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

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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

JAMES STUART JAMES

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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
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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 James Stuart James.

4 My address is:

5 3021 Wyatt St.

6 Bay City, TX 77414

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. My property is adversely affected by Segment 32.

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

3 A. I have reviewed the statutory routing criteria and the routing criteria set out
4 in the Commission's rule provided to me by my attorney.

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. I also discuss a that is being discussed among landowners that I
14 believe most Intervenors would support and that would comply with
15 Panola County community values.

16 III. WHY THE LINE SHOULD NOT CROSS MY PROPERTY

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

19 A. I purchased the land over the phone from Dr. Neugent after his mother
20 Mrs. Margery Neugent was murdered by Bernie Tiedy, as made into the
21 movie "Bernie". My beautiful farm is located east of FM Rd 699 between
22 Carthage and Old Center. It is bordered on the east by the Sabine River.
23 The north boundary is PR 831 and the south boundary is CR 437. The

1 land is an income producing timber farm. Since purchasing the property in
2 1998 I have improved the property by planting a combination of oak
3 hardwood and loblolly pine. I have a professional forester consult with me
4 on the planting, care and production of the timber. It also serves as a
5 wildlife habitat. I expressly planted 30% hardwood oak, even though it
6 produces less income, for wildlife habitat. The routing of the transmission
7 line on my property would destroy my intended purpose in buying the
8 property and adversely affect the beauty of my home and its safety by the
9 close proximity of the transmission line.

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

13 A. The transmission line would cut diagonally across my property. By cutting
14 close to my pristine log home, it disturbs the tranquility and beauty of the
15 area. It would also cross my driveway diminishing the aesthetic of the
16 property. It is also believed that there are American Indian archaeological
17 sites on the property. American Indian arrowheads have been found.

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

21 A. Yes. My property is on the Sabine River where fishermen and boats are
22 often found. It is not uncommon to find a group using my riverbank to fish.

1 **Q. HAS THE PROPOSED TRANSMISSION LINE BEEN ROUTED ON**
2 **YOUR PROPERTY SO AS TO MODERATE ANY IMPACT TO YOU AND**
3 **YOUR FAMILY?**

4 A. No, it has not. It simply cuts diagonally through my property. It does not
5 parallel property lines, roads, highways, or other comparable right-of-way.

6 **Q. DOES THE SEGMENT ON YOUR PROPERTY PARALLEL AN**
7 **EXISTING TRANSMISSION LINE? IF IT DOES, HOW MANY**
8 **TRANSMISSION LINES ALREADY CROSS YOUR PROPERTY?**
9 **WOULD THE NEW LINES BE CLOSER TO A HABITABLE**
10 **STRUCTURE THAN ANY EXISTING TRANSMISSION LINES ON YOUR**
11 **PROPERTY?**

12 A. There are no existing transmission lines close to the property. The route
13 destroys additional habitat and aesthetics in the county.

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

16 A. Yes, the beautiful log home is much closer than 500 feet to the centerline
17 of the right-of-way.

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. As a timber producer, I have a man lift to trim trees. It would be very
22 dangerous to have it operating so close to a high voltage power line.

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. Garland has not attempted to work with any landowner to
5 minimize the impact of the line on the property. It has not followed the
6 routing criteria set out in the statute or the Commission's rules.

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

10 A. Yes, the farm is an income producing timber farm. It will adversely affect
11 the income from timber production. Timber almost ready for harvesting
12 will be destroyed.

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

14 **Q. WHAT ROUTE, IN YOUR OPINION, BEST SUPPORT COMMUNITY**
15 **VALUES?**

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

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

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

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

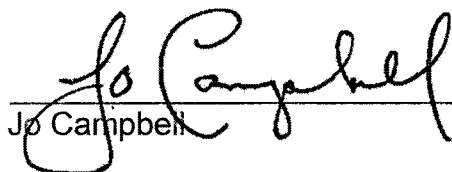
19 **VI. CONCLUSION**

20 **Q. DOES THIS COMPLETE 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