



Control Number: 50545



Item Number: 173

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-3472
DOCKET NO. 50545

APPLICATION OF AEP TEXAS INC. TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY FOR §
THE BRACKETTVILLE- TO- §
ESCONDIDO 138-KV TRANSMISSION §
LINE IN KINNEY AND MAVERICK §
COUNTIES §

BEFORE THE NOV - 6 2020
PUBLIC UTILITY COMMISSION
OF TEXAS



PALOMA ICE, LLC'S SECOND NOTICE OF PRODUCTION
OF REPLACEMENT EXHIBITS

NOW COMES Intervenor PALOMA ICE, LLC, and files this, its Second Notice of Production Replacement Exhibits, hereby correcting the previously-produced Exhibit 80 to include all of its pages. Here, electronically-embedded attachments in the original production did not properly print, and thus were unintentionally omitted. Please note that the missing attachments were produced to all parties in connection with AEP Texas, Inc.'s responses to Paloma Ice's Request for Information 4-1. Furthermore, these attachments are already included as Paloma Exhibits 48, 49 and 51 in the exhibits that have already been provided to the parties. PALOMA ICE, LLC asks that the Administrative Law Judges and parties substitute the attached Exhibit 80 into their exhibit binders.

Respectfully submitted,

SPIVEY VALENCIANO, PLLC
9601 McAllister Freeway, Suite 130
San Antonio, Texas 78216
Telephone: (210) 787-4654
Facsimile: (210) 201-8178

A handwritten signature in black ink, appearing to read "J. Spivey".

By: _____
James K. Spivey
jkspivey@svtxlaw.com
State Bar No. 00794680
Soledad M. Valenciano
State Bar No. 24056463
svalenciano@svtxlaw.com

ATTORNEYS FOR PALOMA ICE, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served on the parties and/or counsel of record as identified in the applicable Service List in Docket No. 50545 on this 6th day of November, 2020, in compliance with PUC Procedural Rule 22.74 and the applicable Orders issued to date in the above-captioned proceedings.

A handwritten signature in black ink, appearing to read 'Soledad M. Valenciano', written over a horizontal line.

Soledad M. Valenciano

SOAH DOCKET NO. 473-20-3472
PUC DOCKET NO. 50545

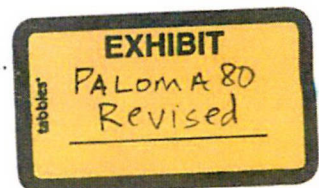
AEP TEXAS INC. RESPONSE TO
RYAN SEIDERS AND PALOMA ICE, LLC
FOURTH REQUEST FOR INFORMATION

Question: PALOMA RFI NO. 4-1

In the Rebuttal Testimony of James Randall Weaver on behalf of AEP Texas Inc., on page 3, Ln. 12-13, Mr. Weaver testified:

“No. As I stated in my direct testimony, the costs are only estimates as of the time of the filing of the application. The estimates use projected costs for right-of-way, labor, and materials based on recent experience and the expertise of knowledge AEP Texas personnel and contractors. The same method is applied to each route, so it provides a reasonable comparison of the costs of the alternative routes. This cost estimating methodology has been accepted by the Commission in numerous AEP Texas transmission line cases over the years.”

- a. Please state whether the “right-of-way” referenced in this testimony includes the “right-of-way” for access and construction easements that AEP will have to acquire if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- b. Admit that if Route H-Rev and/or any Route that uses Links 63-REV and/or 70- REV is selected, AEP will not be able to build and operate its transmission line without obtaining access and construction easements to the transmission line.
- c. With respect to Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV, please identify all properties in which additional “right-of-way” access and construction easements has been considered by AEP.
- d. With respect to Route A, please identify any properties in which additional “right- of-way” access and construction easements have been considered by AEP.
- e. Produce any documents analyzing access issues with respect to Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV.
- f. Produce all documents analyzing access issues with respect to the Paloma Ice property if Route H-Rev and/or any Route that uses Links 63-REV and/or 70- REV is selected.
- g. Produce all documents analyzing access issues or potential access easements with respect to the property owned by Briscoe Ranch, Inc. if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- h. Produce all documents analyzing assess issues or potential access easements with respect to the property owned by Kincaid Eagle Pass LLC if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- i. Produce any documents analyzing access issues with respect to Route A.



- j. Please state the approximate number of properties that AEP anticipates it will need additional access construction easements for if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- k. Please state the approximate number of properties that AEP anticipates it will need additional access construction easements for if Route A is selected.
- l. Please state the approximate length of access easement (by feet and/or miles) that AEP anticipates that it will need if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- m. With respect to the AEP document entitled "Paloma Ice Road Access," which is attached hereto as Exhibit "1," please state the length of the access road easement (by feet and/or miles) that AEP has depicted across the Paloma Ice property. Please return Exhibit 1 with this measurement indicated thereon.
- n. Please state the approximate length of access easements (by feet and/or miles) that AEP anticipates that it will need if Route A is selected.
- o. Please state the estimated cost to AEP for acquiring access construction easements if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is selected.
- p. Please state the estimated cost to AEP for acquiring access construction easements if Route A is selected.
- q. Produce all correspondence between AEP and Powers regarding any access issues with respect to Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV.
- r. Produce all correspondence between AEP and the Texas Parks & Wildlife Department regarding any access issues with respect to Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV.
- s. Produce all correspondence between AEP and the PUC Legal Staff regarding any access issues with respect to Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV.
- t. Produce all correspondence between AEP and Powers regarding any access issues with respect to Route A.
- u. Produce all correspondence between AEP and the Texas Parks & Wildlife Department regarding any access issues with respect to Route A.
- v. Produce all correspondence between AEP and the PUC Legal Staff regarding any access issues with respect to Route A.

- w. Produce all internal correspondence within AEP relating to access issues, potential access easements, and similar if Route H-Rev and/or any Route that uses Links 63-REV and/or 70-REV is ordered.

Response: PALOMA RFI NO. 4-1

- a. The easement acquisition costs from prior projects used to develop the estimated cost included temporary and permanent road access easements.
- b. Cannot admit or deny. Obtaining rights to construct an access road, improve an existing access road, or use an existing road to reach the right-of-way is commonly needed to construct transmission lines. AEP Texas expects that some access roads will be necessary for any of the proposed routes. In some instances, the transmission line right-of-way across a property might be able to be accessed completely using the transmission line right-of-way only and not requiring an access road easement. Once a route is approved by the Public Utility Commission and AEP Texas has access to the properties to construct the transmission line, AEP Texas will determine where access road easements might be necessary and will work with the affected landowners to obtain them.
- c. AEP Texas does not typically determine construction access or other site-specific issues until after a route is selected by the Commission. Such site-specific costs cannot reasonably be determined for all affected properties on all proposed routes included in a CCN application. However, in connection with settlement negotiations with Paloma Ranch in this case, AEP Texas reviewed all of the properties that might provide access to Links 63-REV and/or 70-REV. Once a route is approved by the Commission and AEP Texas has access to the properties to construct the transmission line, AEP Texas will determine where access roads easements might be necessary and will work with the affected landowners to obtain the necessary access road easements.
- d. At this time, AEP Texas has not identified the properties crossed by Route A or the majority of the proposed 107 routing links where a right-of-way access road easement might be necessary. AEP Texas has evaluated access only for Links 63-REV and/or 70-REV as requested by Paloma Ranch during settlement discussion. See responses to subsections b and c above.
- e. AEP Texas provides the attached emails between Paloma Ranch and AEP Texas that were part of settlement discussions in this case. See ATTACHMENT PALOMA 4-1e. See also the responses to subsections b and c, above. By agreement with Paloma Ice, LLC, AEP Texas is not providing two privileged emails responsive to this request

- f. Please refer to the AEP Texas response to Paloma RFI 4-1(e).
- g. AEP Texas has no documents responsive to this request.
- h. AEP Texas has no documents responsive to this request.
- i. AEP Texas has no documents responsive to this request.
- j. AEP Texas will attempt to minimize the number of access road easements and has not determined at this time the number of access road easements that might be required. See also the responses to subsections b and c, above.
- k. AEP Texas will attempt to minimize the number of access road easements and has not determined at this time the number of access road easements that might be required. See also the responses to subsections b and c, above.
- l. AEP Texas will attempt to minimize the number and length of access road easements and has not determined at this time the number or length of access road easements that might be required. See also the responses to subsections b and c, above.
- m. In settlement negotiations with Paloma Ice, LLC, AEP Texas proposed an approximate 7.3 miles access road across the Paloma Ice, LLC. property as reflected on Exhibit 1, which would be helpful for the construction and potentially future maintenance of the transmission line. The routing of the proposed access road attempted to use existing ranch roads and follow property lines as much as possible. See also the responses to subsections b and c, above.
- n. AEP Texas has not determined the approximate length of access road easements that it will need if Route A is selected. See also the responses to subsections b and c, above.
- o. AEP Texas has not developed a specific estimate for acquiring access construction easements. See also the responses to subsections b and c, above.
- p. AEP Texas has not developed a specific estimate for acquiring access construction easements. See also the responses to subsections b and c, above.
- q. AEP Texas has no documents that are responsive to this request.
- r. AEP Texas has no documents that are responsive to this request.
- s. AEP Texas has no documents that are responsive to this request.
- t. AEP Texas has no documents that are responsive to this request.
- u. AEP Texas has no documents that are responsive to this request.
- v. AEP Texas has no documents that are responsive to this request.

- w. By agreement with Paloma Ice, LLC, AEP Texas is not providing two privileged emails responsive to this request. AEP Texas has no other documents responsive to this request.

Prepared by: Randal Roper Title: Regulatory Case Manager, AEP Texas
Sponsored by: James Randall Weaver Title: Project Manager, AEP Texas

From: Randy Roper
To: "jksplivey@sybtlaw.com"
Cc: Kerry McGrath (kmcgrath@dwmrlaw.com)
Subject: Paloma Ice Construction Access
Date: Tuesday, September 15, 2020 12:43:11 PM
Attachments: [Paloma Ice LLC Road Access.pdf](#)
[image001.png](#)

Jim, These are the general terms that AEP Texas would be willing to work with Paloma Ice LLC to develop a side agreement to support an overall settlement agreement for the routing in the AEP Texas Brackettville to Escondido CCN proceeding. These general terms would be for settlement only in this proceeding.

- Construction road access would be limited to the routing provided from State Highway 57 along the existing road(s) on the south to southwest property boundary on the Paloma Ice, LLC property. Attached is a diagram that shows the general location of the existing boundary road on Paloma Ice, LLC.
- Use of the construction road would be for construction of the transmission line. The only other use of the access road would be for emergency repairs and contact would be made with a Paloma Ice, LLC before entry. Any improvements necessary to use the road for construction access would be at the expense of AEP Texas and would be coordinated with Paloma Ice LLC.
- Construction activities during deer hunting season from November through January would be limited to 8 am in the morning to 5 pm in the afternoon.(keeping weekends will allow us to complete the construction on the property quicker)

If these will work for Paloma Ice, LLC, then I can get with Kerry to start a side agreement document or you can send one to us with these terms written out as well. Thanks.



RANDY ROPER | REGULATORY CASE MGR
RREROPE@AEP.COM | D 512-481-4572
420 W 15TH ST STE 1501 AUSTIN TX 78701-1677

Paloma Ice LLC Construction Road Access

Orange line shows road access.



From: [Jim Spivey](#)
To: [Randy Roper](#)
Cc: [Kerry McGrath \(kmcgrath@dwmrlaw.com\)](#); [Soledad Valenciano](#)
Subject: [EXTERNAL] Re: Paloma Ice Construction Access
Date: Tuesday, September 15, 2020 1:05:18 PM
Attachments: [image001.png](#)

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the 'Report to Incidents' button in Outlook or forward to incidents@aep.com from a mobile device.

Thanks, Randy. I will visit with the Seiders and be back in touch soon.

Sent from my iPhone

On Sep 15, 2020, at 12:43 PM, Randy Roper <[reroper@aeep.com](mailto:rerop@aeep.com)> wrote:

Jim, These are the general terms that AEP Texas would be willing to work with Paloma Ice LLC to develop a side agreement to support an overall settlement agreement for the routing in the AEP Texas Brackettville to Escondido CCN proceeding. These general terms would be for settlement only in this proceeding.

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[<image001.png>](#) **RANDY ROPER** | REGULATORY CASE MGR
REROPER@AEP.COM | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

<Paloma Ice LLC Road Access.pdf>

From: Randy Roper
To: [Nick Curiel](#)
Subject: FW: Paloma Ice Construction Access
Date: Tuesday, September 15, 2020 8:52:37 PM
Attachments: [Paloma Ice LLC Road Access.pdf](#)
[image001.png](#)



RANDY ROPER | REGULATORY CASE MGR
RREROPER@AEP.COM | D 512 481 4572
400 W 15TH ST, STE 1500 AUSTIN TX 78701-1677

From: Randy Roper
Sent: Tuesday, September 15, 2020 12:43 PM
To: 'jkspivey@svtxlaw.com' <jkspivey@svtxlaw.com>
Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>
Subject: Paloma Ice Construction Access

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RREROPER@AEP.COM | D 512 481 4572
400 W 15TH ST, STE 1500 AUSTIN TX 78701-1677

From: [Jim Spivey](#)
To: [Randy Roper](#)
Cc: [Soledad Valenciano](#)
Subject: [EXTERNAL] RE: Paloma Ice Construction Access
Date: Wednesday, September 16, 2020 8:55:53 AM
Attachments: [image002.jpg](#)
[image003.png](#)

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Randy:

Can you give me a call. I have a few questions about the offer and map that I want to ask you about before I reach out to the Seiders.



Jim Spivey
McAllister Plaza
9601 McAllister Freeway, Suite 130
San Antonio, Texas 78216
(210) 787-4653 Office
(210) 416-3115 Wireless
(210) 201-8178 Facsimile
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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Tuesday, September 15, 2020 12:43 PM
To: Jim Spivey <jkspivey@svtxlaw.com>
Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>
Subject: Paloma Ice Construction Access

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RANDY ROPER | REGULATORY CASE MGR

RROPER@AEP.COM | D 512 481 4572

400 W 15TH ST STE 1500 AUSTIN TX 78701-1877

Paloma Ice LLC Construction Road Access

Orange line shows road access.



Google Earth

© 2020 IEG
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PALOMA ICE_ LLC

2 mi

From: Randy Roper
To: ["Jim Spivey"](#)
Subject: RE: Paloma Ice Construction Access
Date: Wednesday, September 16, 2020 11:52:06 AM
Attachments: [image002.jpg](#)
[image001.png](#)

Jim, We would have a gate guard and we would have the road left in as good or better condition.



RANDY ROPER | REGULATORY CASE MGR
REROPER@AEP.COM | D:512.481.4572
400 W 15TH ST. STE 1500. AUSTIN. TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Wednesday, September 16, 2020 9:30 AM
To: Randy Roper <[reroper@ae.com](mailto:rerop@ae.com)>
Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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Thanks.



Jim Spivey
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San Antonio, Texas 78216
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From: Randy Roper [<mailto:reroper@ae.com>]
Sent: Wednesday, September 16, 2020 9:22 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Subject: RE: Paloma Ice Construction Access

I will call you at 11 am.



RANDY ROPER | REGULATORY CASE MGR
RROPER@AEP.COM | D 512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Wednesday, September 16, 2020 8:56 AM
To: Randy Roper <rroper@aep.com>
Cc: Soledad Valenciano <svalenciano@svtxlaw.com>
Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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From: Randy Roper [<mailto:rroper@aep.com>]
Sent: Tuesday, September 15, 2020 12:43 PM
To: Jim Spivey <jkspivey@svtxlaw.com>
Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>
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RREROPER@AEP.COM | D 512 481 4572
400 W 15TH ST STE 1500, AUSTIN TX 78731-1577

From: [Jim Spivey](#)
To: [Randy Roper](#)
Cc: [Soledad Valenciano](#)
Subject: [EXTERNAL] RE: Paloma Ice Construction Access
Date: Wednesday, September 16, 2020 12:05:11 PM
Attachments: [image002.jpg](#)
[image003.png](#)

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Randy,

Thanks for your call today and thanks for your e-mail below. I will discuss everything with the Seiders and see how they want to proceed.

Jim



Jim Spivey
McAllister Plaza
9601 McAllister Freeway, Suite 130
San Antonio, Texas 78216
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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Wednesday, September 16, 2020 11:52 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Subject: RE: Paloma Ice Construction Access

Jim, We would have a gate guard and we would have the road left in as good or better condition.



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400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
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To: Randy Roper <reroper@aep.com>
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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Wednesday, September 16, 2020 9:22 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Subject: RE: Paloma Ice Construction Access

I will call you at 11 am.



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REROPER@AEP.COM | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Wednesday, September 16, 2020 8:56 AM
To: Randy Roper <reroper@aep.com>
Cc: Soledad Valenciano <svalenciano@svtxlaw.com>

Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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Randy:

Can you give me a call. I have a few questions about the offer and map that I want to ask you about before I reach out to the Seiders.



Jim Spivey
McAllister Plaza
9601 McAllister Freeway, Suite 130
San Antonio, Texas 78216
(210) 787-4653 Office
(210) 416-3115 Wireless
(210) 201-8178 Facsimile
www.spivaltx.com

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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Tuesday, September 15, 2020 12:43 PM
To: Jim Spivey <jkspivey@svtxlaw.com>
Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>
Subject: Paloma Ice Construction Access

Jim, These are the general terms that AEP Texas would be willing to work with Paloma Ice LLC to develop a side agreement to support an overall settlement agreement for the routing in the AEP Texas Brackettville to Escondido CCN proceeding. These general terms would be for settlement only in this proceeding.

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road for construction access would be at the expense of AEP Texas and would be coordinated with Paloma Ice LLC.

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If these will work for Paloma Ice, LLC, then I can get with Kerry to start a side agreement document or you can send one to us with these terms written out as well. Thanks.



RANDY ROPER : REGULATORY CASE MGR

RREROPER@AEP.COM • D 512.461.4572

400 W 15TH ST STE 1500 AUSTIN TX 78701-1677

From: [Jim Spivey](#)
To: [Randy Roper](#)
Subject: [EXTERNAL] RE: Paloma Ice Construction Access
Date: Friday, September 18, 2020 12:19:14 PM
Attachments: [image002.jpg](#)
[image003.png](#)

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Randy:

I just spoke with Ryan and Roy. They have a few additional questions and information regarding the proposed construction access easement. I have a conference call today on another case starting at 1pm. I should be done by 2:30 pm. Do you have time today after 2:30pm to talk?

Jim




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From: Randy Roper [mailto:reroper@aep.com]
Sent: Wednesday, September 16, 2020 11:52 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Subject: RE: Paloma Ice Construction Access

Jim, We would have a gate guard and we would have the road left in as good or better condition.

RANDY ROPER | REGULATORY CASE MGR
REROPER@AEP.COM | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677


From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Wednesday, September 16, 2020 9:30 AM
To: Randy Roper <reroper@aep.com>
Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Wednesday, September 16, 2020 9:22 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Subject: RE: Paloma Ice Construction Access

I will call you at 11 am.



RANDY ROPER | REGULATORY CASE MGR
[REROPER@AEP.COM](mailto:reroper@aep.com) | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>

Sent: Wednesday, September 16, 2020 8:56 AM
To: Randy Roper <reroper@aep.com>
Cc: Soledad Valenciano <svalenciano@svtxlaw.com>
Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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To: Jim Spivey <jkspivey@svtxlaw.com>
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RANDY ROPER REGULATORY CASE MGR

RREROPER@AEP.COM | D 512 451 4572

400 W 15TH ST STE 1500 AUSTIN TX 78701-1577

From: Randy Roper
To: ["Jim Spivey"](#)
Subject: RE: Paloma Ice Construction Access
Date: Friday, September 18, 2020 12:50:15 PM
Attachments: [image002.jpg](#)
[image001.png](#)

I will call you at 3:00 PM.



RANDY ROPER | REGULATORY CASE MGR
RROPER@AEP.COM | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Friday, September 18, 2020 12:19 PM
To: Randy Roper <rroper@aep.com>
Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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Jim, We would have a gate guard and we would have the road left in as good or better condition.



RANDY ROPER | REGULATORY CASE MGR
RROPER@AEP.COM | D:512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Wednesday, September 16, 2020 9:30 AM
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Subject: [EXTERNAL] RE: Paloma Ice Construction Access

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REROOPER@AEP.COM | D:512 481.4572
400 W 15TH ST, STE 1500, AUSTIN TX 78701-1677

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To: Randy Roper <reroper@aep.com>
Cc: Soledad Valenciano <svalenciano@svtxlaw.com>
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To: Jim Spivey <jkspivey@svtxlaw.com>
Cc: Kerry McGrath (kmcgrath@dwmlaw.com) <kmcgrath@dwmlaw.com>
Subject: Paloma Ice Construction Access

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RANDY ROPER | REGULATORY CASE MGR
RREROPER@AEP.COM | D 512.491.4574
400 W 15TH ST STE 1500 AUSTIN TX 78701-1277

From: Randy Roper
To: "jksprivey@svtxlaw.com"
Cc: [Kerry McGrath \(kmcgrath@dwmlaw.com\)](mailto:KerryMcGrath@dwmlaw.com); [Mel L Eckhoff Jr](#)
Subject: Paloma Ice Road Access Version 2
Date: Monday, September 21, 2020 12:53:06 PM
Attachments: [Paloma Ice LLC Road Access II.pdf](#)
[image001.png](#)

Jim, We discussed this construction road access issue again this morning and still believe it would be necessary to have a road access to the ROW on the Paloma Ice LLC property. Attached is a revised routing to address the area subject to the flooding that you pointed out. We used another road access point that was not at the main entrance that was fairly close to the prior route. This will allow us to get past that flood prone area and then get back to staying close to the fence line boundary. We did look at following the existing road further to the north before turning to the west, but that area appeared to be used extensively by the owners for hunting. This will require us to construct some new road across the property, but we thought that the reduction in the potential impact to that hunting area would be important to the owners.



RANDY ROPER | REGULATORY CASE MGR
RREROPE@AEP.COM | D 512.431.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

Paloma Ice Road Access

PALOMA ICE_ LLC

Highway 57 Road Access

PALOMA ICE_ LLC

481

57

Google Earth

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© 2020 RED

2 mi



From: [Jim Spivey](#)
To: [Randy Roper](#)
Cc: [Kerry McGrath](#); [Mel L Eckhoff Jr](#); [Soledad Valenciano](#)
Subject: [EXTERNAL] FW: Paloma Ice Road Access Version 2
Date: Monday, September 21, 2020 1:46:04 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[Paloma Ice LLC Road Access II.pdf](#)

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Randy:

Would this be a temporary easement that would expire after construction? If so, how long would that temporary period be? Now that you have studied the access issues, would this proposed access be used only to access the Paloma Ice property or would it be used to access other properties? If it would be for access to other properties, what other properties and for what length of Modified Route H? My clients are going to want to know this information.

In addition, would Paloma Ice be the only property getting a construction road access easement if Modified Route H is selected? If not, what other access easements is AEP considering if Modified Route H is selected? I don't think my clients are going to be happy with this proposed easement. I need to be able to explain to them that they are not the only landowners that would be getting access easements if Modified H is selected.

Jim



Jim Spivey
McAllister Plaza
9601 McAllister Freeway, Suite 130
San Antonio, Texas 78216
(210) 787-4653 Office
(210) 416-3115 Wireless
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From: Randy Roper [<mailto:reroper@aep.com>]

Sent: Monday, September 21, 2020 12:53 PM

To: Jim Spivey <jkspivey@svtxlaw.com>

Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>; Mel L Eckhoff Jr
<mleckhoff@aep.com>

Subject: Paloma Ice Road Access Version 2

Jim, We discussed this construction road access issue again this morning and still believe it would be necessary to have a road access to the ROW on the Paloma Ice LLC property. Attached is a revised routing to address the area subject to the flooding that you pointed out. We used another road access point that was not at the main entrance that was fairly close to the prior route. This will allow us to get past that flood prone area and then get back to staying close to the fence line boundary. We did look at following the existing road further to the north before turning to the west, but that area appeared to be used extensively by the owners for hunting. This will require us to construct some new road across the property, but we thought that the reduction in the potential impact to that hunting area would be important to the owners.



RANDY ROPER | REGULATORY CASE MGR

RREROPER@AEP.COM | D 512-421-4571

400 W 15TH ST STE 1500 AUSTIN, TX 78701-2416

Paloma Ice Road Access

PALOMA ICE_ LLC

481

57

Highway 57 Road Access

PALOMA ICE_ LLC

Google Earth

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2 mi



From: Randy Roper
To: "Jim Spivey"
Cc: Kerry McGrath; Mel L Eckhoff Jr; Soledad Valenciano
Subject: RE: Paloma Ice Road Access Version 2
Date: Tuesday, September 22, 2020 9:28:51 AM
Attachments: [image002.jpg](#)
[image001.png](#)

Jim, I have provided responses in red below to your questions. We did attempt to get back near the fence line once we passed the area your clients pointed out is prone to flooding and attempted not to cross the area around the Noria Tank where it was clear that deer hunting blinds and feeders were located.



RANDY ROPER | REGULATORY CASE MGR
REROOPER@AEP.COM | D.512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Monday, September 21, 2020 1:46 PM
To: Randy Roper <rerooper@aep.com>
Cc: Kerry McGrath <kmcgrath@dwmlaw.com>; Mel L Eckhoff Jr <mleckhoff@aep.com>; Soledad Valenciano <svalenciano@svtxlaw.com>
Subject: [EXTERNAL] FW: Paloma Ice Road Access Version 2

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Randy:

Would this be a temporary easement that would expire after construction? We would desire to have an emergency access agreement for repairs if not by this road, then another road that would provide us access to the easement. We would be seeking the same from other landowners as well. If so, how long would that temporary period be? Now that you have studied the access issues, would this proposed access be used only to access the Paloma Ice property or would it be used to access other properties? Primarily for Paloma Ice property, but will also be used as needed to for line construction on adjacent properties depending on weather related access issues until the transmission line is placed in service.

If it would be for access to other properties, what other properties and for what length of Modified Route H? My clients are going to want to know this information.

In addition, would Paloma Ice be the only property getting a construction road access easement if Modified Route H is selected? No. If not, what other access easements is AEP considering if Modified Route H is selected? Properties to the north and south of the Paloma Ice property have been identified as properties that road access would be requested. I don't think my clients are going to be happy with this proposed easement. I need to be able to explain to them that they are not the only landowners that would be getting access easements if Modified H is selected.

Jim



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Cc: Kerry McGrath (kmcgrath@dwmlaw.com) <kmcgrath@dwmlaw.com>; Mel L Eckhoff Jr <mleckhoff@aep.com>
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REROOPER@AEP.COM | D.512.481.4572
400 W 15TH ST, STE 1500, AUSTIN, TX 78701-1677

From: [Jim Spivey](#)
To: [Randy Roper](#)
Cc: [Kerry McGrath](#); [Mel L. Eckhoff Jr](#); [Soledad Valenciano](#)
Subject: [EXTERNAL] RE: Paloma Ice Road Access Version 2
Date: Tuesday, September 22, 2020 9:54:22 AM
Attachments: [image002.jpg](#)
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From: Randy Roper [<mailto:reroper@aep.com>]
Sent: Tuesday, September 22, 2020 9:29 AM
To: Jim Spivey <jkspivey@svtxlaw.com>
Cc: Kerry McGrath <kmcgrath@dwmlaw.com>; Mel L Eckhoff Jr <mleckhoff@aep.com>; Soledad Valenciano <svalenciano@svtxlaw.com>
Subject: RE: Paloma Ice Road Access Version 2

Jim, I have provided responses in red below to your questions. We did attempt to get back near the fence line once we passed the area your clients pointed out is prone to flooding and attempted not to cross the area around the Noria Tank where it was clear that deer hunting blinds and feeders were located.



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From: Jim Spivey <jkspivey@svtxlaw.com>
Sent: Monday, September 21, 2020 1:46 PM
To: Randy Roper <reroper@aep.com>
Cc: Kerry McGrath <kmcgrath@dwmrlaw.com>; Mel L Eckhoff Jr <mleckhoff@aep.com>; Soledad Valenciano <svalenciano@svtxlaw.com>
Subject: [EXTERNAL] FW: Paloma Ice Road Access Version 2

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Randy:

Would this be a temporary easement that would expire after construction? We would desire to have an emergency access agreement for repairs if not by this road, then another road that would provide us access to the easement. We would be seeking the same from other landowners as well. If so, how long would that temporary period be? Now that you have studied the access issues, would this proposed access be used only to access the Paloma Ice property or would it be used to access other properties? Primarily for Paloma Ice property, but will also be used as needed to for line construction on adjacent properties depending on weather related access issues until the transmission line is placed in service.

If it would be for access to other properties, what other properties and for what length of Modified Route H? My clients are going to want to know this information.

In addition, would Paloma Ice be the only property getting a construction road access easement if Modified Route H is selected? No. If not, what other access easements is AEP considering if Modified Route H is selected? Properties to the north and south of the Paloma Ice property have been identified as properties that road access would be requested. I don't think my clients are going to be happy with this proposed easement. I need to be able to explain to them that they are not the only landowners that would be getting access easements if Modified H is selected.

Jim



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From: Randy Roper [<mailto:reroper@aep.com>]

Sent: Monday, September 21, 2020 12:53 PM

To: Jim Spivey <jkspivey@svtxlaw.com>

Cc: Kerry McGrath (kmcgrath@dwmrlaw.com) <kmcgrath@dwmrlaw.com>; Mel L Eckhoff Jr <mleckhoff@aep.com>

Subject: Paloma Ice Road Access Version 2

Jim, We discussed this construction road access issue again this morning and still believe it would be necessary to have a road access to the ROW on the Paloma Ice LLC property. Attached is a revised routing to address the area subject to the flooding that you pointed out. We used another road access point that was not at the main entrance that was fairly close to the prior route. This will allow us to get past that flood prone area and then get back to staying close to the fence line boundary. We did look at following the existing road further to the north before turning to the west, but that area appeared to be used extensively by the owners for hunting. This will require us to construct some new road across the property, but we thought that the reduction in the potential impact to that hunting area would be important to the owners.



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