



Control Number: 49715



Item Number: 61

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SOAH DOCKET NO. 473-20-0418

PUC DOCKET NO. 49715

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PUBLIC UTILITY COMMISSION
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OF

APPLICATION OF ENTERGY TEXAS §
INC. TO AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY FOR A §
PROPOSED 230-KV TRANSMISSION §
LINE IN LIBERTY AND HARRIS §
COUNTIES, TEXAS §

BEFORE THE STATE OFFICE

ADMINISTRATIVE HEARINGS

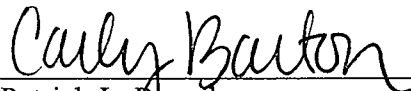
**DIRECT TESTIMONY OF INTERVENORS CARL "ALLEN" AND HEATHER LOTT
ON BEHALF OF THE EASTGATE ALLIANCE**

Intervenors, Carl "Allen" and Heather Lott, on Behalf of the Eastgate Alliance ("Eastgate Alliance") file this Direct Testimony, which is attached. The Eastgate Alliance stipulates that this Direct Testimony can be treated by all parties as if the answers were filed under oath.

Respectfully submitted,

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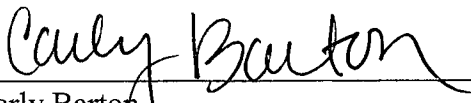
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**ATTORNEYS FOR THE EASTGATE
ALLIANCE**

461

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 20, 2019 in accordance with Public Utility Commission Procedural Rule 22.74.



Carly Barton

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EXHIBITS

A-1 – AERIAL MAP OF PROPERTY	5, 8, 11, 13
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1 **I. INTRODUCTION**
2
3

4 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
5 RECORD.
6

7 ANSWER: Carl "Allen" & Heather Lott
8 474 County Road 6244
9 Dayton, TX 77535
10
11

12 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-20-0418 AND PUC
13 DOCKET NO. 49715 AND ON WHOSE BEHALF ARE YOU TESTIFYING?
14

15 ANSWER: Yes. We are testifying on behalf of ourselves and the Eastgate Alliance, which we
16 fully support.
17
18

19 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF
20 TEXAS ("PUC" OR "COMMISSION") PROCEEDING? IF SO, WHEN?
21

22 ANSWER: No, we have not.
23
24

25 QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND WORK
26 HISTORIES.
27

28 ANSWER: Carl Allen Lott is President of the family owned business, A&H Coating Services,
29 LLC. Our company sandblasts and paints (coats) ground water storage tanks and all associated
30 metals within the scope of work for privately and publicly owned Municipal Utility Districts
31 throughout Houston and surrounding counties. I've worked as a logistics manager for Halliburton
32 for several years before starting my own company in 2012.

33 I obtained a Wildlife Management Degree and worked as a ranch manager for Diamond K Ranch
34 in Sisterdale, Texas from 1995 to 1998.

35 Heather Lynn Lott is Vice President of the family owned business, A&H Coating Services, LLC.
36 I'm the bookkeeper, payroll administrator and secretary for our company. We established our

1 company in February 2012. Before opening our own business, I worked as an Administrative
2 Assistant for the Harris County District Attorney's office from 1999 through 2003, Legal Assistant
3 for Christian, Smith and Jewell, LLC from 2003 to 2006 and Assistant to Chief Justice Sherry
4 Radack with the First Court of Appeals from 2006-2007. After my time working with attorneys, I
5 worked within the Dayton School District as a Teacher's Assistant from 2008-2012.

6
7
8 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
9

10 ANSWER: We have two parcels that could be impacted by the proposed transmission line
11 which are on County Road 6244 which is west of County Road 6242 and north of County Road
12 6243 and have been identified by Entergy Texas Inc. ("ETI") as R31384 and R31499. However,
13 R31384 is labeled incorrectly on ETI's map. According to the Liberty County Appraisal District
14 R31384 is a contiguous parcel with R31499. **See Exhibits A-1, A-2, and A-3.**

15
16
17 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?
18

19 ANSWER: We have owned the properties since on or about September 2007.
20

21
22 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF LIBERTY COUNTY, TEXAS?
23

24 ANSWER: Yes, we are very familiar with this area of Liberty County, Texas. I moved to
25 Dayton in 1989 and graduated from Dayton High School in 1992. Heather has lived in this area
26 since 2001.

27
28
29 **II. PURPOSE AND SCOPE OF TESTIMONY**
30

31
32 QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?
33

1 ANSWER: The purpose of our testimony is to (a) describe our property, (b) describe the
2 expected impact of the proposed transmission line on our property, (c) voice our opposition against
3 ETI's Segments C, H, M, O, P, Q, and R and Cut-in Option three and Routes 3, 4, 5 and 8 which
4 utilize these Segments and d) voice our support for ETI's preferred Route 2.

5
6
7 QUESTION: WHAT IS THE EASTGATE ALLIANCE'S CONCERNS ABOUT THE
8 PROPOSED TRANSMISSION LINE USING SEGMENTS C, H, M, O, P, Q, AND R?

9
10 ANSWER: In general, the Eastgate Alliance is opposed to the construction of ETI's
11 transmission line through their community because of the following: (1) a 230-kV transmission
12 line will severely depreciate the value of the Eastgate Alliance properties; (2) a 230-kV
13 transmission line will severely detract from the scenic beauty and aesthetic values of the Eastgate
14 Alliance properties and area; (3) a 230-kV transmission line would negatively impact community,
15 economic and historical values and character of the Eastgate Alliance properties and area; (4) the
16 Eastgate Alliance and visitors will have to drive under or near a 230-kV transmission line on a
17 regular basis; (5) for transmission lines crossing a Eastgate Alliance property, they would be
18 required to give third parties access to their properties, which limits the privacy and control over
19 our properties; and (6) the Eastgate Alliance has general concerns about any buzzing of the 230-
20 kV transmission line and general health and safety concerns and concerns living and being close
21 to a 230-kV transmission line.

22
23
24 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
25

26
27 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?

28
29 ANSWER: Yes. Our family's home is pinned and marked as "HOME 1" on the "Lott
30 Homestead" exhibit attached. Also, our ranch-hand, his wife, and four young children live on this
31 property pinned and marked as "HOME 2". My in-laws live on our property as well pinned and

1 marked as "HOME 3". Lastly, our barn, which houses our livestock, is pinned and marked as
2 "BARN". Also note "Future Home". This is a pad we've built up for when we build our new home
3 on our property. **See Exhibit A-2.**

4
5
6 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
7 ECOLOGICAL OR BIOLOGICAL FEATURES.

8
9 ANSWER: Our property terrain is flat and home to our sheep breed livestock business. Our
10 property has three houses, one barn, and one pond. Our property houses a variety of different types
11 of trees and wildlife which inhabit them.

12
13
14 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES.

15
16 ANSWER: Ninety percent of our property is utilized for our small sized sheep breeding
17 business. We also house our equipment for our sandblasting company on our property.

18
19
20 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
21 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE PROPERTY?

22
23 ANSWER: Yes. Since the year we purchased our property we've removed many old trees,
24 cleared brush, tilled and maintained our pastures, built up our road and topped it with crushed
25 concrete, erected perimeter fencing, divided the property into separate pasture lands and many
26 other restoration and preservation efforts on our land.

27
28
29 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY?

30
31 ANSWER: Yes. We have one water well and will dig another water well in the near future.

32
33
34 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY?

1 ANSWER: None that we are aware of.
2
3

4 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY?
5

6 ANSWER: No.
7
8

9 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR PROPERTY
10 IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES PREVIOUSLY
11 DESCRIBED.
12

13 ANSWER: Yes. We plan to expand our livestock breeding program. This includes erecting
14 new shed buildings for our livestock throughout the property. We also plan to dig one or two new
15 ponds as well.
16
17

18 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES CROSS
19 YOUR PROPERTY?
20

21 ANSWER: We only have distribution lines and the necessary power poles on our property
22 which serve our electricity needs for our homestead, business, and livestock operation.
23
24

25 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON
26 YOUR PROPERTY?
27

28 ANSWER: No.
29
30

31 QUESTION: WOULD THE SEGMENTS THAT MIGHT IMPACT YOUR PROPERTY RUN
32 ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?
33

34 ANSWER: Yes. Segment Q would run along the eastern property boundary of parcel R31499
35 and cut through parcel R31384. Our home marked as "Home1" sits directly under Segment Q. To
36 add to this, Routes N, P, and R will at some point either cross or run along the boundaries of our
37 property. **See Exhibits A-1 and A-2.**

1
2
3 QUESTION: HOW WOULD A 230-kV ELECTRIC TRANSMISSION LINE IMPACT YOUR
4 PROPERTY AND ITS OPERATIONS?

5
6 ANSWER: Simply put, this will decrease the economic property value in the future should we
7 wish to sell. Use of ETI's heavy equipment and trucks will easily destroy the roads we've built
8 up on our property and even the grounds (pastureland) which they propose to build on. Continued
9 access of heavy equipment in and out of our property will wear down our cattleguard at the only
10 entrance to our property.

11
12
13 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
14 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

15
16 ANSWER: Yes.

17
18
19 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF ETI
20 BUILDS A 230-kV TRANSMISSION LINE ON YOUR PROPERTY.

21
22 ANSWER: Proposed segment routes "M", "N", "O", "P", "Q" and "R" each hold their own
23 visual disadvantages to our property. Either way these segments are proposed to run, they each
24 will be an eye-sore to the beauty which is a dwindling countryside. Looking out my widows to my
25 property and seeing a transmission line is not what I moved out to this side of Liberty County for.

26
27
28 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
29 HAVE ANY CONCERNS ABOUT ETI HAVING ACCESS TO YOUR PROPERTY?

30
31 ANSWER: Yes, we have the general concerns of landowners who are required to give third
32 parties access to their property. Also, this would materially affect the use of our property. We hope
33 ETI will respect our property. ETI's equipment and vehicles will destroy roads and pastures we've
34 paid for personally. Our property is at the dead end of the road and there is no turn-around area for

1 heavy equipment. Access to our property will cause us ridiculous and outrageous road and turf
2 maintenance fees as well as maintaining constant reconstruction of the cattleguard at our entrance:

3
4
5 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
6 HAVE ANY OTHER CONCERNS?

7
8 ANSWER: We have general safety and health concerns for living around transmission lines
9 and EMF issues. Because potential buyers may be aware of medical studies available on the
10 Internet arguing, correctly or not, a connection between high-powered transmission lines causing
11 health problems and possible cancer, we are concerned about a negative stigma being attached to
12 our property and the possible devaluation of our property value. In addition, the buzzing sounds
13 emanating from high-voltage transmission lines would be bothersome for people living near them.
14 As a landowner, I value what we've worked hard for. Having people/companies come and go on
15 my property is unsettling.

16
17
18 QUESTION: IS THERE ANYTHING ELSE YOU WOULD LIKE THE ADMINISTRATIVE
19 LAW JUDGE AND THE PUBLIC UTILITY COMMISSION TO CONSIDER IN THIS
20 PROCEEDING?

21
22 ANSWER: Living next to and near any high voltage transmission line could cause potential
23 health and hearing hazards in the future. A constant buzzing sound will prove to be a nuisance.

24
25 Having to work livestock around unnecessary transmission poles will be a hindrance to our daily
26 routine. Our 11-year-old twin boys are highly active in showing livestock throughout the State of
27 Texas and beyond. Having ETI entering our property at any and all times will be a distraction with
28 the daily routine of working our livestock.

29
30 Having to disturb our sheep by moving them to temporary locations for ETI to erect its lines, too,
31 will be a hindrance to both us and to the sheep. Our breeding season starts the first week of

1 September every year. Stressing of sheep can cause infertility in the males and miscarriages in the
2 females. Lambing season (delivery of baby sheep) begins late December and finishes in late April
3 of each year. Again, erecting lines on our property will cause unnecessary stress on our females
4 the duration of their pregnancy. We utilize 90% of our land for breeding and lambing. Our sheep
5 in our program free-range through our three (3) pastures. Relocating them demands building of
6 temporary small pastures which causes mass capacity which can also cause stress in sheep. The
7 constant flow of ETI's traffic is sure to cause us a significant loss in progress and loss of income
8 within our breeding program.

9
10 By routing to Segment N, those roads have heavy equipment access. The Coastal Water Authority
11 has recently dug a canal and maintains its access road thoroughly. Segment N runs just the other
12 side and to the furthest West-Northwest side of our property line. Though an unappealing
13 transmission line would still be visible looking out to my back pasture, such proposed
14 transmission, by my understanding, should not touch our property. **See Exhibit A-1.**

15
16 Our property is just east of a flood plain which ends just short of County Road 6243 and County
17 Road 6244. Cedar Bayou located at County Road 624 and County Road 6242 is notorious for
18 flooding. Heavy rains cause roads to be completely impassable from the point of County Road 624
19 and County Road 6242 and all County Roads North of this intersection. High water rescues are a
20 constant in this area during heavy rain. This causes issues for residents in the Eastgate area.
21 Emergency and Fire services are unable to reach us when the Cedar Bayou floods us in. Hurricane
22 Harvey and Tropical Storm Imelda had us trapped for several days due to the outrageous flooding
23 from the Cedar Bayou. High water rescues were only available via airboats and high rescues
24 vehicles during these times. This is something ETI should consider. By routing to Segment N,
25 those roads have heavy equipment access and did not flood. The Coastal Water Authority
26 maintains its access road thoroughly making Segment N more accessible during high floods.

1
2 **IV. CONCLUSION AND RECOMMENDATIONS**
3
4

5 QUESTION: HOW WOULD YOU SUMMARIZE THE EASTGATE ALLIANCE'S
6 POSITION IN THIS PROCEEDING REGARDING ETI'S RECOMMENDED ROUTE 2 AND
7 SEGMENTS C, H, M, O, P, Q, AND R, CUT-IN OPTION 3 AND ROUTES 3, 4, 5, AND 8?
8

9 ANSWER: We oppose ETI's use of Segments C, H, M, O, P, Q, and R, Cut-In Option 3 and
10 Routes 3, 4, 5, and 8 which utilize these Segments and Cut-In Option 3. We support ETI's
11 Recommended Route 2 as the route that best meets the overall community values and PURA §
12 37.056(c)(4) and P.U.C. SUBST. R. 25.101(b)(3)(B).
13

14
15 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?
16

17 ANSWER: Yes.

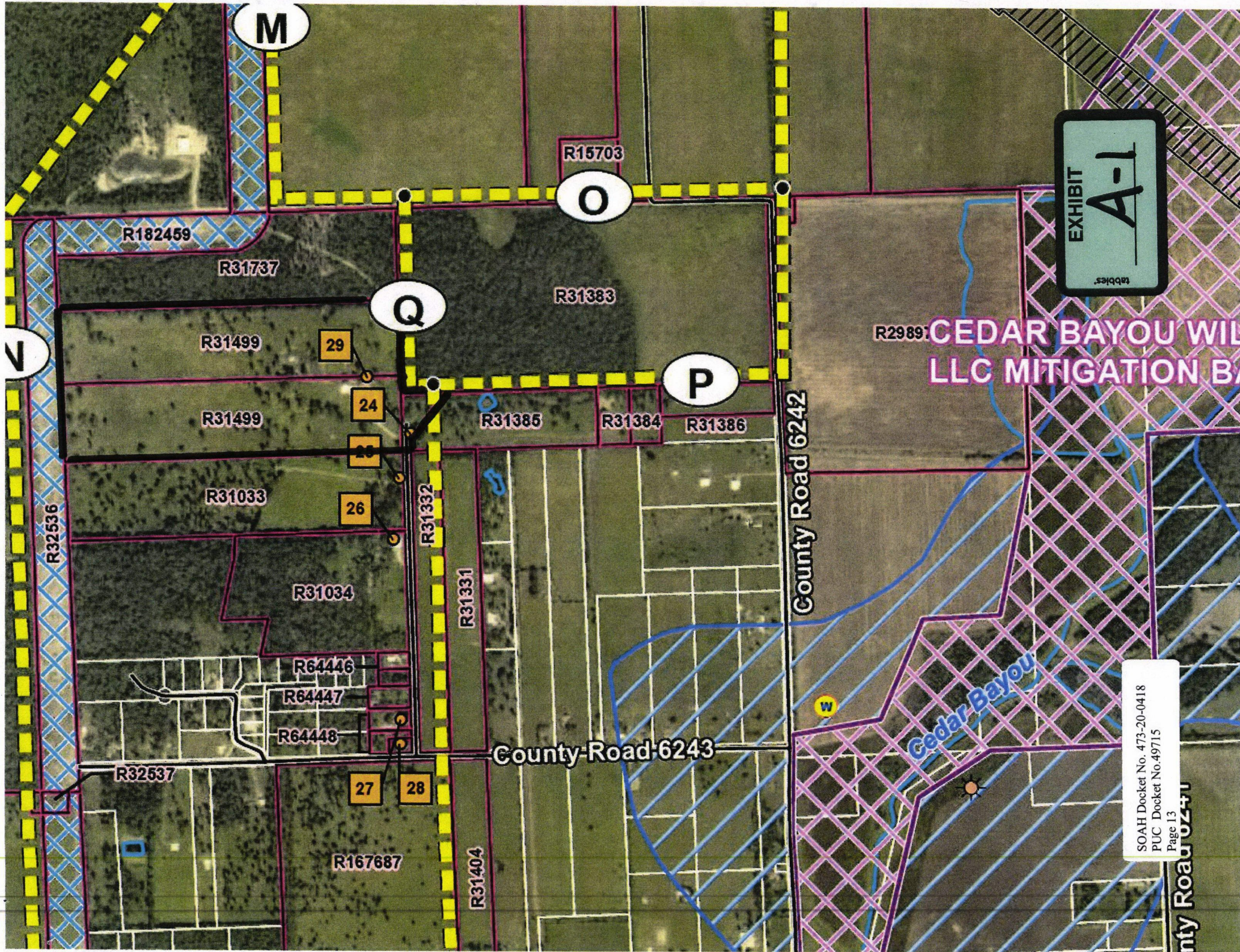


EXHIBIT
A-1
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R29891 CEDAR BAYOU WILL
LLC MITIGATION BA

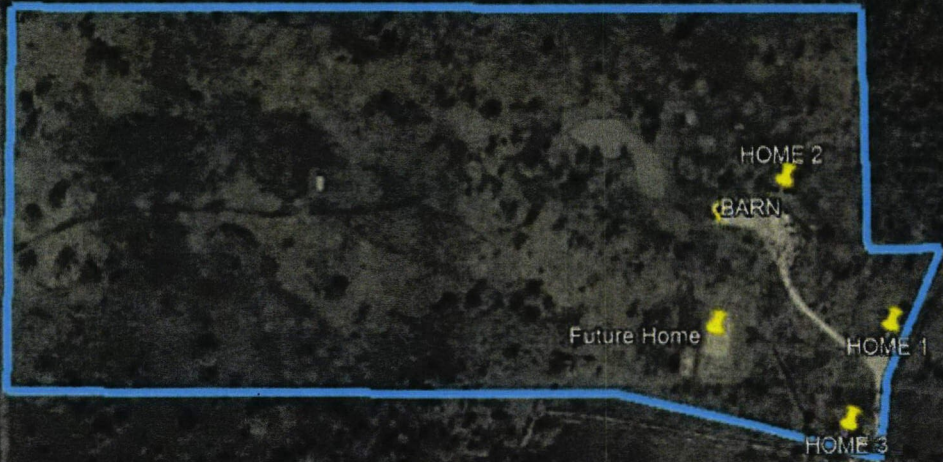
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nty Road 6243

Lott Homestead

Legend

-  BARN
-  HOME
-  Lott Property Line



EXHIBIT

A-2

tabbles

