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CERTIFICATE OF CONVENIENCE AND §  
NECESSITY FOR THE ROUND ROCK - §  
LEANDER 138-KV TRANSMISSION §  
LINE IN WILLIAMSON COUNTY §

PUBLIC UTILITY COMMISSION  
FILING CLERK

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**STEWART CROSSING HOMEOWNER ASSOCIATION, TRAILS OF SHADY OAK  
RESIDENTIAL COMMUNITY, INC., AND MERITAGE HOMES OF TEXAS, LLC'S  
REPLY TO EXCEPTIONS TO THE PROPOSAL FOR DECISION**

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INC.

1583

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REPLY TO EXCEPTIONS TO THE PROPOSAL FOR DECISION**

**I. INTRODUCTION**

The arguments made by proponents of the City of Leander's Route CoL-1 in their Exceptions to the Proposal for Decision (PFD) do not overcome the superiority of Route LHO-1 in (1) paralleling a more compatible, rapidly developing commercial corridor down Ronald Reagan Boulevard, and (2) better comporting with the values that were directly expressed by the community *at large*, rather than the self-interested positions of the city councils of Leander, Cedar Park, and Round Rock (the "Cities"). Ronald Reagan Boulevard is a 200- to 480-foot wide,<sup>1</sup> 65-MPH divided highway<sup>2</sup> lined with substantial existing and planned commercial development,<sup>3</sup> and is a more compatible corridor for transmission infrastructure than County Road 175, which Route CoL-1 would parallel. County Road 175 is a narrow road<sup>4</sup> that is bordered primarily by individual homesteads,<sup>5</sup> residential developments,<sup>6</sup> and the pristine

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<sup>1</sup> See Meritage Homes Ex. 6 (City of Leander Response to MH 1-7) (Ronald Reagan's right-of-way varies between 200 and 480 feet wide).

<sup>2</sup> Tr. (Butler Cr.) at 874:14-23 (Nov. 16, 2016).

<sup>3</sup> City of Leander Ex. 1, Direct Testimony of Tom C. Yantis (Yantis Dir.) at 11:8-10, 12:3-6, 12:12-19; Tr. (Yantis Cr.) at 1053:3-1054:10, 1061:22-1062:10 (Nov. 17, 2016).

<sup>4</sup> See Meritage Homes Ex. 6 (City of Leander Response to MH 1-7) (CR 175's right-of-way varies between 65 and 130 feet wide).

<sup>5</sup> LHO of County Road 175 Ex. 13, Direct Testimony of Skyler Williams (S. Williams Dir.) at 4:1-20 (describing the neighborhoods on the south end of County Road 175).

<sup>6</sup> Meritage Homes Ex. 1, Direct Testimony of James Saunders (Saunders Dir.) at 4:3-6; LCRA TSC Ex. 2 (Intervenor Map) at Sheet 1 of 4.

Southwest Williamson County Regional Park.<sup>7</sup> Following Ronald Reagan Boulevard better satisfies the local community's values as expressed during LCRA TSC's Open House process, which revealed that the community's primary concerns are maximizing the distance of the line from residences and parklands.<sup>8</sup> Not only does Route LHO-1 pass within 300 feet of *less than half* as many residences on Ronald Reagan as Route CoL-1 passes on County Road 175,<sup>9</sup> but due to the relatively narrow setbacks used by the residential developments on County Road 175 compared to those on Ronald Reagan, there are also many additional homes along County Road 175 that are just slightly beyond 300 feet of the proposed line.<sup>10</sup> Further, there is no evidence that a line along Ronald Reagan Boulevard would be in close proximity to any major parkland and recreational area, while CoL-1 would run along the entire frontage of Southwest Williamson County Regional Park, which was singled out by the local community for protection during the Open House process.<sup>11</sup>

The PFD endorsed Route CoL-1 not because it satisfied the community's stated values or better fulfilled the Commission's traditional routing factors, but because the PFD placed "great weight"<sup>12</sup> on the Cities' natural alignment in supporting that route, which shifts as much of the line as possible away from developing commercial areas within their city limits and onto unrepresented rural areas in their extraterritorial jurisdictions (ETJ).<sup>13</sup> However, the PFD noted that "[t]he Commission may disagree with how the ALJs have weighed the evidence and find that LHO-1 is the better route."<sup>14</sup> For the reasons discussed in Meritage's Exceptions, the

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<sup>7</sup> LHO of County Road 175 Ex. 13 (S. Williams Dir.) at 5:1-2.

<sup>8</sup> LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) at 4-5.

<sup>9</sup> Along County Road 175, Route CoL-1 would pass within 305 feet of 39 single family residences, compared to only 16 on Route LHO-1 along Ronald Reagan. See Riverside Resources Ex. 3, Cross-Rebuttal Testimony of Harold L. Hughes (Hughes Cross-Reb.) at Attachment R-1.

<sup>10</sup> See Section IV.D.3.

<sup>11</sup> LCRA TSC Ex. 1 (Application), Attachment 1 (Environmental Assessment) at 5-35 (Bates 273) ("[A] significant number of emails and letters have been received regarding the Brushy Creek Trail and park system and the Southwest Regional Park and Preserve.").

<sup>12</sup> See PFD at 20.

<sup>13</sup> Compared to Route LHO-1, the City of Leander's Route CoL-1 would reduce the amount of the line within Leander city limits by 42% (2.96 versus 5.1 miles) and through Cedar Park by 83% (0.43 versus 2.1 miles), without impacting the portion of the line that runs through Round Rock. See LCRA TSC Ex. 13 (Municipal Boundary Data).

<sup>14</sup> PFD at 20 (emphasis added).

Commission should reject the PFD's proposal to place unprecedented "great weight" on the Cities' positions and instead select Route LHO-1, which better fulfills the community's stated desires as expressed during LCRA TSC's Open House process, and also performs better overall under PURA's routing factors and the Commission's rules.

In their Exceptions, the Cities have attempted to frame their support for Route CoL-1 as a representation of community values because their position is ostensibly based on an analysis of their comprehensive planning documents.<sup>15</sup> However, those comprehensive planning documents say *nothing* about transmission line placement,<sup>16</sup> even though the Cities were aware of this transmission project for over a year before they revised those development plans.<sup>17</sup> Nor have the Cities shown that routing the line along Ronald Reagan Boulevard would actually preclude any specific commercial development. Instead, the Cities' argument is based purely on speculation that the line would preclude their ideal sidewalk placement and building setback,<sup>18</sup> which is purportedly designed to create "walkable and pedestrian oriented" blocks<sup>19</sup> (alongside a 65-MPH divided highway). Further, an analysis of the Cities' comprehensive plans reveals that *both* Route LHO-1 and Route CoL-1 would conflict with the intended development patterns that ostensibly underlie the Cities' routing preferences, so those plans do not provide a principled basis for deducing the local community's views on where the line should be built. The Cities are cherry-picking in their use of comprehensive planning documents to support their end goal of shifting the line away from developing commercial areas in city limits. Therefore, the Commission should not place any weight on the Cities' inconsistent and outcome-driven interpretations of their own planning documents.

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<sup>15</sup> See City of Leander's Exceptions at 7-8; City of Cedar Park's Exceptions at 1.

<sup>16</sup> See Tr. (Butler Cr.) at 872:7-873:21 (Nov. 16, 2016) (establishing that Cedar Park's Comprehensive Plan did not discuss transmission line routing); Tr. (Yantis Cr.) at 1060:9-1061:21 (Nov. 17, 2016) (establishing that Leander's Comprehensive Plan did not discuss transmission line routing).

<sup>17</sup> See Section IV.D.3.

<sup>18</sup> See Tr. (Yantis Redir.) at 1099:6-14 (Nov. 17, 2016) (opposing Route LHO-1 because city planning documents call for development up against road ROW and parking behind the buildings); City of Leander's Initial Br. at 7-10; City of Cedar Park Initial Br. at 7-8 (discussing Mr. Yantis's testimony regarding the anticipated development patterns in Leander's Comprehensive Plan).

<sup>19</sup> See City of Leander's Initial Br. at 8.

Route LHO-1 remains a superior choice because it (1) follows a more qualitatively compatible, developing commercial corridor through Leander, (2) performs better in terms of paralleling overall, (3) impacts fewer habitable structures, (4) protects the community's most valued parklands and recreational areas, and (5) still has a relatively low cost. As discussed further below, the minor cost increase for Route LHO-1 compared to CoL-1 is easily outweighed by the other substantial qualitative and quantitative benefits Route LHO-1 provides. Both the evidence and sound public policy support selecting Route LHO-1 over Route CoL-1.

## **II. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

Not addressed.

## **III. THE PARTICIPANTS**

Not addressed.

## **IV. PRELIMINARY ORDER ISSUES**

### **A. Preliminary Order Issue Nos. 1-3**

Not addressed.

### **D. Preliminary Order Issue No. 4 - Which transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 Texas Administrative Code § 25.101(b)(3)(B)?**

#### **1. Background**

Not addressed.

#### **2. Effect of Granting Certificate on LCRA**

Not addressed.

#### **3. Community Values**

Contrary to the Exceptions filed by proponents of Route CoL-1, Route LHO-1 performs better in terms of community values. Route LHO-1 better satisfies the concerns that the local community *at large* expressed during the Open House process, namely: (1) maximizing the distance of the line from residences, (2) maintaining reliable service, and (3) maximizing the distance of the line from parks and recreational areas.<sup>20</sup> Additionally, the Cities' Exceptions

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<sup>20</sup> LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) at 4-5.

reveal further reasons why the Commission should not rely on their result-driven interpretation of their own planning documents, and should instead focus on the values directly expressed by the local community through the Open House process. The Cities selectively invoke their planning documents where it suits their needs, while ignoring similar impacts along the areas of Route CoL-1. This maneuvering should not be given "great weight" as community values.

*a. Route LHO-1 better satisfies the values directly expressed by the community during the Open House process.*

*i. Route LHO-1 maximizes the distance of the line from residences compared to Route CoL-1.*

Route LHO-1 best fulfills the community's desire to maximize the distance of the line from residences. Along County Road 175, Route CoL-1 would directly affect *more than twice* the number of single-family residences as Route LHO-1 would along Ronald Reagan.<sup>21</sup> This stark difference in the number of residences on each route's north-south corridor outweighs arguments raised by Riverside Resources and the City of Leander,<sup>22</sup> who emphasized that the closest residence to Route LHO-1 on Ronald Reagan is 23 feet closer to the line than the closest residence to Route CoL-1 on County Road 175.<sup>23</sup> The Commission should not place more emphasis on that single residence than it does on the additional *twenty-three residences* that would fall within 305 feet of the line if it is built along County Road 175. Similarly, given the difference in total impacted structures, it is not compelling that the directly affected habitable structures along County Road 175 would be, on average, about 30 feet farther away<sup>24</sup> from the line than those along Ronald Reagan. If the goal is to maximize the distance of the line from residences, a line that directly affects only one residence should be considered superior to one that directly affects several homes, even if those homes are ten yards farther from the line.

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<sup>21</sup> Along County Road 175, Route CoL-1 would pass within 305 feet of 39 single family residences, compared to only 16 on Route LHO-1 along Ronald Reagan. See Riverside Resources Ex. 3 (Hughes Cross-Reb.) at Attachment R-1.

<sup>22</sup> See, e.g., Riverside Resources' Exceptions at 12; City of Leander's Exceptions at 14.

<sup>23</sup> See Riverside Resources Ex. 3 (Hughes Cross-Reb.) at Attachment R-1 (closest residence on Route CoL-1's north-south corridor is 37 feet from the centerline, compared to 60 feet for Route LHO-1). The closest *structure* to Route CoL-1 on the portions that diverge from Route LHO-1 is a commercial structure that is 38 feet from the centerline of Link L4. LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-302 (showing habitable structure number 28 at 38 feet from the centerline of Link L4).

<sup>24</sup> See Riverside Resources Ex. 3 (Hughes Cross-Reb.) at Attachment R-1.



Route LHO-1 also performs better in maximizing the distance of the line from residences that are *not* within 300 feet because it stays farther away from large residential developments than Route CoL-1. The community preference for maximizing the distance from homes was not limited to the 300 foot notice corridor, nor should the Commission's analysis be arbitrarily limited by that distance. Along County Road 175, Route CoL-1 would pass within 300 feet of homes in two large residential communities, Vista Oaks and Trails of Shady Oak. Because of the orientation of those communities, Route CoL-1 would also pass many additional existing homes at a distance slightly greater than 300 feet, which would also run counter to the local community's stated desire to maximize the distance of the line from residences. This is demonstrated by the following excerpts from LCRA TSC's aerial maps:

**Aerial View of Vista Oaks Community Across from Links Q2 and J2 on CoL-1<sup>25</sup>**



<sup>25</sup> LCRA TSC Ex. 1 (Application) at Attachment 8 (Aerial Maps) Sheet 12.

**Aerial View of Trails of Shady Oak Community Across from Links P1 and T1 on CōL-1<sup>27</sup>**



<sup>26</sup> Route CoL-1 directly affects habitable structure numbers 247-260 and 263-264 in Vista Oaks. See LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-383 (table showing habitable structures directly affected by Route 31, which uses links J2 and Q2):

<sup>28</sup> Route CoL-1 directly affects habitable structure numbers 134-140 in Trails of Shady Oak. See LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-382 (table showing habitable structures directly affected by Route 31, which uses Link P1).

Subdivision will ever have a property interest directly affected by the line necessitating acquisition of an easement for Route COL-1.”<sup>29</sup> However, the homes within Trails of Shady Oak are directly affected within the meaning of Commission rules even if the easement does not directly cross their properties, and will be affected by the presence of the line in general. The Commission has never limited its habitable structure analysis solely to homes on lots where the easement would be placed, nor would that be appropriate policy.

In contrast, along Ronald Reagan, only the Sarita Valley community is close enough to Route LHO-1 to have any homes within 300 feet of the proposed centerline. *Only two* Sarita Valley homes (compared to *sixteen* in Vista Oaks and *seven* in Trails of Shady Oak) are within 300 feet of Route LHO-1,<sup>30</sup> and the orientation of the community is such that very few additional residences are just beyond 300 feet.

**Aerial View of Sarita Valley Community Near Link O on LHO-1<sup>31</sup>**



<sup>29</sup> City of Leander's Exceptions at 16.

<sup>30</sup> Route LHO-1 directly affects habitable structure numbers 94 and 95 in Sarita Valley. LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-59 (table showing habitable structures directly affected by Route 6, which uses Link O).

<sup>31</sup> LCRA TSC Ex. 1 (Application) at Attachment 8 (Aerial Maps) Sheet 7.

As this aerial view shows, only the portion of Sarita Valley that swings out toward Ronald Reagan is close enough to the proposed line for any of its structures to be within 300 feet.<sup>32</sup> While there are a few additional homes in the vicinity of the line, the corner of Sarita Valley is mostly undeveloped, meaning that there are fewer existing residences just beyond 300 feet from the line compared to the communities along County Road 175. Further, even if the Commission accounts for as-yet-unbuilt homes, the aerial photos above reveal that there is more room for new homes in the portion of Trails of Shady Oak that is close to the line than there is in Sarita Valley.

One reason why only two homes in the residential communities along Ronald Reagan are within 300 feet of Route LHO-1 is because the developments along Ronald Reagan are set back from the road to allow for commercial development along the highway frontage, while the communities along County Road 175 are not. This is best illustrated by the Caballo Ranch community, the entrance to which is depicted below:

**Aerial View of the Entrance to Caballo Ranch Near Link B2<sup>33</sup>**



<sup>32</sup> Habitable structures 94 and 95 are 236 and 298 feet, respectively, from Link O: LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-59 (table showing habitable structures directly affected by Route 6, which uses Link O).

<sup>33</sup> LCRA TSC Ex. 1 (Application) at Attachment 8 (Aerial Maps) Sheet 12.

Not only are there *zero* habitable structures within Caballo Ranch that would be within 300 feet of Route LHO-1,<sup>34</sup> but contrary to the arguments made by the City of Leander in its Exceptions,<sup>35</sup> it is clear that commercial development is intended to serve as a buffer between the community and the traffic along Ronald Reagan. To that end, there is even a sign at the entrance of Caballo Ranch advertising "**FOR SALE Retail Lots 1-15 Acres Highway Frontage.**"<sup>36</sup>

Finally, the only other large-scale residential community along Ronald Reagan, Cold Springs, is located across Ronald Reagan from Route LHO-1.<sup>37</sup> Therefore, even if that community were not set back from the road to allow for commercial development like the newly-constructed strip center depicted below in Section IV.D.5.b (which provides a substantial buffer between Cold Springs and Ronald Reagan),<sup>38</sup> it would still be a significant distance from the line due to Ronald Reagan's 200- to 480-foot right-of-way.<sup>39</sup> Contrast this with Parkside at Mayfield Ranch on County Road 175, which is across the street and on the other side of a detention pond from Route CoL-1, but would still be much closer to the line than Cold Springs<sup>40</sup> because County Road 175's right-of-way is significantly narrower than Ronald Reagan's.<sup>41</sup>

Given the placement of the residential communities along each route's north-south corridor, it is clear that Route LHO-1 performs much better in maximizing the distance of the line from *all* residences. Not only does Route LHO-1 pass within 300 feet of *less than half* as many residences along Ronald Reagan as Route CoL-1 does along County Road 175, it also passes many fewer residences at distances just greater than 300 feet. Together, these facts far outweigh Leander and Riverside Resources' arguments about the closest single structure and the

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<sup>34</sup> In its Exceptions, Riverside Resources went out of its way to emphasize the number of Caballo Ranch residents who intervened in this case, but did not mention that *none* of their homes are within 300 feet of the line. See Riverside Resources' Exceptions at 8-9.

<sup>35</sup> See City of Leander's Exceptions at 11-13 (disputing the commercial nature of the Ronald Reagan corridor).

<sup>36</sup> See LHO of County Road 175 Ex. 13 (S. Williams Dir.) at 9 (emphasis added).

<sup>37</sup> See LCRA TSC Ex. 2 (Intervenor Map) at Sheet 1 of 4.

<sup>38</sup> See Meritage Homes Ex. 3 (Front View of Shopping Center on Link G-1).

<sup>39</sup> Meritage Homes Ex. 6 (City of Leander Response to MH 1-7) (Ronald Reagan's right-of-way varies between 200 and 480 feet wide).

<sup>40</sup> LCRA TSC Ex. 2 (Intervenor Map) at Sheet 1.

<sup>41</sup> See Meritage Homes Ex. 6 (City of Leander Response to MH 1-7) (County Road 175's right-of-way varies between 65 and 130 feet wide).

average distance to structures from each route.<sup>42</sup> These are not factors the Commission has ever found to be determinative in routing, and they should not be given more weight than total habitable structure impacts and the qualitatively residential nature of County Road 175 compared to Ronald Reagan Boulevard.

Route LHO-1 better maximizes the distance of the line from residences, which is a factor that a majority (51%) of the local community ranked as its primary concern about this line,<sup>43</sup> and that fact should weigh heavily in its favor. The PFD did not state whether it found that Route LHO-1 or CoL-1 better maximized the distance of the line from residences,<sup>44</sup> but based on the evidence above, the Commission should find that Route LHO-1 is superior to Route CoL-1 in this metric.

***ii. Route LHO-1 better maximizes the distance of the line from parks and recreational areas compared to Route CoL-1.***

Route LHO-1 better fulfills the local community's desire to maximize the distance of the line from parks and recreational areas because it avoids paralleling the entire frontage of the Southwest Williamson County Regional Park. This large, pristine park was singled out for protection by a large segment of the community in letters and emails to LCRA TSC.<sup>45</sup> Therefore, the Commission should take special care to protect it from the impact of this project, and should instead route the line down the relatively barren Ronald Reagan Boulevard.

In their Exceptions, other parties emphasize the 0.2 mile differential (9.8 versus 10 miles)<sup>46</sup> in the distance that each route travels in the foreground visual zone of parks and recreational areas,<sup>47</sup> but that measure is not a particularly useful tool for determining whether a route maximizes the distance of the line from parks as the local community desires. This is because the foreground visual zone of a park and recreational area extends for up to a half mile

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<sup>42</sup> City of Leander's Exceptions at 14; Riverside Resources' Exceptions at 12.

<sup>43</sup> LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) at 4-5.

<sup>44</sup> See PFD at 22-23.

<sup>45</sup> LCRA TSC Ex. 1 (Application), Attachment 1 (Environmental Assessment) at 5-35 (Bates 273) ("[A] significant number of emails and letters have been received regarding the Brushy Creek Trail and park system and the Southwest Regional Park and Preserve.").

<sup>46</sup> PFD at 35.

<sup>47</sup> City of Leander's Exceptions at 10; Riverside Resources' Exceptions at 24.

in either direction.<sup>48</sup> Therefore, not only does that measure account for parkland features that are up to half a mile away from the line, but it also overstates the impact of the line on narrow park features that are crossed at perpendicular angles. The way that Route LHO-1 passes the Sarita Valley greenbelt is illustrative:

**Ronald Reagan Blvd. at the north end of the study area, near proposed link U4<sup>49</sup>**



Route LHO-1 would run along the east side of the Ronald Reagan highway overpasses depicted above, just at the end of the small running trail that makes up the Sarita Valley greenbelt. This configuration means that while the line is physically distant from most of the greenbelt trail, it is still within its foreground visual zone for up to a half mile in either direction. Therefore, focusing on the portion of the line that falls within the foreground visual zone of parks and recreational areas is not the best way to determine which route maximizes the distance of the line from those areas as the local community desires.

Similarly, even if there were more than a tiny, 0.1 mile differential<sup>50</sup> in the amount of parkland crossed by each route, that metric would not accurately reflect each route's distance

<sup>48</sup> LCRA TSC Ex. 1 (Application), Attachment 1 (Environmental Assessment) at 4-74 (Bates 238) n. 5.

<sup>49</sup> Meritage Homes Ex. 8 (Photo of Ronald Reagan Blvd. crossing Brushy Creek); Tr. (Yantis Cr.) at 1068:10-1069:18 (Nov. 17, 2016).

<sup>50</sup> PFD at 31.

from parkland and recreational areas because it does not account for portions of each line that closely parallel large swaths of parkland, as Route CoL-1 would parallel the entire frontage of the Southwest Williamson County Regional Park.

Paralleling the entire frontage of the Southwest Williamson County Regional Park would place a large portion of the line (and substation 1-7) in continuous close proximity to an important park that the community has singled out for protection. The significant impact on this park should weigh heavily on the Commission's decision, and further demonstrates that Route LHO-1 is a superior choice in satisfying the priorities expressed by the local community during the Open House process.

***b. The Commission should not place greater weight on the Cities' self-serving interpretation of their planning documents than it does on the local community's directly-stated preferences.***

Unlike the information gathered from the community at large during the Open House process, the Cities' Comprehensive Plans should carry little weight as "community values" because they do not directly address the placement of this line. In its Exceptions, Leander attempted to equate the process used to develop its Comprehensive Plan with LCRA TSC's Open House process, and even implied that the community input that went into its Comprehensive Plan is a superior source for determining the local community's values.<sup>51</sup> But the input that the Cities received when updating their Comprehensive Plans cannot provide significant insight into the local community's desires for transmission line placement because unlike the Open House process, the Cities' Comprehensive Plan revisions *did not address transmission line placement*.<sup>52</sup> Therefore, any residents that participated in the Comprehensive Plan revision process could not have anticipated that the statements made in those plans would later be used by the city councils to justify placing a transmission line down a narrow, residential street and

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<sup>51</sup> City of Leander's Exceptions at 7-8 ("Leander is confident that Route COL-1 is reflective of its community's values because the plans it used to identify, evaluate and recommend Route COL-1 were developed only after considering the considerable public input received from the community at open houses, public hearings, and other outreach methods identical to those used by LCRA TSC to determine public opinion on its project, but conducted over the course of 14 months, not just two days.").

<sup>52</sup> See Tr. (Butler Cr.) at 872:7-873:21 (Nov. 16, 2016) (establishing that Cedar Park's Comprehensive Plan did not discuss transmission line routing); Tr. (Yantis Cr.) at 1060:9-1061:21 (Nov. 17, 2016) (establishing that Leander's Comprehensive Plan did not discuss transmission line routing).



through many individual homeowners' front yards, rather than along a developed commercial corridor.

The Cities had the opportunity to solicit direct community input about transmission line placement, and even the placement of *this line in particular*, when revising their Comprehensive Plans, but they chose not to do so. The Cities started meeting with LCRA TSC about this line in October of 2013.<sup>53</sup> Leander did not begin its Comprehensive Plan revision process until *more than 10 months later*—in August of 2014<sup>54</sup>—and did not adopt its current Comprehensive Plan until October 15, 2015,<sup>55</sup> which was well after *all eighteen* of its meetings about this line with LCRA TSC. Similarly, Cedar Park did not adopt its current Comprehensive Plan until November 20, 2014, which was over a year after its first meeting with LCRA TSC.<sup>56</sup> If the Cities wanted to use their Comprehensive Plans as the basis for their litigation position in this case, they could (and should) have solicited community input about transmission line placement when revising those documents. Without such input, the Cities are now attempting to read their own agenda into unrelated descriptions of ideal building setback and parking orientation in their Comprehensive Plans,<sup>57</sup> which provide no actual information about where the local community wants this line to go. Therefore, the Cities' positions, which they claim are based on an analysis of their Comprehensive Plans,<sup>58</sup> should not be weighted more heavily than the preferences that were directly expressed by the local community during the Open House process.

The Cities' arguments are also internally inconsistent and transparently result-oriented. The Cities selectively invoke their planning documents to claim that they conflict with Route LHO-1 while ignoring instances where Route CoL-1 would have similar impacts.<sup>59</sup> In

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<sup>53</sup> See City of Cedar Park's Exceptions at 2 ("Between October 2013 and September 2015, still before LCRA TSC had submitted the application, LCRA TSC met with local officials from [the Cities] at least 18 times.").

<sup>54</sup> City of Leander Ex. 2, Cross-Rebuttal Testimony of Tom C. Yantis (Yantis Cross-Reb.) at 21 n. 21.

<sup>55</sup> *Id.* at Exhibit TY-27 (Leander Comprehensive Plan) at 1.

<sup>56</sup> Cedar Park Ex. 1, Direct Testimony of Daron Butler (Butler Dir.) at Exhibit 1.2 (2014 Comprehensive Plan) at 1.

<sup>57</sup> See Tr. (Yantis Redir.) at 1099:6-14 (Nov. 17, 2016) (opposing Route LHO-1 because city planning documents call for development up against road ROW and parking behind the buildings); City of Leander's Initial Br. at 7-10; City of Cedar Park Initial Br. at 7-8 (discussing Mr. Yantis's testimony regarding the anticipated development patterns in Leander's Comprehensive Plan).

<sup>58</sup> See City of Leander's Reply Br. at 7 ("Leander's position is grounded in application of its Comprehensive Plan to this particular transmission line siting case.").

<sup>59</sup> See Meritage Homes Reply Br. at 12-18.

particular, the development preferences stated in Leander's Comprehensive Plan will be violated *regardless* of whether the Commission chooses Route CoL-1 or Route LHO-1. Although the Cities' planning documents do not describe the community's transmission-line routing preferences, the Cities claim that paralleling Ronald Reagan Boulevard is incompatible with Leander's Comprehensive Plan because that Plan calls for development in certain areas to closely abut the road right-of-way<sup>60</sup> (allegedly to create "walkable" areas alongside a 200- to 480-foot wide, 65-MPH highway). Leander has argued that the line should not be routed along Route LHO-1 because that route runs through planned *commercial* development areas<sup>61</sup> designated as "Activity Centers"<sup>62</sup> and "Neighborhood Centers" in Leander's Comprehensive Plan,<sup>63</sup> and due to those designations,<sup>64</sup> "Leander's Comprehensive Plan calls for development on Ronald Reagan Blvd. to have buildings and sidewalks placed directly at or near the road ROW."<sup>65</sup> But Leander fails to mention that Route CoL-1 would *also* travel through an "Activity Center" and a "Neighborhood Center" located on County Road 175, where Leander's Comprehensive Plan would *also* call for development to have buildings and sidewalks placed directly at or near the road ROW<sup>66</sup> (notably, in a rural area alongside a much smaller road where this type of walkable development is more realistic).<sup>67</sup> So even if the Cities' comprehensive

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<sup>60</sup> See City of Leander's Initial Br. at 7-10; City of Cedar Park's Initial Br. at 7-8 (discussing Mr. Yantis's testimony regarding the anticipated development patterns in Leander's Comprehensive Plan).

<sup>61</sup> The Commission should also note the dissonance between Leander's position, which is based on protecting *commercial* development patterns, and the local community's stated desire to protect *residences*. The community had the option of prioritizing the line's distance from commercial structures in LCRA TSC's Open House survey, but unlike maximizing the distance from residences, the commercial option did not receive significant support. See LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) Appendix B, Questionnaire at 4.

<sup>62</sup> City of Leander Ex. 2 (Yantis Cross-Reb.) at Exhibit TY-27 (Leander Comprehensive Plan) at 41 (Activity Centers include "a mixture of *big box* (i.e., Target, Best Buy) and junior retail anchors (i.e., Ultra, PetSmart) . . . and include up to 400,000 square feet of commercial space.").

<sup>63</sup> See City of Leander's Initial Br. at 8-9.

<sup>64</sup> In prior briefing, Leander has also claimed that the "Mixed Use Corridor" distinction is relevant to its concerns about building setback, but its Comprehensive Plan section on Mixed Use Corridors does not specify an intended setback distance for those areas. See City of Leander Ex. 2 (Yantis Cross-Reb.) at Exhibit TY-27 (Leander Comprehensive Plan) at 44. In any event, both Ronald Reagan and County Road 175 are identified as prospective Mixed Use Corridors in Leander's Comprehensive Plan. *Id.* at 34.

<sup>65</sup> See City of Leander's Initial Br. at 9.

<sup>66</sup> See City of Leander Ex. 2 (Yantis Cross-Reb.) at Exhibit TY-27; Meritage Homes Reply Br. at 15 (enlarging and highlighting relevant portions of Leander's "Future Land Use Map" to demonstrate how both routes at issue would interfere with it).

<sup>67</sup> See Meritage's Reply Br. at 17.

planning documents were relevant to the Commission's community values analysis, they would provide no meaningful basis for distinguishing between the two routes at issue.

Similarly, Cedar Park's Comprehensive Plan does not provide a substantial basis for that city's opposition to Route LHO-1. First, the entire land use description for the only city "Planning Area" that would be affected by Route LHO-1 is: "This area offers a major opportunity to create a larger-scale master-planned development."<sup>68</sup> Additionally, Cedar Park's Comprehensive Plan explicitly states that "[a]lthough each Planning Area may lend itself to certain types of development due to the location, access, topography, and adjacent land uses of the site, *the areas should be flexible and not restricted to a particular land use.*"<sup>69</sup> In light of Cedar Park's flexible approach to future land use and its vague mission statement for the only "Planning Area" that would be impacted by this project, placing a line along Route LHO-1 would in no way contradict its Comprehensive Plan. Therefore, like Leander, Cedar Park's opposition to the line is not grounded in its planning documents.

Since both routes at issue would violate the development patterns described in Leander's Comprehensive Plan, and neither would directly violate Cedar Park's, it is clear that the Cities' opposition to Route LHO-1 is rooted elsewhere, namely that Route LHO-1 would place more of the line within city limits.<sup>70</sup> As discussed above and in Meritage's Exceptions, the Cities' "not-in-my-backyard" position is not entitled to any "greater weight" than similar positions taken by other parties in the case—particularly when the Cities' objectives are inconsistent with the values and priorities *directly expressed by the entire local community* through LCRA TSC's Open House process. Based on those criteria, the Commission should select Route LHO-1.

#### 4. Recreational and Park Areas—PURA § 37.056(c)(4)(B)

Route LHO-1 minimizes the impact of this line on parks and recreational areas because it does not materially affect any notable parklands, while Route CoL-1 would parallel the entire frontage of the prized Southwest Williamson County Regional Park and would use substation 1-7, which is just across the street from the park. In contrast, the only parkland feature along

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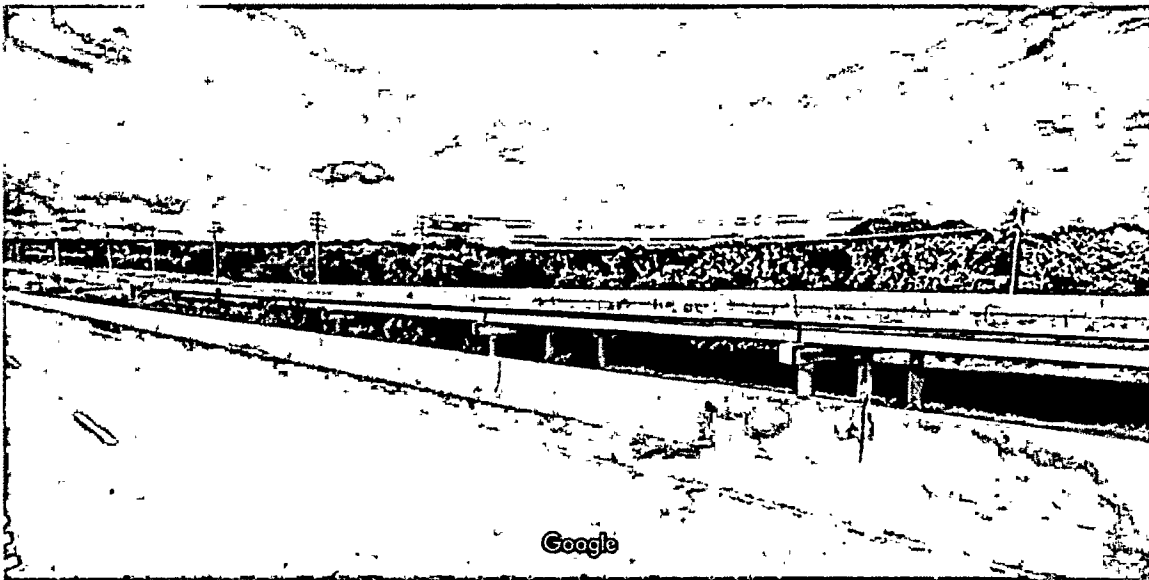
<sup>68</sup> Cedar Park Ex. 1 (Butler Dir.) at Exhibit 1.2 (2014 Comprehensive Plan) at 29.

<sup>69</sup> *Id.* at 19 (emphasis added).

<sup>70</sup> See Meritage's Exceptions at 2, 12-13.

Route LHO-1 that was mentioned in the PFD is the Sarita Valley greenbelt.<sup>71</sup> Despite both Riverside Resources'<sup>72</sup> and Leander's<sup>73</sup> attempts to inflate the importance of that park, it is clear that building a transmission line along Ronald Reagan will have little incremental impact on the Sarita Valley greenbelt due to the substantial existing infrastructure where that small running trail ends along Link U4. That link would parallel both a distribution line and two elevated highway bridges supported by concrete towers, as shown below:

**Ronald Reagan Blvd. as it crosses Brushy Creek near proposed link U4<sup>74</sup>**



As a result, locating a transmission line parallel to the existing infrastructure in this area will not substantially interfere with the use and enjoyment of the trail compared to the status quo.<sup>75</sup> LCRA TSC has also made clear that it can completely span Brushy Creek at this location, which will further minimize any impact of the line.<sup>76</sup> When these facts are considered, no

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<sup>71</sup> PFD at 34.

<sup>72</sup> Riverside Resources' Exceptions at 4, 6-7, 24.

<sup>73</sup> City of Leander's Exceptions at 10, 18, 29.

<sup>74</sup> Meritage Homes Ex. 9 (Photo of Distribution Line at Ronald Reagan Blvd. and Brushy Creek); Tr. (Yantis Cr.) at 1068:10-1069:18 (Nov. 17, 2016).

<sup>75</sup> Tr. (LCRA TSC Cr.—Powell) at 412:21-413:8 (Nov. 15, 2016) (trails are a compatible use for land within a transmission line right-of-way).

<sup>76</sup> Tr. (LCRA TSC Cr.—Melendez) at 504:18-21 (Nov. 15, 2016).

weight should be given to the alleged adverse impacts that Route LHO-1 would have on the Sarita Valley greenbelt.

This insignificant impact to the Sarita Valley greenbelt is not comparable to paralleling the entire frontage of the pristine Southwest Williamson County Regional Park, which was singled out for protection by the local community. The Commission should find that Route LHO-1 better protects the parks and recreational areas in the study area

**5. Cultural, Aesthetic, and Historical Values—PURA § 37.056(c)(4)(C)**

**a. Cultural and Historical Values**

Contrary to Leander's claim,<sup>77</sup> the PFD did not make a clear statement about which route better protects the cultural and historical resources present in the study area, and in any event, this factor should not weigh heavily on the Commission's decision.

**b. Aesthetic Impacts**

The PFD found that routing the line down County Road 175 would have a greater aesthetic impact than placing it on Ronald Reagan.<sup>78</sup> In its Exceptions, however, the City of Leander wrongly claims that the PFD found in favor of Route CoL-1 when evaluating this factor.<sup>79</sup> But not only did the PFD find that "[n]either route stands out as significantly superior to the other on [the quantitative] criteria"<sup>80</sup> used to evaluate aesthetics, like distance in the foreground visual zone of roads, but it also stated that "[t]he ALJs do not disagree that based on the evidence presented, there could be greater aesthetic impacts, particularly along the northern portions of CR 175 when compared to Ronald Reagan."<sup>81</sup> This statement was clear enough that even Riverside Resources, which supports Route CoL-1, agreed that the PFD endorsed Route LHO-1 on this factor.<sup>82</sup>

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<sup>77</sup> City of Leander's Exceptions at 18-19.

<sup>78</sup> PFD at 36.

<sup>79</sup> City of Leander's Exceptions at 19.

<sup>80</sup> PFD at 35.

<sup>81</sup> *Id.* at 36.

<sup>82</sup> Riverside Resources' Exceptions at 16.

Nevertheless, Riverside Resources argues that the increased aesthetic impact along County Road 175 is irrelevant because Williamson County plans to eventually widen the north end of that road to four lanes.<sup>83</sup> However, the only evidence in the record to support that plan is a map at the end of Williamson County's Long-Range Transportation Plan that shows the north end of County Road 175 as a four-lane road in the year 2035.<sup>84</sup> There are no imminent plans to widen the road, and no guarantee that the road will be widened on schedule or in accordance with Williamson County's plan. Additionally, regardless of whether the road is widened, that will not substantially change the character of this more rural, more scenic portion of the study area compared to the wide, relatively barren developing commercial corridor that *already* exists along Ronald Reagan, as depicted below:

**A view down Ronald Reagan Boulevard<sup>85</sup>**



Placing a line along County Road 175 would also harm its more rural, residential character. In an attempt to equate the two north-south corridors at issue, Leander lists out each of the commercial structures on County Road 175,<sup>86</sup> but fails to note that many of those properties, like the Apple Blossom Center for Discovery and the Dog House Drinkery and Dog Park, have development footprints so similar to single family residences that they were initially

<sup>83</sup> *Id.*

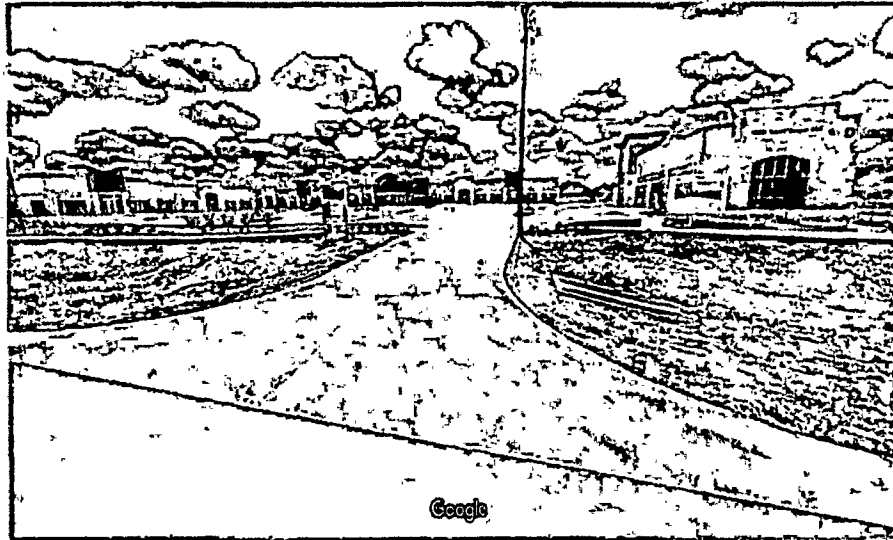
<sup>84</sup> See Tr. (Meaux Cr.) at 345:7-8 (Nov. 14, 2016).

<sup>85</sup> LHO of CR 175 Ex. 13 (S. Williams Dir.) at 10:1-3.

<sup>86</sup> City of Leander's Exceptions at 19.

identified as such by LCRA TSC.<sup>87</sup> Further, regardless of whether there are a small number of commercial structures along County Road 175, that does not change the fundamentally rural and primarily residential character of the area, contrary to the kind of deep setback, strip center development that already exists and is expected to continue along Ronald Reagan:

**New commercial development on Ronald Reagan across from proposed link G1<sup>88</sup>**



In yet another attempt to equate the two routes, Riverside Resources argues that the aesthetic impact of the line on County Road 272—a small road near Link E2 along Route LHO-1—is somehow equivalent to the impact of paralleling County Road 175.<sup>89</sup> But while County Road 272 may well be a small county road, there is no evidence in the record to show that it is especially scenic, and to the contrary, LCRA TSC's aerial maps show that the line would be set back substantially from County Road 272, and would run mostly through undeveloped open fields.<sup>90</sup> Further, even if one were to assume that the aesthetic impacts along County Roads 175 and 272 were identical, Route LHO-1 would only run along County Road 272 for approximately

<sup>87</sup> See Riverside Resources Ex. 3 (Hughes Cross-Reb.) at 25 and Attachment R-1.

<sup>88</sup> Meritage Homes Ex. 3 (Front View of Shopping Center on Link G-1); Tr. (LCRA TSC Cr. – Powell) at 695:8-696:8, 697:4-15 (Nov. 15, 2016).

<sup>89</sup> Riverside Resources' Exceptions at 16-17.

<sup>90</sup> LCRA TSC Ex. 1 (Application) at Attachment 8 (Aerial Maps) Sheet 12.

half a mile,<sup>91</sup> so any aesthetic impacts there would be insufficient to tip the scales in favor of Route CoL-1. The arguments raised by proponents of CoL-1 do not overcome the evidence demonstrating that Ronald Reagan Boulevard is a more compatible corridor for a transmission line.

#### **6. Airports**

Not addressed.

#### **7. Substations**

The Commission should not place significant weight on evidence that LCRA TSC has already acquired the proposed substation sites for Route CoL-1. First, if LCRA does not use the parcels it has acquired, it can sell those properties and recoup the investment.<sup>92</sup> As Mr. Powell testified at the hearing, LCRA buys and sells property routinely, so it is not significant that LCRA purchased and may later sell two particular substation sites.<sup>93</sup> In a quickly developing area like this study area, it is even possible that LCRA could end up making money on the purchase and sale of those properties. Therefore, any potential cost efficiencies to be gained by building on the sites that LCRA owns are speculative at best. Additionally, any costs or benefits that accrue to LCRA due to purchasing and then selling these properties are minimal—in the tens of thousands of dollars at most—and irrelevant in the face of the other factors at issue in this case.

Further, it has recently become unclear whether LCRA TSC will even be able to use substation site 2-6 in its current configuration. As LCRA TSC stated in its Exceptions, the planned expansion of Hero Way in the vicinity of Link L4 and Substation 2-6 (both of which are used by Route CoL-1) has created concerns about the viability of those portions of the line as currently planned.<sup>94</sup> While it is still too early to know the impact of any required modifications, at the very least, this information should cause the Commission to discount any potential cost savings to be gained from LCRA TSC having already acquired substation site 2-6.

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<sup>91</sup> LCRA TSC Ex. 1 (Application) at Attachment 10 (Landowner Notice) at 16 (describing length and location of Link E2).

<sup>92</sup> Tr. (Powell Cr.) at 671:1-17, 699:11-21 (Nov. 15, 2016).

<sup>93</sup> *Id.* at 699:16-18 (“Q: [I]t’s fair to say that LCRA buys and sells property routinely? A: Yes.”).

<sup>94</sup> LCRA TSC’s Exceptions at 4-5.



**8. Environmental Integrity—PURA § 37.056(c)(4)(D)**

Not addressed.

**9. Engineering Constraints—16 Tex. Admin. Code § 25.101(b)(3)(B)**

Not addressed.

**10. Costs, Use of Existing Compatible Rights of Way, and Prudent Avoidance (16 Tex. Admin. Code § 25.101(b)(3)(B))**

**a. Costs**

In a case where the cost of all proposed routes is relatively low, Route LHO-1 still ranks in the top third for lowest cost,<sup>95</sup> and its slight (approximately \$5 million or 7.5%)<sup>96</sup> increase in cost over Route CoL-1 is well justified by its other qualitative and quantitative benefits, including paralleling a more compatible corridor along Ronald Reagan Boulevard and reducing the number of newly-affected habitable structures within 300 feet of the line by 17.5%.<sup>97</sup>

Leander's analysis purporting to assign an incremental cost per avoided habitable structure is misguided.<sup>98</sup> This analysis completely ignores the benefits associated with routing the line down a more qualitatively more compatible, relatively barren commercial corridor along a 65 MPH highway instead of a more rural, residential street, as well as the benefits of avoiding a major parkland feature that was singled out for protection by the local community. Further, simply dividing the cost of a line by the number of habitable structures fails to account for the many residences that lie just beyond 300 feet from Route CoL-1, and are therefore avoided by using Route LHO-1, as discussed above. There is no principled reason that a habitable structure 301 feet from the line should carry *zero* weight when examining cost differentials between two potential routes.

Additionally, new information came to light in LCRA TSC's Exceptions that could affect the cost differential between the two routes. According to LCRA TSC, the future planned expansion of Hero Way may substantially interfere with the current placement of Links E and K

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<sup>95</sup> LCRA TSC Ex. 4 (Application Attachment 4 - Costs and Data) at Table 2.

<sup>96</sup> *Id.*

<sup>97</sup> LCRA TSC Ex. 4 (Application Attachment 4 - Costs and Data) at 6.

<sup>98</sup> City of Leander's Exceptions at 22.

(on both LHO-1 and CoL-1), the north end of Link S4 (on Route LHO-1), the length of Link L4 (on Route CoL-1), and substation site 2-6 (on Route CoL-1).<sup>99</sup> The full extent of the required modifications are yet unknown, but it stands to reason that because the planned road expansion will interfere with the entirety of Link L4<sup>100</sup> and substation site 2-6 on Route CoL-1, any increase in cost will be weighted toward making that route more expensive. Further, because Route CoL-1 already passes within 38 feet of a commercial structure on Link L4,<sup>101</sup> any movement of that link that is required by the expansion of the planned road ROW may increase the impact on that structure or require LCRA TSC to condemn it altogether. While the information provided by LCRA TSC is still preliminary, the Commission should not place undue emphasis on the small difference between the cost estimates for the two routes because those estimates will likely change as new information emerges.

**b. Use of Existing Compatible Right of Way**

Out of all the routes, Route LHO-1 has the second highest percentage of length parallel to existing compatible rights-of-way and property boundaries, with a total percentage of 88.5%.<sup>102</sup> In comparison, Route CoL-1 parallels existing compatible rights-of-way and property boundaries for 87.7% of its length.<sup>103</sup> Additionally, Route LHO-1 outperforms Route CoL-1 in using or paralleling existing ROW because Route LHO-1 has only 1.7 miles that do *not* use or parallel an existing corridor, compared to 1.8 miles for Route CoL-1.<sup>104</sup> Therefore, Route LHO-1 is a quantitatively better option than Route CoL-1 in terms of paralleling *existing* compatible corridors and property boundaries.

The paralleling analysis in Cedar Park's and Leander's Exceptions is misleading. First, their calculation of the percentage of each route that is parallel to existing features leaves out any

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<sup>99</sup> LCRA TSC's Exceptions at 4-5.

<sup>100</sup> See Tr. (Powell Cr.) at 288:18-289:17 (Nov. 14, 2016) (extension of Hero Way will proceed along Link L4 and past substation site 2-6).

<sup>101</sup> LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-302 (showing habitable structure number 28 at 38 feet from the centerline of Link L4).

<sup>102</sup> LCRA TSC Ex. 4 (Application Attachment 4 – Costs and Data) at 6, rows 1, 7 and 13.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

consideration of the length of each route that is parallel to apparent property lines,<sup>105</sup> which is a paralleling factor that the Commission regularly considers under Substantive Rule 25.101(b)(3)(B)(iii). Then, when they do factor in the length of the line that is parallel to apparent property lines, the Cities also improperly include the length of the line that is parallel to *future planned* roadways.<sup>106</sup> However, the Commission does not traditionally consider the length of a line that will parallel “future planned,” as opposed to *existing*,<sup>107</sup> roadways, so the Cities’ approach inappropriately inflates the paralleling numbers for Route CoL-1. The correct approach, which is addressed above, shows that Route LHO-1 performs better.

Further, for the reasons discussed above and in Meritage’s exceptions, significant weight should be given to the qualitative compatibility of the Ronald Reagan Boulevard corridor for siting infrastructure compared to County Road 175. This factor sets Route LHO-1 far above Route CoL-1 in terms of paralleling “compatible” corridors.

### c. Prudent Avoidance

Route LHO-1 directly affects 24 fewer habitable structures than CoL-1,<sup>108</sup> and the portion of CoL-1 that travels along County Road 175 passes within 305 feet of *more than twice* as many habitable structures as the portion of LHO-1 that parallels Ronald Reagan Boulevard.<sup>109</sup> As discussed above, there are also a number of additional residences just over 300 feet away from Route CoL-1. Even though the structures along County Road 175 may be, on average, about 30 feet farther from the line, it is still better to route the line down Ronald Reagan to minimize the number of affected structures. Routing a line past one structure at a distance of 170 feet is better than routing it past multiple structures at a distance of 200 feet.

<sup>105</sup> City of Cedar Park’s Exceptions at 3 (“Out of all routes evaluated, Route COL-1 had the highest percentage of the length of line ROW using existing transmission line ROW, length of line ROW parallel and adjacent to existing to transmission line ROW, and length of line ROW parallel and adjacent to other existing ROW (roadways, railways, etc.) at 85%.”); City of Leander’s Exceptions at 40.

<sup>106</sup> City of Cedar Park’s Exceptions at 3 (“That percentage increased to 91% when the length of the line ROW parallel and adjacent to future planned roadways (0.5 miles) and to apparent property lines (0.3 miles) were included.”); City of Leander’s Exceptions at 40-41.

<sup>107</sup> See P.U.C. Subst. R. 25.101(b)(3)(B)(ii) (“whether the routes parallel or utilize other *existing* compatible rights-of-way, including roads. . .”) (emphasis added).

<sup>108</sup> LCRA TSC Ex. 4 (Application Attachment 4 - Costs and Data) at 6.

<sup>109</sup> See Riverside Resources Ex. 3 (Hughes Cross-Reb.) at Attachment R-1.

Additionally, the Commission should not focus on the closest structures to each route because, according to the PFD, only structures within the line's ROW (out to 40 feet from the centerline) will experience significantly increased EMF levels,<sup>110</sup> and along the portions of Route LHO-1 and Route CoL-1 that differ from one another, both pass within 40 feet of exactly one structure. Route LHO-1 is 37 feet from a structure on Link B2<sup>111</sup> and Route CoL-1 is 38 feet from a structure on Link L4.<sup>112</sup> Therefore, to distinguish between the two routes, the Commission needs to look at more than just the closest structures on each. Taken holistically, Route LHO-1 is superior.

**E. Preliminary Order Issue Nos. 5-7**

Not addressed.

**V. CONCLUSION:**

The Commission should select Route LHO-1, which follows a more compatible commercial corridor along Ronald Reagan Boulevard, avoids individual homeowners' front yards on County Road 175, better comports with the community values expressed during the Open House process by all citizens in the study area, and impacts fewer habitable structures than CoL-1, while remaining in the top third for lowest cost. Route LHO-1 is the best choice, considering the routing factors provided in the statute and Commission rules, and should be selected for the Leander to Round Rock line.

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<sup>110</sup> PFD at 56.

<sup>111</sup> LCRA TSC Ex. 1 (Application) at Attachment 1 (Environmental Assessment) C-59 (showing habitable structure number 193 37 feet from the centerline of Link B2).

<sup>112</sup> *Id.* at C-302 (showing habitable structure number 28 at 38 feet from the centerline of Link L4). When Hero Way is extended along Link L4, as was discussed on pages 4-5 of LCRA TSC's Exceptions, it is likely that the line will be in the new road ROW and/or even closer to this habitable structure, if the structure does not have to be condemned altogether. However, it is too early to know the full impact of that planned construction.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I, Michael McMillin, Attorney for Meritage Homes, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 13<sup>th</sup> day of April, 2017 by electronic mail, facsimile and/or First Class, U.S. Mail, Postage Prepaid.



Michael McMillin