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STATE UTILITY COMMISSION  
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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

INTERVENOR JAMES MIDDLETON’S REPLY AND OBJECTIONS TO CPS ENERGIES RESPONSE TO STATEMENTS ON ROUTE ADEQUACY

Intervenor James Middleton submits this his objections and reply/response to CPS Energy's Response to Statements on Route Adequacy and for good cause would show as follows.

I will refer to the original ASR and Jauer route adequacy filings, the CPS response and the Cichowski response to that. I will not repeat the extensive review and exacting conclusions enumerated by the Cichowski’s but will add my perspectives.

I was the author of the original ASR position paper REGARDING all the CPS proposed route and sub route configurations prior to the Open House requests for comment (31 Oct 2019). Those findings were presented (prior to the deadline) to a full board of senior Transmission and distribution line supervisors as well as the project manager and the CPS lawyer at that time, Craig Bennett. After considerable research and analysis, it was abundantly clear Substation 1 and segment 12, routing thru and to route 40, with connection to Menger, was far and away the unequivocal best route choice. It affected the least, by far, residential homesites, with 9-12 residences/ranches and an approximate total valuation of \$12 million. It was the shortest distance and did not cross any significant feeder road (with the current “preferred” CPS route, it crosses Toutant 5 times in 1.5 miles and goes close to or thru the front entrance of 5 major sub developments). The valuation of homes and lots (some 1500) in those 5 AREAs was estimated to be \$ 1.5 BILLION. You can argue, erroneously in my view, that not all are affected, but I know

for sure it has a huge impact for prospective buyers who travel Toutant and go under those poles and lines at the entrances.

In addition, segment 12 affected no schools, or a proposed new middle school, as does the current CPS preferred route. While CPS argues it affects no schools, the NISD and all parents disagree per the NISD intervention. It doesn't take a genius to understand the lines run across the back of the current grade school and thru where the proposed middle school is to be built. NISD has purchased and spent taxpayer money to obtain 40 acres for that purpose. AND, as stated in the Cichowski response, all of this route selection was jettisoned for one Army letter that has since been totally shown to be meaningless. There was NO due diligence done on the most basic, clear choice of routes originating with segment 12.

As a point of reference, from that Oct 2019 submittal and the extensive meeting with CPS, UNTIL July 2020 when CPS filed with PUC, never once did ANYONE from CPS INDICATE to any of us, Sub 1 and Segment 12 had been eliminated. That fact is true after numerous texts, emails, and phone calls to/from the project manager and CPS lawyers during that entire 9 months following the in-person meeting with the same. We erroneously thought the whole purpose was transparency and input on route selection. We had zero of either, from that Oct 2019 meeting forward.

CPS has been deliberately evasive, non-transparent, not truthful by omission, and clearly influenced by someone or something that, without ANY due diligence, caused them to delete the segments in question. The impact and resulting selection of the current route has a devastating impact to a large population, schools, roads, entrances, and valuations. It makes no sense, from a cost, impact on people, kids, tax base valuations, and all because CPS won't or can't do their job. This needs to be entirely revisited, PERIOD.

Respectfully submitted,

By: \_\_\_\_\_

James Middleton  
11431 Cat Springs, Boerne, TX 78006

**INTERVENOR**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been filed with the Commission and served on all other parties via the PUC Interchange on this 7<sup>th</sup> day of December 2020, pursuant to SOAH Order No. 3 issued in this docket.

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James Middleton