



Control Number: 51023



Item Number: 381

Addendum StartPage: 0



SOAH DOCKET NO. 473-21-0247
PUC DOCKET NO. 51023

APPLICATION OF THE CITY OF SAN §
ANTONIO ACTING BY AND THROUGH §
THE CITY PUBLIC SERVICE BOARD §
(CPS ENERGY) TO AMEND ITS §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE PROPOSED §
SCENIC LOOP 138-KV TRANSMISSION §
LINE §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**ANAQUA SPRINGS’ OBJECTIONS AND MOTION TO STRIKE
PORTIONS OF CPS’ DIRECT TESTIMONY**

Anaqua Springs Homeowners’ Association (“Anaqua Springs HOA”) submits these objections and motion to strike portions of Lisa Meaux’s testimony. Anaqua Springs HOA objects to and requests that portions of Ms. Meaux’s testimony and attachments be stricken on the grounds that such portions are not the best evidence under Tex. R. Evid. 1002. The parties agreed that objections to CPS Direct Testimony would be due on November 13, 2020. These objections are timely filed.

Anaqua Springs HOA objects and moves to strike the following testimony provided by Ms. Meaux, which can be found on page 10, lines 3-6 of her direct testimony:

In the letter, the Airforce and Army, who hold a third-party beneficiary interest in the property crossed by Segment 12, stated that they were opposed to the granting of an easement for the project across the Bandera Pass Easement.

This statement is Ms. Meaux’s interpretation of what the letter states. The best evidence of what is contained in the letter is the letter itself, and nowhere in the letter does the word “opposed” occur. Furthermore, the easement document governs the rights of the Air Force and Army, not the letter to CPS. For these reasons, Anaqua Springs HOA objects to this limited portion of Ms. Meaux’s testimony. However, Anaqua Springs HOA would have no objection to this portion of her testimony if she quoted from the letter (which is included as part of the Application) or from

the easement document (which does not appear to be included as part of the Application and is not yet in evidence).

Respectfully submitted,

By: Wendy K. L. Harvel
Ann M. Coffin
State Bar No. 00787941
Wendy K. L. Harvel
State Bar No. 00796719
C. Glenn Adkins
State Bar No. 24103097
Coffin Renner LLP
1011 West 31st Street
Austin, TX 78705
(512) 879-0900
(512) 879-0912 (fax)
ann.coffin@crtxlaw.com
wendy.harvel@crtxlaw.com
glenn.adkins@crtxlaw.com

**ATTORNEYS FOR ANAQUA SPRINGS
HOMEOWNERS' ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2020, notice of the filing of this document was provided to all parties of record via electronic mail in accordance with the Order Suspending Rules, issued in Project No. 50664.

Wendy K. L. Harvel
Wendy K. L. Harvel