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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

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BEFORE THE STATE OFFICE  
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

CROSS-REBUTTAL TESTIMONY  
OF  
BOBBY MIHLHAUSER

May 23, 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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**CROSS REBUTTAL TESTIMONY OF BOBBY MIHLHAUSER**

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

3   **A.   Bobby Muhlhauser**  
4       2542 County Road 403  
5       Carthage, TX 75633

6   **Q.   ARE YOU THE SAME BOBBY MIHLHAUSER THAT FILED**  
7       **INTERVENOR TESTIMONY?**

8   **A.   Yes. I am.**

9   **Q.   WHAT IS THE PURPOSE OF YOUR TESTIMONY**

10  **A    I address Parks and Wildlife's recommendation that the Sabine River be**  
11       crossed at Segment 52 and its objection to having the river crossed at  
12       SEGMENT 31.

13  **Q    DO YOU BELIEVE THERE IS AN ERROR IN THE ENVIRONMENTAL**  
14       **ASSESSMENT THAT COULD HAVE MISLEAD THE TEXAS PARKS**  
15       **AND WILDLIFE'S ROUTE DECISION?**

1 A. Yes.

2 **Q. IF YES, WILL YOU POINT TO THE ERROR IN THE ASSESSMENT?**

3 A. The error is on page 8-25 of the Environmental Assessment document  
4 and on the Intervenor Map document on Segment 31 just down from  
5 Segment 29.

6 **Q. PLEASE DESCRIBE THE ERROR.**

7 A. The documents identify a boat ramp on section 31 at the intersection of  
8 FM 699 and Murvaul Creek. There is no boat ramp there nor has there  
9 ever been one there for the last 40 years I have been boating on the  
10 Sabine River. The creek is way too small for boat traffic. On page 8-25 of  
11 the Assessment, 270' is recorded as the distance section 31 is from a  
12 ramp that is nonexistent.

13 **Q. DO YOU BELIEVE THE ERROR ON SECTION 31 LED THE TEXAS**  
14 **PARKS AND WILDLIFE TO ITS POSITION?**

15 A. Yes. The TPWD states on page 14 of their document "Thus, any areas of  
16 the Sabine River and its floatable tributaries or Lake Murvaul are more  
17 reasonable to consider as recreation areas that could be impacted by the  
18 transmission line rather than just at existing boat ramp access points." A  
19 boat ramp on section 31 would indicate to the TPWD that an increase in  
20 boat traffic would naturally occur in this Sabine River tributary. TPWD  
21 would then indicate a problem due to recreational boating. The fact is that  
22 there is no boat ramp on section 31 and that while the Sabine River was

1 out of its banks on 5-14-2016, Murvaul Creek at FM 699 was a mere four  
2 or five feet wide restricting any boating activities.

3 **Q. TPWD RECOMMENDS CROSSING THE SABINE AT SECTION 52 BY**  
4 **THE BOAT RAMP ON FM 2517. DO YOU BELIEVE A CAMPING AREA**  
5 **AT THIS RAMP WOULD HAVE WEIGHED ON THE TPWD'S**  
6 **DECISSION AND SHOULD HAVE INDICATED A CONSTRAINT TO**  
7 **THE ENVIRONMENTAL ASSESSMENT?**

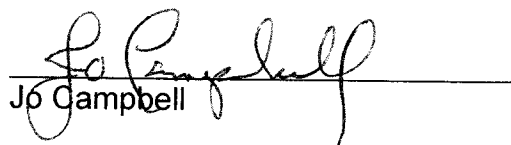
8 A. Yes, I believe if the Environmental Assessment would have indicated a  
9 camping area at section 52, then the TPWD would have followed their  
10 criteria and constrained section 52. TPWD states on page 14 of their  
11 document "If the boat ramp includes a park or camping area, then it would  
12 be more appropriate to identify it as a constraint to the EA." The boat  
13 ramp at FM 2517 **DOES** have a camping area. A new transmission line  
14 paralleling the existing transmission line would be less than 200 feet from  
15 the camping area. There is also a sign there stating "Campers  
16 Responsible for their own trash". The EA did not identify this camping  
17 area which would have constrained section 52 as a viable crossing.

18 **Q. THE TPWD STATES THAT "BOATER EXPERIENCE WOULD**  
19 **GENERALLY BE NEGATIVELY IMPACTED WITH A NEW-LOCATION**  
20 **TRANSMISSION LINE DUE TO INCREASED AREAS OF**  
21 **DISCONTINUOUS RIVERSIDE FOREST AND AN ADDITIONAL AREA**  
22 **WHERE DEVELOPMENT WOULD BE SEEN FROM THE RIVER". DO**  
23 **YOU AGREE OR DISAGREE WITH THIS STATEMENT?**

- 1 A. As an avid boater, I have been boating up and down the Sabine River for  
2 over 40 years and have always utilized land marks as location identifiers.  
3 Pipeline crossings, bridges, high line crossings, etc. have always played  
4 an important role in determining where you are on the river, especially  
5 travelling the river at night. In my opinion, a high line crossing at segment  
6 31 will not have a negative impact on me as a boater but will give me one  
7 more land mark to utilize.
- 8 **Q. AS AN ELECTRICAL ENGINEER DO YOU BELIEVE THE SABINE**  
9 **RIVER CAN BE SPANNED AT SEGMENT 31?**
- 10 A. Yes, Garland can easily span the Sabine River at Segment 31
- 11 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**
- 12 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 23<sup>rd</sup> day of May, 2016.

  
Jo Campbell