will never come to fruition.

21 Another important condition pertains to the type of towers/poles used for
22 the project. Below is an insert from Garland's filing on 4-25-2016.

1 In the City of Garland's response to Commission Staff's second request
2 for information where it asked Garland to describe which site conditions,
3 routes or engineering constraints might dictate the use of lattice structures
4 over monopoles Garland responded that generally speaking, lattice steel
5 structures may be required if the necessary loading capacity exceeds the
6 reasonable capability of an economically viable tubular steel pole. Typical
7 loading increases due to structure height, structure line angle, and
8 conductor tension.

9 I urge the Commission to mandate tubular steel poles as long as they
10 meet or exceed all safety requirements relative to loading. This would
11 lessen the negative aesthetic appearance of the project by conditioning
12 tubular steel poles.

13 **Q. DO YOU HAVE A ROUTE RECOMMENDATION AND WITH THAT**
14 **RECOMMENDATION HAVE INTERVENORS SUPPORTING THAT**
15 **ROUTE.**

16 **A.** Yes, I recommend the Commission consider route segments 1, 7, 9, 13,
17 23, 24, 28, 31, 34, 41, and 43. It appears from City of Garland's map that
18 there are only six Intervenorors that are on those segments. It seems
19 several of those will not continue intervention and it also seems they have
20 only three habitable structures that are within 500 feet of the transmission
21 line. I also strongly recommend that the utility be required to route the
22 transmission line on the Intervenorors property so that it would have minimal
23 impact on their property in accordance with the Intervenorors wishes. There

1 are several intervenors on this route that have stated they would comply
2 with this route if reasonable conditions were met. John Davis stated that
3 he would not object if the line was routed in accordance with his wishes,
4 Shirley Hamilton stated in her original intervention request she would
5 prefer the line crossing her on segment 43 instead of 48, 49, or 50. Her
6 statement is in Exhibit BM-3.

7 Concerning intervenors, I have concurred with personally in support of this
8 route include the following landowners:

- 9 1. Sharon Kirchner
- 10 2. Billy Langford
- 11 3. David Langford
- 12 4. Vickie Langford Lacy
- 13 5. Mark Langford
- 14 6. Tom Williams
- 15 7. Riley Boothe
- 16 8. Sylvia Hunt
- 17 9. Sherri Waters
- 18 10. Mary Lillibridge
- 19 11. Michael Lillibridge
- 20 12. Brian Lillibridge
- 21 13. Gloriann Spiller
- 22 14. Jim Holder
- 23 15. Danny Milam

- 1 16. John Carroll
2 17. Billy Broadway
3 18. Charles Spears
4 19. Thomas Patten
5 20. Teresa Stein
6 21. James Robertson
7 22. Myself Bobby Muhlhauser

8 I am aware of many more from the southern routes but have not spoken to
9 them personally.

10 **Q. DO YOU HAVE A CONCLUDING STATEMENT?**

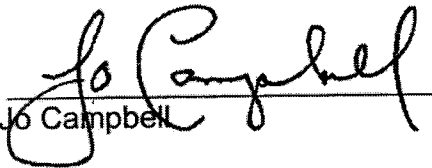
11 A. I believe the facts represented warrant diligence on the Commission's
12 decisions relating to public health, reasonable conditions to compel
13 Garland to disclose financial ability to complete the project and condition
14 Garland to spend the capital to minimize the aesthetic appearance across
15 our properties, prudent avoidance of habitable structures, boundary
16 paralleling, and public outcry. I believe the facts demonstrate the
17 proposed route of 1, 7, 9, 13, 23, 24, 28, 31, 34, 41, and 43 would satisfy
18 the Commissions routing criteria, minimize the overall expense while
19 preserving Panola County values as much as possible.

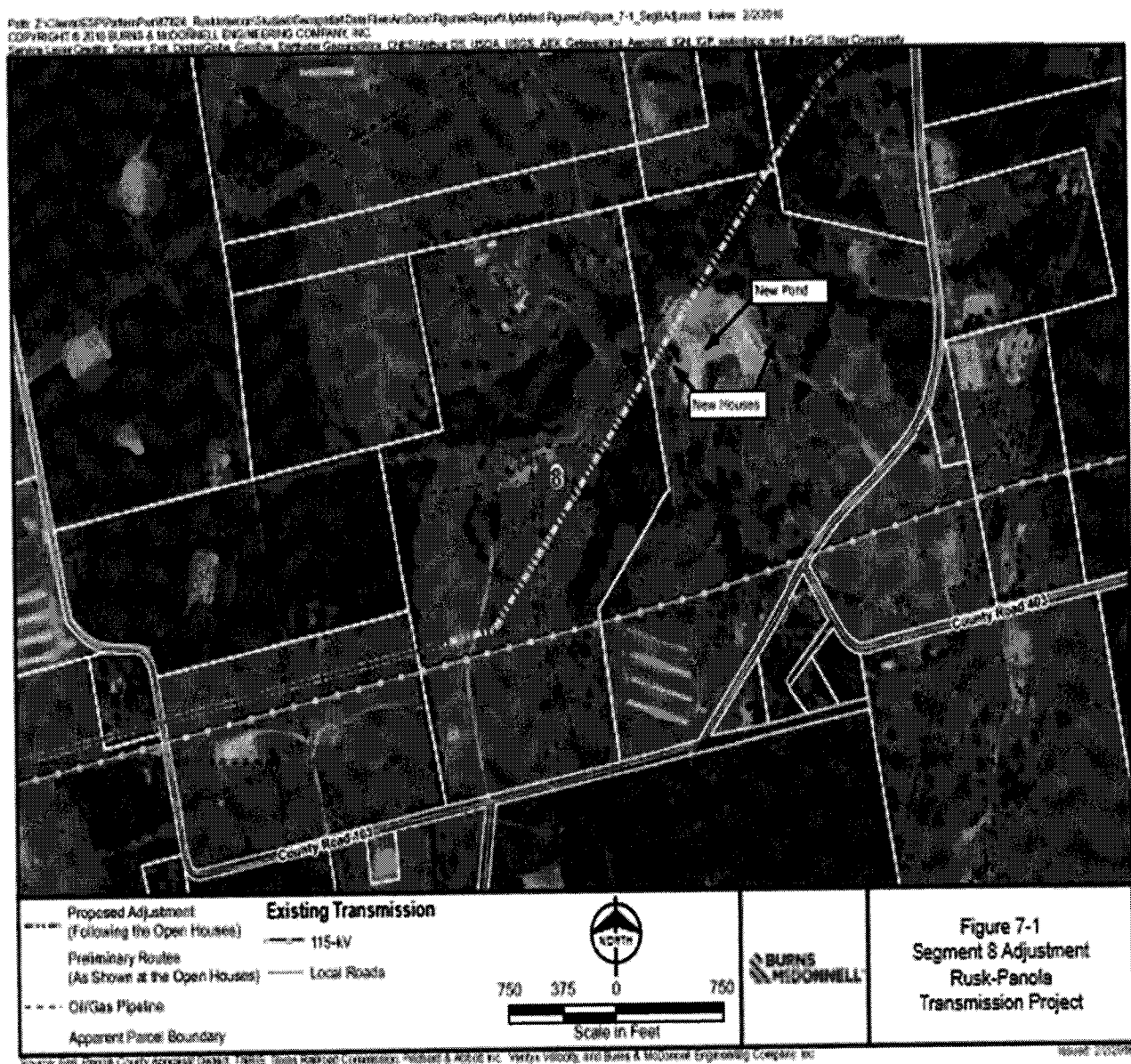
20 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

21 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



“The BioInitiative Report (2007)”¹

Published in 2007 by an international working group of scientists, researchers and public health policy professions The BioInitiative Group concluded that the existing standards for public safety for EMFs are completely inadequate to protect your health. The report includes studies showing evidence that electromagnetic fields and exposure to radio frequencies can:

- Affect gene and protein expression (Transcriptomic and Proteomic Research)
- Have genotoxic effects -- DNA damage
- Affect immune function
- Affect neurology and behavior
- Cause childhood cancers (Leukemia)
- Impact melatonin production; Alzheimer's Disease; Breast Cancer
- Promote breast cancer (Melatonin links in laboratory and cell studies)
- EMF have been shown to cause other potentially harmful biological effects, such as leakage of the blood brain barrier.”

In the BioInitiative 2012 Summary for the Public (2014 Supplement) the effects of EMF are exposed. “In twenty-four technical chapters, the contributing authors discuss the content and implications of about 1800 new studies. Overall, these new studies report abnormal gene transcription (Section 5); genotoxicity and single- and double-strand DNA damage (Section 6); stress proteins because of the fractal RF-antenna like nature of DNA (Section 7); chromatin condensation and loss of DNA repair capacity in human stem cells (Sections 6 and 15); reduction in free-radical scavengers, particularly melatonin (Sections 5, 9, 13, 14, 15, 16 and 17); neurotoxicity in humans and animals (Section 9); carcinogenicity in humans (Sections 11, 12, 13, 14, 15, 16 and 17); serious impacts on human and animal sperm morphology and function (Section 18); effects on the fetus, neonate and offspring (Section 18 and 19); effects on brain and cranial bone development in the offspring of animals that are exposed to cell phone radiation during pregnancy (Sections 5 and 18); and findings in autism spectrum disorders consistent with EMF/RFR exposure. This is only a snapshot of the evidence presented in the BioInitiative 2012 updated report.”²

Their findings are scientifically proven and unbiased. Science has associated auto immune diseases to be exaggerated by EMF exposure. One immune function disease is arthritis. My wife has arthritis symptoms in her right hip and left leg. **I am very concerned with the potential negative effects the line crossing segment 8 in our back yard could have on my wife's health. I also have children and grandchildren at my home very frequently, I am strongly opposed to them being exposed to this magnitude of EMF. I am not interested in my family being harmed at the expense of a utility company's lobbyist convincing our governing bodies there are no harmful effects of EMF's.** EMF's have already been classified as a low form of radiation³. There is no radiation known to mankind that is NOT harmful, from ionized to non-ionized radiation. True certain forms of radiation are used in the medical field such as X-rays in which the operator has to leave the room to take the X-ray to avoid continual exposure and radiation to fight cancer cells. The only real conclusion that cannot be disputed is radiation of all forms kill organic cells (what we are made of).

¹ <http://www.emfsolutions.ca/conditions.php> : Page 1 paragraph #16

² http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec01_2012_summary_for_public.pdf
Page 3 paragraph #3

³ <http://emwatch.com/power-line-emf/>: Page 1 paragraph #15

“The phenomenon of corona plays an important role in the design of an overhead transmission line. The phenomenon of corona is accompanied by a hissing sound, production of ozone, power loss and radio interference.”⁴

We do not want the annoyance of hissing sounds in our back yard and we are opposed to any system the produces ozone in our back yard as well.

⁴<http://www.electricalengineeringinfo.com/2014/12/corona-effect-factors-effecting-corona-effect-methods-of-reducing-corona-effect.html#> Page 1 paragraphs 3 and 17

To All Parties Involved:

As a land owner directly affected by the Rusk-Panola Transmission Project due to the transmission line crossing my property is one of four proposed locations, I am requesting to intervene in the proceeding directly involved with PUC Docket No. 45624.

The Rusk-Panola Transmission Project will cross my property in one of four proposed locations (43, 48, 49, and 50). I have listed below, in order of least favorable to favorable routes proposed, and a brief statement to support these findings. Proposed Routes #48 and #49 will cross approximately 7,000 linear feet of forested land and the east and west side of FM 3359 and CR 463. This acreage (approximately 24 acres) is dominated by merchantable pine timber that has been extensively managed. Also, due to the transmission line crossing property with road frontage, there is the risk for property value to decrease along these proposed routes.

Route #50 would cross pastureland being utilized for grazing cattle. Heavy traffic during the construction project would reduce available forage for the cattle that are present on the tract of land. Also, I fear that any erected structures (i.e. 140-150' transmission lines) would reduce the value of my property.

Route #43 is the northern most proposed route that would cross my property. Although this route would still impact stands of merchantable pine and hardwood timber, damages would be minimal as compared to Routes #48 and #49.

Sincerely,

Shirley Hamilton