



Control Number: 51023



Item Number: 390

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2 PUBLIC UTILITY COMMISSION OF TEXAS

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5 In re Application of the City of San Antonio,  
6 Acting By and Through the City Public Service  
7 Board (CPS Energy) To Amend its Certificate  
8 of Convenience and Necessity for the Proposed  
9 Scenic Loop 138-kV Transmission Line Project  
10 in Bexar County, Texas

Docket Number: 51023

SOAH Docket No. 473-21-0247

PATRICK CLEVELAND'S  
STATEMENT OF ROUTE ADEQUACY  
AND REQUEST FOR ROUTE ADEQUACY  
HEARING

11 **Introduction**

12 I, Patrick Cleveland, respectfully submit this Statement of Route Adequacy and Request  
13 for Route Adequacy Hearing in the above titled and numbered case. In accordance with the  
14 procedural schedule in SOAH Order No. 2, which was issued November 23, 2020, the deadline  
15 for filing statements of route adequacy is November 24, 2020, therefore this Statement of Route  
16 Adequacy if filed in a timely manner.  
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19 **Route Adequacy**

20  
21 "An application for a new transmission line shall address the criteria in PURA §  
22 37.056(c) and considering those criteria, engineering constraints, and costs, the line shall be  
23 routed to the extent reasonable to moderate the impact on the affected community and  
24 landowners." 16 Tex. Admin. Code § 25.101. The criteria in PURA § 37.056(c) includes,  
25 community values . . . recreational and park areas . . . historical and aesthetic values [and]  
26 environmental integrity. In addition, according to 16 Tex. Admin. Code § 25.101, the following  
27 factors shall be considered in the selection of the utility's alternative routes : "whether the routes  
28 PATRICK CLEVELAND: STATEMENT OF ROUTE ADEQUACY - 1

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1 parallel or utilize existing compatible rights-of-way for electric facilities, including the use of  
2 vacant positions on existing multiple-circuit transmission lines . . . whether the routes parallel or  
3 utilize other existing compatible rights-of-way, including roads, highways, railroads, or  
4 telephone utility rights-of-way . . . whether the routes parallel property lines or other natural or  
5 cultural features; and . . . whether the routes conform with the policy of prudent avoidance.”

7         There is evidence that CPS has ignored all of the above criteria and instead, has proposed  
8 alternative routes based purely on length, and thus, cost. One example, of many, is Segment 17,  
9 which could've run on the west property line of A-132 and A-128, where it would only affect  
10 those properties, but instead runs along the east property line, which is adjacent to approximately  
11 23 properties. Another example is Segment 32, which could've run on the west edge of  
12 properties C-029, T-052, T-051, K-012 and K-014 where it would've affected few properties, but  
13 instead, runs on the east property lines and is adjacent to approximately 23 properties. Another  
14 example is Segment 55 which could've run on the south property line of O-084 where it  
15 would've been adjacent to approximately five properties, but instead, runs along the west and  
16 north property lines where it is adjacent to approximately 26 properties. Another example is  
17 Segment 42, which could've followed the south property line of B-006, but instead, dissects the  
18 middle of the property.

21         In addition to the above, the most glaring deficiency in the proposed routes is the failure  
22 to include a segment that follows Toutant Beauregard Road to Balcones Creek, then follow  
23 existing distribution line ROW to the existing Ranchtown to Menger Creek transmission line,  
24 which is another example of CPS factoring only the length of line, and thus, cost, rather than the  
25 criteria found in PURA § 37.056(c) and 16 Tex. Admin. Code § 25.101. Approximately 100%  
26 of the length of such a segment would satisfy the criteria in § 25.101 in that it would follow a  
27

1 road, follow property lines, follow existing ROW from electrical distribution lines and conform  
2 with the policy of prudent avoidance. See Google Earth map of distribution lines provided by  
3 CPS at the Share Site. <https://jacksonwalker.sharefile.com/Authentication/Login>. Also, the  
4 length of Segment 40, as proposed, is approximately 1.24 miles from Crow Karsch Road to the  
5 existing transmission line. The length of the unproposed segment following Toutant Beauregard  
6 Road to Balcones Creek is approximately 1.8 miles, which is only 0.56 miles longer. Such a  
7 segment would make Route Y approximately 5.79 miles long, which is shorter than 13 other  
8 proposed Routes, which include A, B, E, G, H, L, M, O, S, T, U, V and W.  
9

10  
11 Finally, CPS was provided notice by the undersigned via email on October 30, 2020 that  
12 Segment 49 goes through a recreational area which is used for hiking, bird and other wildlife  
13 viewing and hunting. Yet, approximately one week later, CPS submitted written testimony by  
14 Ms. Lisa Meaux in this case stating that “none of the 28 alternative routes cross or are located  
15 within 1,000 feet of any parks and recreation facilities and no significant impacts to the use of  
16 parks and recreation facilities are anticipated from any of the alternative routes.” Meaux Direct  
17 Testimony, Pg. 15-16. Also, Ms. Meaux testified that “no adverse impacts are anticipated for  
18 any fishing or hunting areas from any of the alternative routes.” *Id.* In addition, Ms. Meaux  
19 testified that she “personally evaluated each potential route and . . . all of the primary alternative  
20 routes in the Application . . . comply with the routing requirements of PURA § 37.056(c)(4)(A)-  
21 (D), Commission Substantive Rule 25.101, [and] the Commission’s application  
22 requirements . . .” *Id.* at 13. Yet, Ms. Meaux, after CPS had been provided notice of the  
23 recreational area, made no attempt to contact the undersigned and took no steps to investigate the  
24 fact that Segment 49 dissects a recreational area. The above statements and actions are evidence  
25 that CPS and Ms. Meaux have failed to perform due diligence in selecting proposed segments.  
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1 PRAYER FOR RELIEF

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3 WHEREFORE, for the above reasons, I, Patrick Cleveland, respectfully request that CPS  
4 be ordered to, 1) conduct a valid evaluation of primary alternative routes based upon the  
5 requirements set forth in 11 PURA § 37.056(c)(4)(A)–(D), Commission Substantive Rule  
6 25.101(b)(3)(B), the Commission’s application requirements, and the issues commonly included  
7 for consideration in the Commission’s preliminary orders for CCN applications; and 2) include a  
8 proposed segment that would follow Toutant Beauregard Road to Balcones Creek, then follow  
9 existing electrical distribution ROW to the Ranchtown to Menger Creek transmission line.  
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11 I also do hereby request a hearing on the matter.  
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13  
14 Dated this 24<sup>th</sup> day of November, 2020.  
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16 /Patrick Cleveland/  
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CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on November 24, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/Patrick Cleveland/

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Patrick Cleveland