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

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PUBLIC UTILITY COMMISSION

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

DIRECT TESTIMONY OF

JOE BEARD

APRIL 27, 2016

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DIRECT TESTIMONY OF

JOE BEARD

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**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 JOE BEARD

1 **I. QUALIFICATIONS AND EXPERIENCE**

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

3 A. My name is Joe Beard.

4 My address is:

5 9534 Loma Vista Dr.

6 Dallas, TX 75243

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 **YOUR LAND.**

15 A. Yes my property is affected by Segment 12.

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

3 A. Material provided by Garland Power and Light. I have reviewed the
4 routing criteria. I also have reviewed the settlement route that I support.

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

7 A. Yes.

8 II. PURPOSE OF THE TESTIMONY

9 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

10 A. The purpose of my testimony is to show that the facts demonstrate why it
11 would be contrary to the routing criteria set out in the statute and
12 Commission rules for the proposed transmission line to be routed on my
13 property. Although I sympathize with any landowners having the
14 transmission line routed on their property, I also discuss a route that I
15 believe most Intervenors would support and that would comply with
16 Panola County community values.

17 III. WHY THE LINE SHOULD NOT CROSS MY PROPERTY

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

20 A. My Mother and Father purchased the property from J.W. and May Griffith
21 in 1956. The property was then inherited from my parents in 1982. The
22 property is totally utilized for the production of timber and wildlife
23 management.

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

4 Segment 12 cuts right through the middle of my property and would
5 permanently affect the production of timber, which would reduce my
6 retirement income. The number of acres that would be permanently taken
7 out of production would be approximately seven acres.

8 The historical value of my property is it was the birthplace and home of the
9 late Ben H. Wooten, a banker, public servant, and philanthropist. Mr.
10 Wooten held multiple positions within the Texas banking industry,
11 including State Bank Examiner, President of the Federal Home Loan Bank
12 System, Vice-president and member of the Executive Committee of the
13 Republic Nation Bank of Dallas, President of First National Bank of Dallas,
14 Chairman of the Board of Dallas Federal Savings and Loan Association.
15 Mr. Wooten was proud of his humble beginnings and would delight in
16 bringing high-ranking members of the banking community to show off the
17 "shotgun" house he was born in and raised up in along with the
18 surrounding property.

19 I do not want a 345-kV transmission line crossing through the center of my
20 property. Brushy Creek borders my property and Segments 4, 12, 16, and
21 part of 17 goes through the Brushy Creek wetlands.

1 I also have two bald eagles that hunt and fish on my property and the
2 proposed transmission line that goes through the middle of my property
3 could upset their environment.

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

7 A. Yes. Brushy Creek, the Sabine River, and the headwaters for the Toledo
8 Bend Reservoir have sensitive wetlands that would be affected by any
9 disturbance in Segment 12. Any soil disturbance and/or erosion could
10 flow downstream and eventually make its way into the Toledo Bend
11 Reservoir.

12 **Q. HAS THE PROPOSED TRANSMISSION LINE BEEN ROUTED ON**
13 **YOUR PROPERTY SO AS TO MODERATE ANY IMPACT TO YOU AND**
14 **YOUR FAMILY?**

15 A. No. The proposed transmission line crosses right through the middle of
16 my property with no consideration on the impact it has on me, my family,
17 or the property.

18 **Q. DOES THE SEGMENT ON YOUR PROPERTY PARALLEL AN**
19 **EXISTING TRANSMISSION LINE? IF IT DOES, HOW MANY**
20 **TRANSMISSION LINES ALREADY CROSS YOUR PROPERTY?**
21 **WOULD THE NEW LINES BE CLOSER TO A HABITABLE**
22 **STRUCTURE THAN ANY EXISTING TRANSMISSION LINES ON YOUR**
23 **PROPERTY?**

1 A. No existing transmission lines parallel Segment 12 that crosses my
2 property.

3 Q. DOES THE ROUTING OF THE TRANSMISSION LINE PARALLEL
4 YOUR PROPERTY BOUNDARIES?

5 A. No the routing of the transmission line in Segment 12 goes right through
6 the middle of my property and does not follow the property boundaries.

7 Q. DOES THE ROUTING OF THE LINE ON YOUR PROPERTY PARALLEL
8 EXISTING ROADS, HIGHWAYS, OR OTHER COMPARABLE RIGHT-
9 OF-WAY? IF NOT, WHERE DOES IT CROSS YOUR PROPERTY?

10 A. No the routing of the transmission line goes right through the middle of my
11 property and does not parallel anything.

12 Q. IS THE ROUTING OF THE TRANSMISSION LINE ON YOUR
13 PROPERTY WITHIN 500 FEET OF A HABITABLE STRUCTURE?

14 A. The only structure I have on my property is a barn, however, within 500
15 feet of my property there are two habitable structures. The first habitable
16 structure is the home of Estell Collins (#76), address 7109 FM 1970, Gary,
17 TX and it is approximately 100 to 150 feet from the transmission line. The
18 second habitable structure is the home of Michael Collins (does not have
19 a #), address 7090 FM 1970, Gary, TX and is approximately 500 feet from
20 the transmission line.

21 Q. ARE THERE ANY HEALTH ISSUES THAT COULD BE ADVERSELY
22 AFFECTED IF THE TRANSMISSION LINE IS ROUTED ACROSS YOUR
23 PROPERTY? IF SO, PLEASE EXPLAIN.

1 A. Yes. When I am working on my property, I reside in a barn that is located
2 almost right under or within 50 feet of the transmission line so I will be
3 exposed to electric and magnetic fields when staying there.

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

7 A. No, the route makes no effort to follow the property lines or other natural
8 or cultural features. The route goes right through the middle of my
9 property and does not conform to the policy of prudent avoidance in that I
10 will be exposed to electric and magnetic fields when staying in my barn
11 and Estell Collins (#76) and Michael Collins and his family will be exposed
12 to magnetic fields in their homes.

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

16 A. Yes, my timber production business would be adversely affected because
17 approximately seven acres would be permanently taken out of production.
18 Segment 12, that cuts right through the middle of my property, would
19 adversely affect my production of timber, which would reduce my
20 retirement income.

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

22 Q. **WHAT ROUTE, IN YOUR OPINION, BEST SUPPORT COMMUNITY**
23 **VALUES?**

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

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

9 **Q. ARE THERE REASONABLE CONDITIONS THAT SHOULD BE**
10 **INCLUDED IN THE ORDER IN THIS PROCEEDING THAT WOULD BE**
11 **IN THE PUBLIC INTEREST?**

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

3 the public interest to ensure that landowner property is not condemned if
4 the project will never come to fruition.


4 VI. CONCLUSION

5 Q. DOES THIS COMPLETE YOUR TESTIMONY?

6 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