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

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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
§ PUBLIC UTILITY COMMISSION
§ FILING CLERK
§ OF
§ ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF

Dewayne Stephens

APRIL 25, 2016

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

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DIRECT TESTIMONY OF

Dewayne Stephens

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DIRECT TESTIMONY OF DEWAYNE STEPHENS

1 **I. QUALIFICATIONS AND EXPERIENCE**

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

3 A. My name is Dewayne Stephens, Scout Executive, East Texas Area
4 Council, Boy Scouts of America ("BSA").

5 My address is:

6 1331 East Fifth Street

7 Tyler, TX 75701

8 **Q. HAVE YOU EVER PROVIDED TESTIMONY BEFORE THE PUBLIC**
9 **UTILITY COMMISSION OF TEXAS BEFORE?**

10 A. No.

11 **Q. WOULD YOUR PROPERTY BE AFFECTED BY ONE OR MORE OF**
12 **THE SEGMENTS USED TO MAKE ONE OR MORE OF THE**
13 **PROPOSED ROUTES FOR THE CITY OF GARLAND'S APPLICATION?**
14 **IF SO, PLEASE IDENTIFY THE SEGMENTS THAT WOULD AFFECT**
15 **YOU LAND.**

16 A. Yes. Segment 10.

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

3 A. Plats of proposed routes and segments.

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

6 A. Yes.

7 II. PURPOSE OF THE TESTIMONY

8 Q. What is the purpose of your testimony?

9 A. The purpose of my testimony is to show that the facts demonstrate why it
10 would be contrary to the routing criteria set out in the statute and
11 Commission rules for the proposed transmission line to be routed on the
12 BSA property. Although I sympathize with any landowners having the
13 transmission line routed on their property, I also discuss a route 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. The BSA property has been used and operated as a scout camp, the
20 George W. Pirtle Scout Reservation, since about 1964. The camp is used
21 on a regular basis by multiple numbers of youth and their leaders from the
22 East Texas area and other locales.

23

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.** Any utilization of the scout camp property for an easement for
5 transmission lines would cause considerable conflict with activities
6 conducted on the camp and with access and ingress and egress to the
7 camp facilities.

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

11 **A.** Yes, the George W. Pirtle Scout Reservation.

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

14 **A.** We are uncertain about this.

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

21 **A.** No.

22 **Q. DOES THE ROUTING OF THE TRANSMISSION LINE PARALLEL**
23 **YOUR PROPERTY BOUNDARIES?**

1 A. It appears to run along the entrance of the camp property.

2 **Q. DOES THE ROUTING OF THE LINE ON YOUR PROPERTY PARALLEL**
3 **EXISTING ROADS, HIGHWAYS, OR OTHER COMPARABLE RIGHT-**
4 **OF-WAY? IF NOT, WHERE DOES IT CROSS YOUR PROPERTY?**

5 A. No. The routing appears to cross the entrance road to the camp property.

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

8 A. No. A ranger's residence is located down the entrance road from the
9 routing.

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

13 A. Unknown at this time.

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

17 A. The community values include preservation of the camp facilities as they
18 are presently situated.

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

22 A. Yes. The BSA property has been used and operated as a scout camp,
23 the George W. Pirtle Scout Reservation, since about 1964. The camp is

1 used on a regular basis by multiple numbers of youth and their leaders
2 from the East Texas area and other locales.

3 Any utilization of the scout camp property for an easement for
4 transmission lines would cause considerable conflict with activities
5 conducted on the camp and with access and ingress and egress to the
6 camp facilities.

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 It appears from City of Garland's map that there are only six Intervenor
12 that are on those segments. It seems they have only three habitable
13 structures that are within 500 feet of the transmission line. I also strongly
14 recommend that the utility be required to route the transmission line on the
15 Intervenor's property so that it would have minimal impact on their
16 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.