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SOAH DOCKET NO. 473-21-0247

P.U.C. DOCKET NO. 51023

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

**STATEMENT OF POSITION OF  
STEVE AND CATHY CICHOWSKI**

My name is Steve Cichowski. I am an intervenor in this case. I live at 24914 Miranda Ridge, San Antonio, Texas 78006, which is within the Anaqua Springs Ranch subdivision and am impacted by the transmission line that runs along Toutant Beauregard and that runs along the southern border of Anaqua Springs Ranch property.

I am opposed to the routes that use, run along, are parallel to, follow, or utilize Toutant Beauregard for the following reasons:

1. The routes do not reflect a reasonable number of feasible alternatives and are in fact a mere pretext to satisfying CPS's duty in that regard in favor of its preferred route.

2. The process by which the routes were selected and the determination that the proposed number of routes were adequate violates the Equal Protection provision of the Texas Constitution by treating similarly situated citizens differently in granting rights and privileges to certain citizens which were denied to others. In general, certain viable routes were abandoned over the mere objection of the property owners. That same right was denied other similarly situated citizens. CPS has made no showing that this disparate treatment of citizens is supported by law. Furthermore, allowing entities to dictate preferred routes through *other citizens property*, by

donating right of way on their own properties also runs afoul of the Equal Protection guarantees of the Texas Constitution. Because CPS is a quasi-governmental entity and/or its route selection, processes, and activities must be approved of and are regulated by the Public Utilities Commission, these actions fall under the protections afforded all citizens by the Texas Constitution.

3. The routes objected to affect far more properties than the alternatives. CPS's analysis is based on the artificial, arbitrary, and easily manipulated 350 feet standard. This "notice" standard is not a legal or real-world standard on the effects of transmission lines on property, but a procedural one and the Commission should not reward CPS's manipulation of that standard by accepting its misapplication.

4. The route down Toutant Beaugard inexplicably avoids undeveloped property in favor of running directly through developed properties. Specifically, route Z traverses directly across Anaqua Springs and a habitable structure while avoiding the undeveloped land on the other side of Toutant Beaugard. This selection implicates not only a disregard for the PUC's preferences but also implicates the constitutional considerations previously mentioned.

5. The objectionable routes affect billions (with a b) of dollars of *existing* real property while avoiding routes which cross undeveloped ranchland and/or substantially fewer existing homes.

6. Every alleged northern alternative passes by and/or directly through property containing an elementary school and future middle school.

7. The ultimate construction of any of the objectionable routes would constitute a nuisance to Intervenors herein, and the other Intervenors living in Anaqua Springs Ranch by denying them the quiet enjoyment of their property. Once the damages from such a breach are considered, the cost of the objectionable routes become untenable and the construction of which would be a violation of the public trust.

8. The viability of these routes depends on the construction of a substation on property that was being considered for purchase by Emergency Service District 8 for use as a fire station. Suitable properties are extremely hard to find for both budgetary and topographical/geographical reasons. That fire station is desperately needed to bring fire protection to several hundred homes. Already two homes in Anaqua have burned to the ground because the nearest fire station is so far away. The loss of the location of a fire station in favor of a substation comprises an extreme risk to the health, safety, and welfare of all the people living along the Toutant Beauregard corridor.

I am also opposed to the routes that use segments 38, 39, and 43 for all the reasons cited above because those segments impact Anaqua Springs properties on the southern border. In fact, one of those routes is within 350 feet of Intervenor's home as well as within 350 feet of other homes in Anaqua Springs Ranch subdivision.

I wish to remain an intervenor and participate in this case.

Respectfully submitted,

By: Steve Cichowski

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**INTERVENORS**

**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 4<sup>th</sup> day of January 2021, pursuant to SOAH Order No. 3 issued in this docket.

\_\_\_\_\_/S/\_\_\_\_\_  
Steve Cichowski