



Control Number: 51023



Item Number: 475

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

2021 FEB 11 PM 12:08

APPLICATION OF THE CITY OF	§	BEFORE THE STATE	OFFICE OF PUBLIC UTILITIES
SAN ANTONIO TO AMEND ITS	§		FILING CLERK
CERTIFICATE OF CONVENIENCE	§	OF	
AND NECESSITY FOR THE	§		
SCENIC LOOP 138-KV TRANSMISSION	§	ADMINISTRATIVE HEARINGS	
LINE IN BEXAR COUNTY	§		

**CPS ENERGY’S RESPONSE TO BRAD JAUER’S AND BVJ PROPERTIES, L.L.C.’S  
SECOND REQUESTS FOR INFORMATION TO CPS ENERGY**

COMES NOW the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and files this Response to the Brad Jauer’s and BVJ Properties, L.L.C.’s Second Request for Information (RFI). This Response is timely filed. CPS Energy agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

Respectfully submitted,

/s/ Kirk D. Rasmussen  
 Kirk D. Rasmussen  
 State Bar No. 24013374  
 Craig R. Bennett  
 State Bar No. 00793325  
 Jackson Walker LLP  
 100 Congress Avenue, Suite 1100  
 Austin, Texas 78701  
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 Email: cbennett@jw.com

**ATTORNEYS FOR CPS ENERGY**

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with SOAH Order 3 in this proceeding.

*/s/ Kirk D. Rasmussen*

Kirk D. Rasmussen

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Brad Jauer & BVJ Properties RFI 2 -1:

Regarding CPS’s responses to RFI AS 2-4 and 2-5, given CPS’s definition of “engineering constraints” and the proximity Habitable Structure 81 to Segment 54 (*i.e.*, 32 feet to the edge of the right-of-way and 82 feet to the center of right-of-way, referencing Table 4-7 of EA Attachment 2), how close to the edge of a segment's right-of-way (“ROW”) does a home have to be to be considered an engineering constraint that would require either that the house be condemned or that the line be rerouted, or other the employment of other protective measures?

Response No. 2-1:

CPS Energy obtains right-of-way for its transmission lines sufficient for the safe operation of its facilities in accordance with applicable local, state and federal statutes, regulations, and guidelines, including the current version of the National Electrical Safety Code. CPS Energy generally does not allow permanent structures within its transmission line rights-of-way. Permanent structures located outside of the proposed right-of-way (including Habitable Structure 81) are not an “engineering constraint” and would generally not need to be removed or condemned for the safe construction and operation of a transmission line. CPS Energy does not anticipate any concerns constructing and operating the proposed transmission line as delineated on Segment 54 within proximity to Habitable Structure 81. Throughout CPS Energy’s system, there are numerous transmission lines operated safely within 82 feet (or less) from occupied habitable structures.

Prepared By:	Scott D. Lyssy	Title: Manager Civil Engineering
	Adam R. Marin	Title: Regulatory Case Manager
Sponsored By:	Scott D. Lyssy	Title: Manager Civil Engineering
	Adam R. Marin	Title: Regulatory Case Manager

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Brad Jauer & BVJ Properties RFI 2-2:

According to the Scenic Loop CE Spreadsheet Final 12-18-2020, Segment 54 is predicted to have a 75-foot ROW. However, the answers to RFIs AS 2-4 and 2-5 appear to be based on a 100-foot ROW. Please clarify.

Response No. 2-2:

As stated in response to Question 6 of the Application and on page 1-1 of the Environmental Assessment, which is Attachment 1 to the Application, it is currently anticipated that the proposed transmission line facilities will be constructed utilizing a right-of-way width of approximately 100 feet. Thus, all of the routes presented in the Application and Amended Application as delineated by POWER Engineers, Inc. and all of the measurements presented in the Application and Amended Application assume a 100 foot right of way in order to present the widest possible impact of the transmission line on the community and the closest possible expected distance of the facilities to measured resources (including habitable structures). As CPS Energy also explained in previous discovery responses in this proceeding (refer to CPS Energy’s responses to Anaqua Springs Question Nos. 2-5, 2-6, and 2-7), the survey, geotechnical, and engineering work necessary to design the proposed transmission line facilities has not yet been completed. Thus, CPS Energy cannot yet identify where pole structures will be located nor whether narrower than anticipated right-of-way may be required along some portions of those segments, particularly along road rights-of-way. In some areas along road rights-of-way, CPS Energy may be able to utilize narrower than typical rights-of-way or may be able to utilize up to 25 feet of the road right-of-way for the clearances necessary to safely operate the transmission line facilities.

As stated above, in order to present the Public Utility Commission of Texas and interested members of the community with the widest possible impact of the transmission line on the community and the closest possible distance of the facilities to measured resources (and to ensure notice to owners of habitable structures within 300 feet of such locations), CPS Energy delineated all route segments presented in this proceeding with a 100 foot right-of-way. In determining reasonably anticipated costs to construct several of the segments proposed along road rights-of-way, however, CPS Energy’s real estate experts assumed a narrower right-of-way acquisition would be required (75 feet). Thus, there were not specific or particular constraints related to

utilizing a reduced right-of-way cost estimate, rather it was based on location adjacent to existing road rights-of-way. If the segment locations along road rights-of-way were narrowed, all of the distances to measured resources (e.g., habitable structures) will increase 12.5 to 25 feet.

Prepared By:	Lisa B. Meaux	Title:	Project Manager, POWER Engineers, Inc.
	Scott D. Lyssy	Title:	Manager Civil Engineering
Sponsored By:	Lisa B. Meaux	Title:	Project Manager, POWER Engineers, Inc.
	Scott D. Lyssy	Title:	Manager Civil Engineering

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Brad Jauer & BVJ Properties RFI 2-3:

Please describe CPS’s policy regarding condemnation and relocation or purchasing and demolishing homes or other habitable structures that prove to be a constraint to routing transmission lines in a “safe, efficient and cost effective” manner. Does CPS anticipate that condemnations of homes such as Habitable Structure 81 will be necessary?

Response No. 2-3:

All of the routes proposed in CPS Energy’s application in this proceeding can be operated in a safe, efficient, and cost effective manner without the condemnation or relocation of any existing habitable structures, including Habitable Structure 81.

Prepared By:	Scott D. Lyssy	Title: Manager Civil Engineering
	Adam R. Marin	Title: Regulatory Case Manager
Sponsored By:	Scott D. Lyssy	Title: Manager Civil Engineering
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Brad Jauer & BVJ Properties RFI 2-4:

Please describe where contingency for condemnation is located in the project cost estimates and how it was calculated. Does this amount vary between rural and urban settings? What recent actual project cost experience is this based on?

Response No. 2-4:

The estimated right-of-way cost for each segment proposed in this proceeding includes the total cost to obtain all of the right-of-way, including a reasonable number of condemnation proceedings. A CPS Energy system average cost for legal fees to obtain each parcel includes condemnation costs as a historical CPS Energy system average. CPS Energy does not utilize different legal fees cost estimates in obtaining each parcel based on the rural or urban nature of the project. The right-of-way cost for each segment was determined by CPS Energy real estate experts with experience in obtaining right-of-way throughout CPS Energy’s system.

Prepared By: Scott D. Lyssy	Title: Manager Civil Engineering
Sponsored By: Scott D. Lyssy	Title: Manager Civil Engineering



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Brad Jauer & BVJ Properties RFI 2-5:

CPS’s response to numerous RFIs is that its standard ROW is 100 feet, but various work streams have not yet been completed to provide for the delineation of where a narrower ROW will be considered or where pole structures will be located or how many will be used. However, Scenic Loop CE Spreadsheet Final 12-18-2020 contains columns for lineal feet of 75-foot ROW width, as well as lineal feet of 100-foot ROW width. Please explain how CPS has both responded that it does not know where a 75-foot ROW will be used, yet has provided a spreadsheet indicating the precise segments where CPS plans to use a 75-foot ROW. Please identify the constraints that led CPS to assume a 75 foot ROW in certain segments (i.e., Segment 54 is 100% 75-foot ROW).

Response No. 2-5:

Refer to CPS Energy’s response to Brad Jauer & BVJ Properties RFI 2-2.

Prepared By: Scott D. Lyssy	Title: Manager Civil Engineering
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Brad Jauer & BVJ Properties RFI 2-6:

Along segments shown as using a 75-foot right-of-way in Spreadsheet Final 12-18-2020, does CPS plan to use a portion of the road right-of-way, and if so, how much in each instance?

Response No. 2-6:

Refer to CPS Energy’s response to Brad Jauer & BVJ Properties RFI 2-2.

Prepared By: Scott D. Lyssy	Title: Manager Civil Engineering
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Brad Jauer & BVJ Properties RFI 2-7:

Regarding CPS response to AS 2-6, please identify the point where the 292-foot measurement was taken. Please advise why Habitable Structure 56 (the Rose Palace) does not appear in any of Tables 4-6 through 4-36 in EA Amended Attachment 2. What are the distances to the edge and center of ROW to the nearest corner of the sheet metal roof? What protective measures, such as grounding the sheet metal roof and metal pipe fencing, are contemplated to protect the inhabitants during events?

Response No. 2-7:

Based on POWER Engineers, Inc.’s observations of Habitable Structure 56 (the Rose Palace) from public rights-of-way and aerial photography, a significant portion of the structure, including the portion closest to Segment 5, is utilized for animal pens similar to a barn. Thus, the measurement for Habitable Structure 56 was taken from the proposed route centerline of Segment 5 to the portion of the structure with activities consistent with the definition of a habitable structure contained in the rules of the Public Utility Commission of Texas. Because the habitable structure portion of Habitable Structure 56 is more than 300 feet from the nearest segment centerline, that structure is not included in the tabulation presented in Table 4-1 and Tables 4-6 through 4-36.

Prepared By: Lisa B. Meaux                      Title: Project Manager, POWER Engineers, Inc.  
Sponsored By: Lisa B. Meaux                      Title: Project Manager, POWER Engineers, Inc.

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Brad Jauer & BVJ Properties RFI 2-8:

CPS response to AS 2-12 states in part: “As a prudent utility operator CPS Energy will ensure appropriate grounding, if necessary, for any of the facilities proposed for the construction of the Project.” Please state how CPS determines if appropriate grounding is necessary? Do CPS easements convey the right to enter properties and test and install grounding systems? Does CPS disclose up front when initial easement negotiations take place with impacted homeowners that grounding may be necessary, what potential dangers will be mitigated, and how this grounding will be maintained? Please describe CPS’s typical cathodic protection for steel natural gas or water pipelines.

Response No. 2-8:

CPS Energy obtains easements that provide sufficient access to safely construct and operate its facilities. Any specific landowner requirements, negotiations, or access needs are addressed on a case by case basis. It is not anticipated that access to any property outside of the easement will be necessary to ensure safe grounding of the proposed transmission line facilities. Once CPS Energy identifies the exact locations and the foundations are installed, a resistivity test is conducted on all foundations. If the test returns a result of 25 ohms or greater, additional grounding conductor is buried around the foundations until a reading of less than 25 ohms is achieved.

CPS Energy is not aware of any steel natural gas or water pipelines within the study area. Further, any issues necessitating potential consideration of cathodic protection will only be related to steel pipelines carrying hydrocarbons (not water) running parallel to the proposed transmission line facilities. CPS Energy is not aware of any standards that require it to take any specific actions with regard to a pipeline’s cathodic protection requirements to safely operate pipeline facilities.

Prepared By: Scott D. Lyssy                      Title: Manager Civil Engineering  
Sponsored By: Scott D. Lyssy                      Title: Manager Civil Engineering

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Brad Jauer & BVJ Properties RFI 2-9:

Please advise if homes, playground equipment fences, metal roofing, gutter and downspouts, etc. along Toutant Beauregard where there is 75-foot ROW anticipated, including Segments 14, 54, 20 and 36 or any other location where there is a planned 75-foot right-of-way would need grounding systems installed to protect inhabitants from induced currents. What dangers exist for homeowners if the installed grounding systems fail? Where has CPS included grounding costs in their estimates?

Response No. 2-9:

No. CPS Energy will utilize, if necessary, appropriate grounding on its facilities. As a prudent utility operator, CPS Energy constructs, operates, and maintains its transmission line facilities in accordance with all applicable federal, state, and local statutes, rules, guidelines, and codes. CPS Energy is unable to speculate about potential dangers associated with the failure of its reasonably installed and maintained equipment.

Prepared By: Scott D. Lyssy  
Sponsored By: Scott D. Lyssy

Title: Manager Civil Engineering  
Title: Manager Civil Engineering

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Brad Jauer & BVJ Properties RFI 2-10:

Regarding AS 2-16 and 2-17, substation site 7, parcel A-078 is just slightly larger than 7 acres and is irregularly pie shaped with a maximum width of just over 400 feet. CPS figure 1-6 shows a squarish boundary with equal clearance to the fence for all components. How would altering CPS standard design to fit within this narrow parcel change the response to these RFI's? Would the entire parcel need to be clear cut of all vegetation? Would the substation security fence generally be located at the lot lines, and is there any setback required for perimeter fencing?

Response No. 2-10:

If Substation Site 7 is an endpoint of a route approved by the Public Utility Commission of Texas for the Project, the substation facilities will be designed and constructed on the property in a way that minimizes the footprint on the property and leaves as much of the existing vegetation as possible for a visual buffer. No “clear cutting” is anticipated. Based on CPS Energy’s current understanding of the property without the benefit of on the ground surveys, it is anticipated the substation facilities will be constructed in the center area of the property.

CPS Energy is not aware of any setback requirements that will be applicable to the construction and operation of substation facilities on Substation Site 7.

It is presently anticipated that approximately eight foot high chain-link security fencing will be installed around the perimeter of the substation equipment (i.e., not at the lot line). If Substation Site 7 is utilized for the project, CPS Energy will evaluate if a lower barbed wire property line fence is also appropriate.

Prepared By: Scott D. Lyssy	Title: Manager Civil Engineering
Sponsored By: Scott D. Lyssy	Title: Manager Civil Engineering

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Brad Jauer & BVJ Properties RFI 2-11:

In addition to the response provided to AS 2-25 and 2-26, please provide draft documents, emails, and any other documents that were prepared, reviewed, or discussed prior to developing final content, including but not limited to Segment 54 and Substation site 7.

Response No. 2-11:

There are no documents responsive to this request.

Prepared By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.
Sponsored By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.

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Brad Jauer & BVJ Properties RFI 2-12:

Referring to *CPS Energy Electric Transmission Line Routing/Substation Siting General Process Manual, 4.A.1.a*, where it is stated: “Existing residential areas and subdivisions will be avoided when possible. Habitable structures will be avoided wherever feasible.” Please describe how Segment 54 complies with this requirement.

Response No. 2-12:

The *CPS Energy Electric Transmission Line Routing/Substation Siting General Process Manual* is, as indicated by the title of the document, a general guidance and reference document. It is not a strict set of requirements. All of the routes proposed in the Application and Application Amendment have been identified in compliance with the general guidance of the manual. Refer to Section 2.1 of the Environmental Assessment, which is included as Attachment 1 to the Application.

Prepared By: Adam R. Marin	Title: Regulatory Case Manager
Sponsored By: Adam R. Marin	Title: Regulatory Case Manager



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Brad Jauer & BVJ Properties RFI 2-13:

Referring to *CPS Energy Electric Transmission Line Routing/Substation Siting General Process Manual, 4.A.2.h re: Neighborhood Impact*, where it is stated: “The substation site will be located to minimize impact on churches, schools, parks, residences, etc.” Please describe how Substation Site 7 minimizes impacts on nearby residences given its location within a populated/mature residential neighborhood.

Response No. 2-13:

Because of the residential and developing nature of the Study Area for the Project, most of the substation locations included in CPS Energy’s Application are within some proximity to habitable structures. CPS Energy’s evaluation of Substation Site 7 specifically took into consideration impacts to the surrounding area and determined the location was acceptable. The oversized and heavily vegetated property provides CPS Energy with an opportunity to construct and operate the substation facilities away from the property lines with existing vegetation around the facility reducing the visual impacts. Refer also to CPS Energy’s response to Brad Jauer & BVJ Properties RFI 2-10.

Prepared By: Adam R. Marin	Title: Regulatory Case Manager
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Brad Jauer & BVJ Properties RFI 2-14:

Referring to *CPS Energy Electric Transmission Line Routing/Substation Siting General Process Manual, 4.A.2.n*, where it is stated: “Potential noise will be considered when the location of substations is being determined.” Please advise what considerations were given to noise impacts on the nearby neighbors along Segments 14, 54, 20, 32, 36, 42 and 35.

Response No. 2-14:

The *CPS Energy Electric Transmission Line Routing/Substation Siting General Process Manual* is a general guidance and reference document. It is not a strict set of requirements. The statement referenced is in regard to substations, not transmission lines. Audible noise from transmission lines located along any segment of the Project, including those listed in this question, is considered to be minimal.

Prepared By: Adam R. Marin  
Sponsored By: Adam R. Marin

Title: Regulatory Case Manager  
Title: Regulatory Case Manager

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

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
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<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF</b>
<b>AND NECESSITY FOR THE</b>	<b>§</b>	
<b>SCENIC LOOP 138-KV TRANSMISSION</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>LINE IN BEXAR COUNTY</b>	<b>§</b>	

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Brad Jauer & BVJ Properties RFI 2-15:

Referring to Table 4-2, please indicate what type of existing right-of-way 0.85 mile of Segment 43 is parallel to. Please also indicate whether the 0.65 mile of length of ROW parallel and adjacent to apparent property lines is included or separate from the 0.85 mile of other right-of- way. Please indicate on Figure 4-1 the approximate location of each of those paralleling rights-of-way.

Response No. 2-15:

The “other existing right-of-way” is a two-track dirt road identified on the property that Segment 43 is paralleling for approximately 0.85 mile. The 0.65 mile length of right-of-way parallel and adjacent to apparent property lines is not included in the 0.85 mile measurement of other existing right-of-way.

Prepared By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.
Sponsored By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.

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Brad Jauer & BVJ Properties RFI 2-16:

Regarding the pipeline or other utility service line currently marked with yellow paint and flags on the north side of Toutant Beauregard along Segment 20, please provide its (e.g., the pipeline’s) owner, size (e.g., diameter), composition or material (e.g., metal, polyvinyl, etc., including type thereof), and type (e.g. water, natural gas, etc., as well as whether it is a distribution or transmission line), and please indicate whether CPS is the entity currently having that pipeline or other utility service marked.

Response No. 2-16:

CPS Energy does not have any information regarding any pipelines in proximity to Segment 20, including owner, size, composition or material, and type. The pipeline information that POWER obtained from PLATTs and the Railroad Commission of Texas (RRC) in performing the routing assessment for this Project does not show any distribution, transmission, gathering, intrastate, or interstate hydrocarbon pipelines within the study area. CPS Energy is not currently surveying or marking pipelines in the Study Area in association with this Project. Following approval of a specific route for the Project by the Public Utility Commission of Texas, survey and geotechnical studies necessary to design and construct the proposed transmission line facilities will be completed.

Typical pipeline system types in the RRC data include the following:

- A = Offshore (Liquids)
- B = Apartment Complexes
- C = Compressor Station
- D = Distribution
- E = Interstate Transmission Gas
- F = Non-Jurisdictional Gathering
- G = Gas Gathering
- H = Government (Housing Authority)
- I = LP Gas Distribution
- J = Direct Sales Customer
- K = Carbon Dioxide Pipelines

O = Crude Transmission  
M = Municipal Distribution  
N = City Not Served  
L = Crude Gathering  
P = Product Lines (NOT Highly Volatile)  
Q = Other Liquid Lines (Highly Volatile)  
S = Municipal Supply Line  
T = Transmission  
U = Underground Liquid Storage  
V = Underground Gas Storage  
W = Mobile Home Parks  
X = Liquefied Natural Gas  
Y = Brine  
Z = Offshore (Gas) Gathering

Prepared By: Lisa B. Meaux  
Adam R. Marin

Title: Project Manager, POWER Engineers, Inc.

Title: Regulatory Case Manager

Sponsored By: Lisa B. Meaux  
Adam R. Marin

Title: Project Manager, POWER Engineers, Inc.

Title: Regulatory Case Manager

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Brad Jauer & BVJ Properties RFI 2-17:

Is the habitable structure currently located between Habitable Structures 93 and 94 included in the Application, as amended? What is the distance from that habitable structure to the centerline of the right-of-way on Segment 54?

Response No. 2-17:

The habitable structure located between Habitable Structures 93 and 94 was not tabulated in the data presented in either the Application or Application Amendment. The distance from the habitable structure to the centerline of Segment 54 is approximately 260 feet. POWER’s initial aerial photograph interpretation using ESRI identified the structure as a shed. Upon further review, POWER agrees that this is a habitable structure and that it should be included in the Application. The owner of the property was provided direct mail notice of the Project at the time the Application was filed on July 22, 2020 (Tract A-074, row 75 of Attachment 8 to the Application). CPS Energy will update its habitable structure counts for routes within 300 feet of this structure prior to the Hearing on the Merits in this proceeding (e.g., the habitable structure counts for Routes A, B1, C1, D1, E, G1, H, I1, J1, K, L, M1, X1, Y, Z1, AA1, BB, CC, DD, EE will all increase by one). Note that the data CPS Energy provided in response to Chandler RFI 1-1a for Route AA2 does include this habitable structure in the count.

Prepared By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.
Sponsored By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.

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Brad Jauer & BVJ Properties RFI 2-18:

How close is the existing San Antonio Water System (“SAWS”) water well to the centerline of Segment 5, Segment 14 and/or Segment 13? Has SAWS been notified of those segments and their proximity to the water well? Please provide any related.

Response No. 2-18:

The closest water well to Segments 5, 13, and 14 is approximately 180 feet to the node where the segments meet; however, the well data information that POWER obtained from the Texas Water Development Board does not show San Antonio Water System as the owner of the water well. The owner of the water well is listed as S & S Hills WSC. San Antonio Water System has been notified about the Project proposed in this proceeding.

Prepared By:	Lisa B. Meaux	Title:	Project Manager, POWER Engineers, Inc.
	Adam R. Marin	Title:	Regulatory Case Manager
Sponsored By:	Lisa B. Meaux	Title:	Project Manager, POWER Engineers, Inc.
	Adam R. Marin	Title:	Regulatory Case Manager

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Brad Jauer & BVJ Properties RFI 2-19:

Was Segment 35, as drawn before the open house, closer to McAndrew School than Segment 42, which was added after the open house and after an easement was donated to accommodate it?

Response No. 2-19:

Segment 35 was not modified after the open house meeting. The Dr. Sara B. McAndrew Elementary School building is closer to Segment 35 than it is to Segment 42.

Prepared By: Lisa B. Meaux	Title: Project Manager, POWER Engineers, Inc.
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