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SOAH DOCKET NO. 473-16-2751  
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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  
PUBLIC UTILITY COMMISSION  
OF  
ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF

JUSTIN WAGSTAFF

APRIL 27, 2016

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

<b>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</b>	<b>§ § § § § § § §</b>	<b>BEFORE THE STATE OFFICE   OF  ADMINISTRATIVE HEARINGS</b>
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**DIRECT TESTIMONY OF**

**JUSTIN WAGSTAFF**

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**DIRECT TESTIMONY OF JUSTIN WAGSTAFF**

1                               **I.     QUALIFICATIONS AND EXPERIENCE**

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

3   A.     My name is Justin Wagstaff.

4             My address is:

5                       1177 CR 2164

6                       Shelbyville, TX 75973

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 crossed by Segment 4.

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

3 A. I have reviewed the material sent to me by Garland. I have also reviewed  
4 the routing criteria sent to me by my attorney. I have reviewed the  
5 proposed settlement route that I support and which appears to have a lot  
6 of support from landowners affected by the proposed transmission line. I  
7 have personal knowledge of the facts contained in my testimony.

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

10 A. Yes.

11 II. PURPOSE OF THE TESTIMONY

12 Q. What is the purpose of your testimony?

13 A. The purpose of my testimony is to show that the use of Segment 4 would  
14 be contrary to the routing criteria set out in the statute and Commission  
15 rules as the segment affects my property. I also discuss a route that I  
16 support and I believe most Intervenors would support and that complies  
17 with Panola County community values.

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 purchased the 140-acre property for a cattle operation, a current  
22 weekend retreat and my future retirement home.

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    A.    The proposed segment would be contrary to the reasons I purchased the  
5           property. It would go across a pond and stream zone and right my house,  
6           thereby destroying the aesthetics value of my property. It would also be  
7           contrary to prudent avoidance because it is so close to my house. If a  
8           storm brought the line down it would create a hazard for anyone going  
9           outside being electrocuted. It would also pose a terrible erosion problem.  
10          If the timber were removed to construct the line, the area would simply  
11          wash away.

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, it has not. The routing is done in a straight line across the property  
16          without any consideration of how my land would be affected. The routing  
17          does not try to avoid my house or the possibility for creating a terrible  
18          erosion problem.

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

1           **STRUCTURE THAN ANY EXISTING TRANSMISSION LINES ON YOUR**  
2           **PROPERTY?**

3    A.     There are no existing transmission lines close to my property. Instead, the  
4           use of the segment would simply damage an added area and wildlife  
5           habitat in the county.

6    **Q.     DOES THE ROUTING OF THE TRANSMISSION LINE PARALLEL**  
7           **THOSE ITEMS SET OUT IN THE ROUTING CRITERIA?**

8    A.     No. The routing of the line does not parallel my property boundaries,  
9           existing transmission lines, roads, highways or other comparable right of  
10          way.

11   **Q.     WHERE DOES IT CROSS YOUR PROPERTY?**

12   A.     The line simply cuts across the south 1/3<sup>rd</sup> of my property right next to my  
13          house and across some of the most beautiful area on my property,

14   **Q.     IS THE ROUTING OF THE TRANSMISSION LINE ON YOUR**  
15          **PROPERTY WITHIN 500 FEET OF A HABITABLE STRUCTURE?**

16   A.     Yes, the line would go right next to my house. My house would be in the  
17          right of way of the line.

18   **Q.     ARE THERE ANY HEALTH ISSUES THAT COULD BE ADVERSELY**  
19          **AFFECTED IF THE TRANSMISSION LINE IS ROUTED ACROSS YOUR**  
20          **PROPERTY? IF SO, PLEASE EXPLAIN.**

21   A.     My father, who also uses the property, has a pacemaker for his heart.

1 Q. IN YOUR OPINION, DOES THE ROUTING OF THE TRANSMISSION  
2 LINE ON YOUR PROPERTY CONFORM WITH COMMUNITY VALUES?  
3 IF NOT, PLEASE EXPLAIN WHY IT DOES NOT.

4 A. No, it does not. It is contrary to the criteria for the routing of a  
5 transmission line. It would also go against everything the property was  
6 intended to be. For me and my family.

7 IV. A ROUTE THAT PROTECTS COMMUNITY VALUES

8 Q. WHAT ROUTE, IN YOUR OPINION, BEST SUPPORT COMMUNITY  
9 VALUES?

10 A. A route comprised of segments 1, 7, 9, 13, 23, 24, 28, 31, 34, 41, and 43  
11 is supported by the community. It appears from City of Garland's map that  
12 there are only six Intervenor's that are on those segments. It seems they  
13 have only three habitable structures that are within 500 feet of the  
14 transmission line. The utility should be required to route the transmission  
15 line on the Intervenor's property where it would have the least impact on  
16 their property in accordance with the Intervenor's wishes.

17 V. A REASONABLE CONDITION THAT SHOULD APPLY

18 Q. ARE THERE REASONABLE CONDITIONS THAT SHOULD BE  
19 INCLUDED IN THE ORDER IN THIS PROCEEDING THAT WOULD BE  
20 IN THE PUBLIC INTEREST?

21 A. Yes. City of Garland said at the technical conference held in Carthage,  
22 Texas on April 20, 2016 that no progress had been made to construct the  
23 transmission line to Mississippi and Alabama from the DC tie because of



1 financial reasons. I urge the Commission to condition the condemnation  
2 and purchase of transmission easement for the City of Garland's proposed  
3 Rusk to Panola 345 kV transmission project until Southern Cross provides  
4 sufficient evidence to this Commission that sufficient financing and state  
5 authority has been obtained to construct the transmission line to  
6 Mississippi and Alabama. Panola landowners should not have their land  
7 taken if in fact the transmission line proposed to be built to Mississippi and  
8 Alabama is never built. Without the proposed transmission line in SERC  
9 being built there will be no Southern Cross Project. It is reasonable and in  
10 the public interest to ensure that landowner property is not condemned if  
11 the project will never come to fruition.

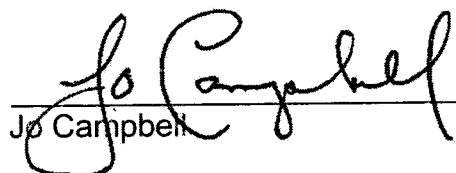
12 **VI. CONCLUSION**

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

14 **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 27<sup>th</sup> day of April, 2016.

  
Jo Campbell