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


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

DIRECT TESTIMONY OF MICHAEL W. BITTER
ON BEHALF OF INTERVENOR BEXAR RANCH, L.P.

Michael W. Bitter files this, his Direct Testimony on behalf of Intervenor BEXAR RANCH, L.P., and stipulates that all parties may treat this Direct Testimony as though filed under oath.

Respectfully submitted,

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ATTORNEYS FOR BEXAR RANCH, L.P.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed in the records of Docket 51023 on this 17th day of February, 2021.

A handwritten signature in black ink, appearing to read 'Soledad M. Valenciano', written over a horizontal line.

Soledad M. Valenciano

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1 I. INTRODUCTION

2 PLEASE STATE YOUR NAME FOR THE RECORD.

3 My name is Michael W. Bitter.

4 ON WHOSE BEHALF ARE YOU PROVIDING DIRECT TESTIMONY?

5 Intervenor, Bexar Ranch, L.P.

6 WHAT IS THE PURPOSE OF YOUR TESTIMONY?

7 The purpose of my testimony is to state Bexar Ranch's opposition to Segments
8 43, 44 and 45, all of which are proposed to run across Bexar Ranch.

9 DO YOU OPPOSE ANY OTHER SEGMENTS?

10 Yes, those that tie in to Segments 43, 44 and 45.

11 ARE THE AERIAL IMAGES AND MAPS INCLUDED IN THIS TESTIMONY
12 TRUE AND ACCURATE DEPICTIONS OF BEXAR RANCH AND HOW
13 PROPOSED SEGMENTS 43, 44 AND 45 WILL CROSS IT?

14 Yes.

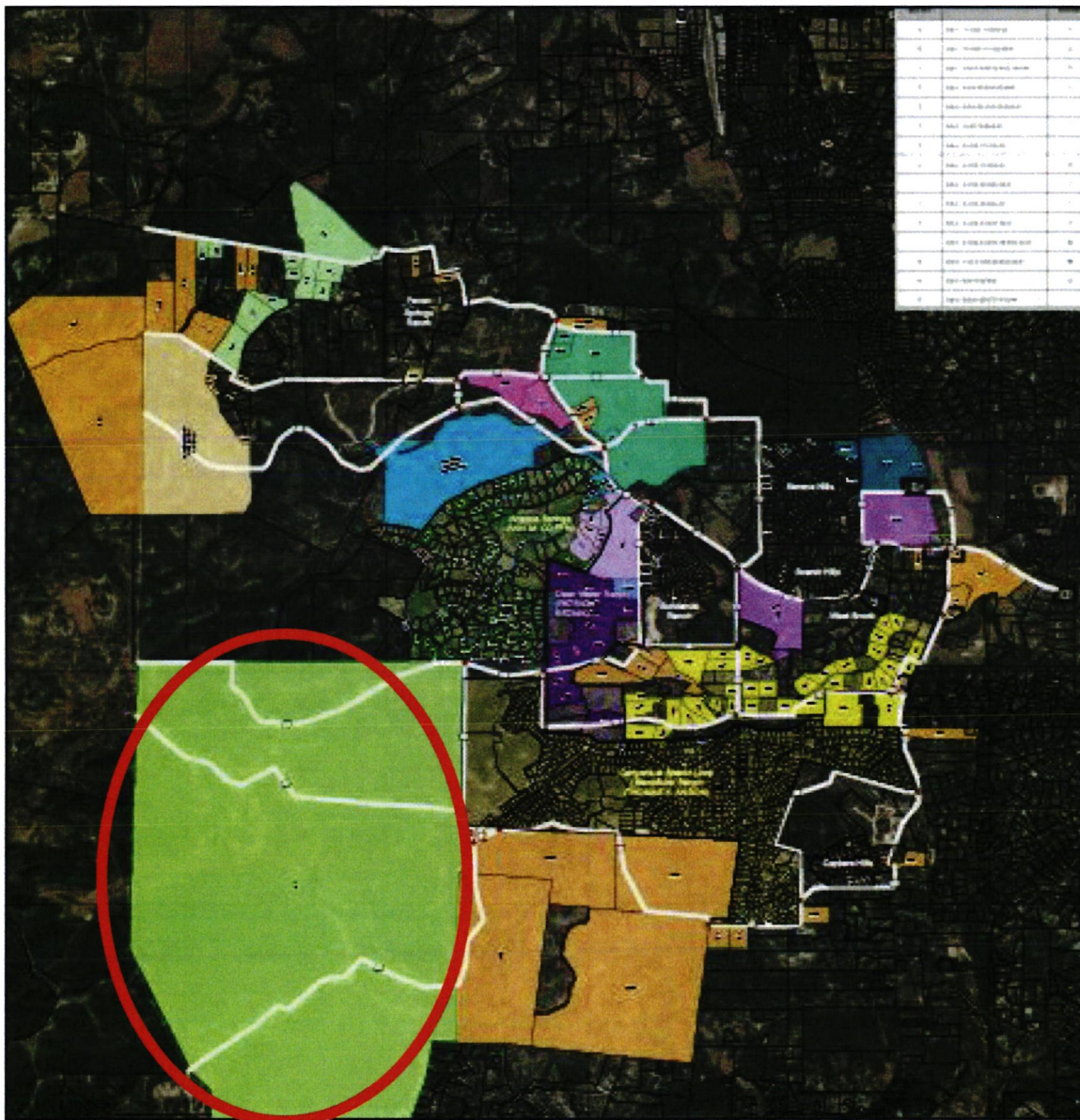
15 DO YOU HAVE A PREFERENCE ON WHAT ROUTE SHOULD BE ORDERED
16 BY THE PUC?

17 Yes, I believe that CPS's "best meets" Route Z, now known as Route Z1, should
18 be ordered by the PUC. I also support the Texas Parks and Wildlife
19 Department's choice of Route AA, now known as Route AA1. I understand that
20 Route Z1 is substantially similar to Route Z, and Route AA1 is substantially
21 similar to Route AA, both amended to include donated land.

1 II. PROPERTY MAPS

2 BELOW ARE A SERIES OF AERIAL IMAGES. WHAT DO EACH SHOW?

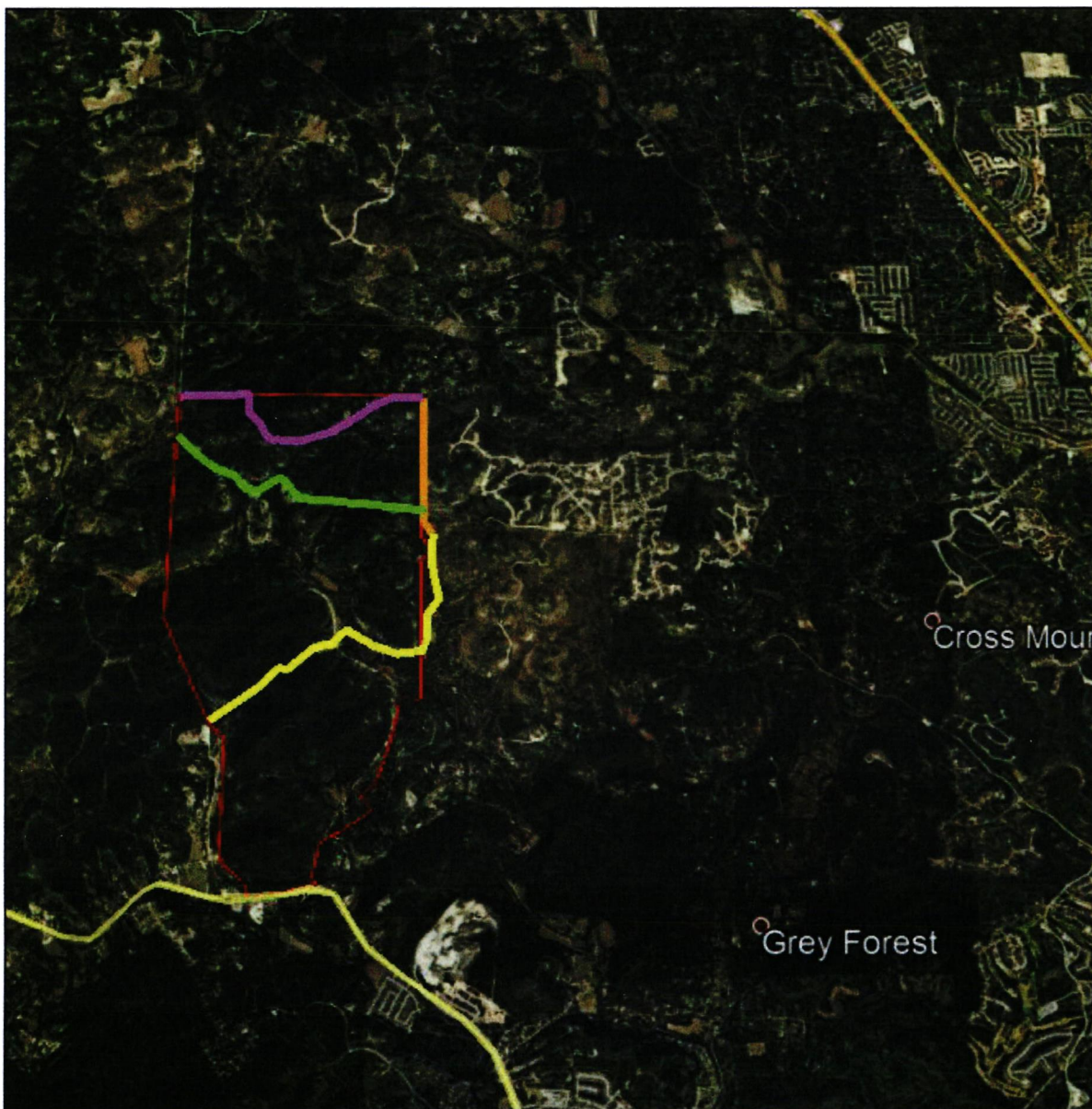
3 The first image is CPS's original intervenor map. I provide it to show the general
4 location of Bexar Ranch, circled in red, in the study area. While this map has
5 since been amended, the routes on Bexar Ranch – 43, 44, and 45 -- have not
6 changed. Not all of Bexar Ranch is shown on the map.



1 **WHAT DOES THIS NEXT IMAGE OR MAP SHOW?**

2 This next map is an aerial image of Bexar Ranch, with Segment 43 in pink,

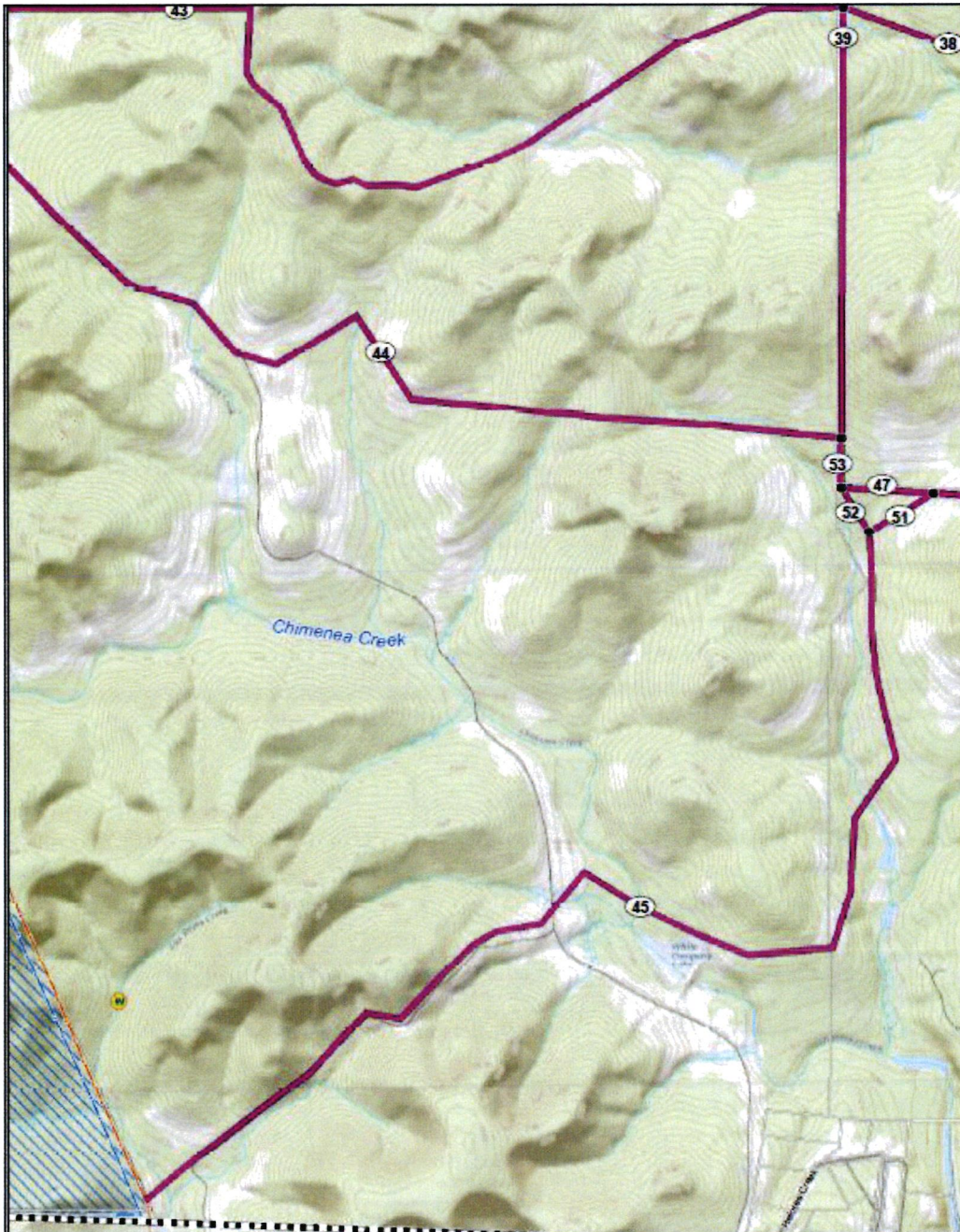
3 Segment 44 in green and Segment 45 in yellow.



4

1 **WHAT DOES THE NEXT IMAGE OR MAP SHOW?**

2 This image is from one of CPS's constraint maps. It also shows Segments 43, 44
3 and 45 on Bexar Ranch, as well as Bexar Ranch's significant topography
4 changes and multiple water features.



5

1 **III. HISTORY OF THE PROPERTY**

2 **WHAT IS THE HISTORY OF THIS PROPERTY?**

3 Bexar Ranch has been in my family for 5 generations. It has always been both a
4 working ranch and a gathering place. It was acquired in pieces and put together
5 by my great-grandfather. My father, Joseph Bitter, shown below with my son,
6 raised my siblings and me, and now our children, to preserve and protect this
7 property so that the family can enjoy it for generations to come.



8
9 The objective today is to maintain the integrity of the native hill country species in
10 the area. Simply stated, our ranch has been here almost 100 years, and we've
11 worked generations to preserve it.

1 **DESCRIBE THE PROPERTY IN YOUR OWN WORDS.**

2 Bexar Ranch is unique: it has all the allure of the scenic hill country with some of
3 the most beautiful hills anywhere in the region. It has some of the roughest and
4 tallest hills in the region including some of the highest points in Bexar County.
5 The entire property is covered with hills, small and large by Texas hill country
6 standards, and the corresponding ridges, valleys, ravines and creeks. The terrain
7 is rough, rocky and heavily wooded.

8 With the rough hill country terrain, the ranch has many creeks, two natural
9 artesian springs that flow most of the year, tanks for wildlife and life livestock -
10 both natural 'tinacas' and man-made - and two man-made lakes.

11 It is also a wildlife sanctuary. Whitetail deer, wild turkeys, wild boar,
12 aoudad, jack rabbits and cotton tales, coyotes, raccoons, porcupine, ringtail cats,
13 mountain lions, and a variety of birds, including birds of prey, abound.

14 The ranch is heavily wooded, with a wide variety of oaks, elms, walnuts,
15 pecans, a few rare madrones, and ash juniper (cedar), as well as lots of
16 mountain laurel, agarita, native grass fields and cactus. There are many, many
17 heritage trees. It is mostly green year-round with bright colors in the fall.

18 There are many fossils on the ranch, and arrowheads and other artifacts
19 are occasionally found. Most frequently they are found in the creeks all over the
20 ranch. There are also numerous artifacts that are ruins of early Texas
21 settlements on the property. These range from rock walls, to the remains of an

- 1 old homestead and corresponding cemetery, to a still-standing caliche and timber
- 2 cabin.



4 **WHAT DO YOU THINK ARE THE BEST ATTRIBUTES OF THE PROPERTY?**

- 5 Bexar ranch is big enough, at approximately 3200 acres, that you can feel like
- 6 you escaped the city, but close enough to the metropolitan area that you can be
- 7 at the ranch in less than thirty minutes from the San Antonio International Airport,
- 8 or downtown. If you like the outdoors, there is a lot to do: hiking, mountain biking,
- 9 hunting and fishing, fossil-hunting, water activities, or simply sitting outside on the
- 10 porch.

11 **WHAT MAKES THE PROPERTY UNIQUE?**

1 It is hard to find a property this size - 3200 acres - still in its natural state and this
2 close to a major metropolitan area.

3 **WHAT ARE THE LONG-TERM PLANS FOR BEXAR RANCH?**

4 My family hopes to preserve it as a working ranch and gathering place for future
5 generations.

6 **DESCRIBE THE IMPROVEMENTS ON THE PROPERTY.**

7 Most improvements on the property have been placed there historically to be
8 operated as a working ranch: fences, livestock tanks, cisterns, water wells, cattle
9 pens, etc. The small house our family has traditionally utilized is a converted ranch
10 hand's 'home'. We are building a new larger home that better accommodates the
11 growing number of family members. There are also several dams.



12



1



2

1 **ARE THE IMPROVEMENTS LOCATED TO ENJOY THE SCENIC VISTAS?**

2 Yes, the dams and “roads” go hand-in-hand with enjoying the scenic views.
3 Each dam is situated in a location where the topography and vegetation are
4 extraordinary. Most of our roads are rough, rocky ranch roads that are unpaved,
5 unimproved two-track roads. These “roads” give us access, albeit challenging
6 access, to the various scenic areas of the ranch, including hilltop views that go
7 for miles. While the original two houses were strictly for purposes of housing
8 ranch hands, and as typical were built in low, practical locations, the new house
9 we are building is two stories and has beautiful views from the second floor.

10 **TELL US ABOUT BEXAR RANCH’S SCENERY.**

11 Bexar Ranch has many beautiful scenic views – fantastic views! There are
12 several points from which downtown San Antonio can be seen. There are other
13 hilltops that are surrounded by other hills and ridges to such an extent that
14 nothing but the natural wonders of the ranch can be seen. Probably all such
15 points would be “stained” by at least one of the proposed segments. I can
16 honestly say that the scenic views are one of the greatest attractions of the
17 ranch, with family members and guests hiking, biking and horseback riding to
18 various points to experience the scenic views.





IV. IMPACT OF THE LINE

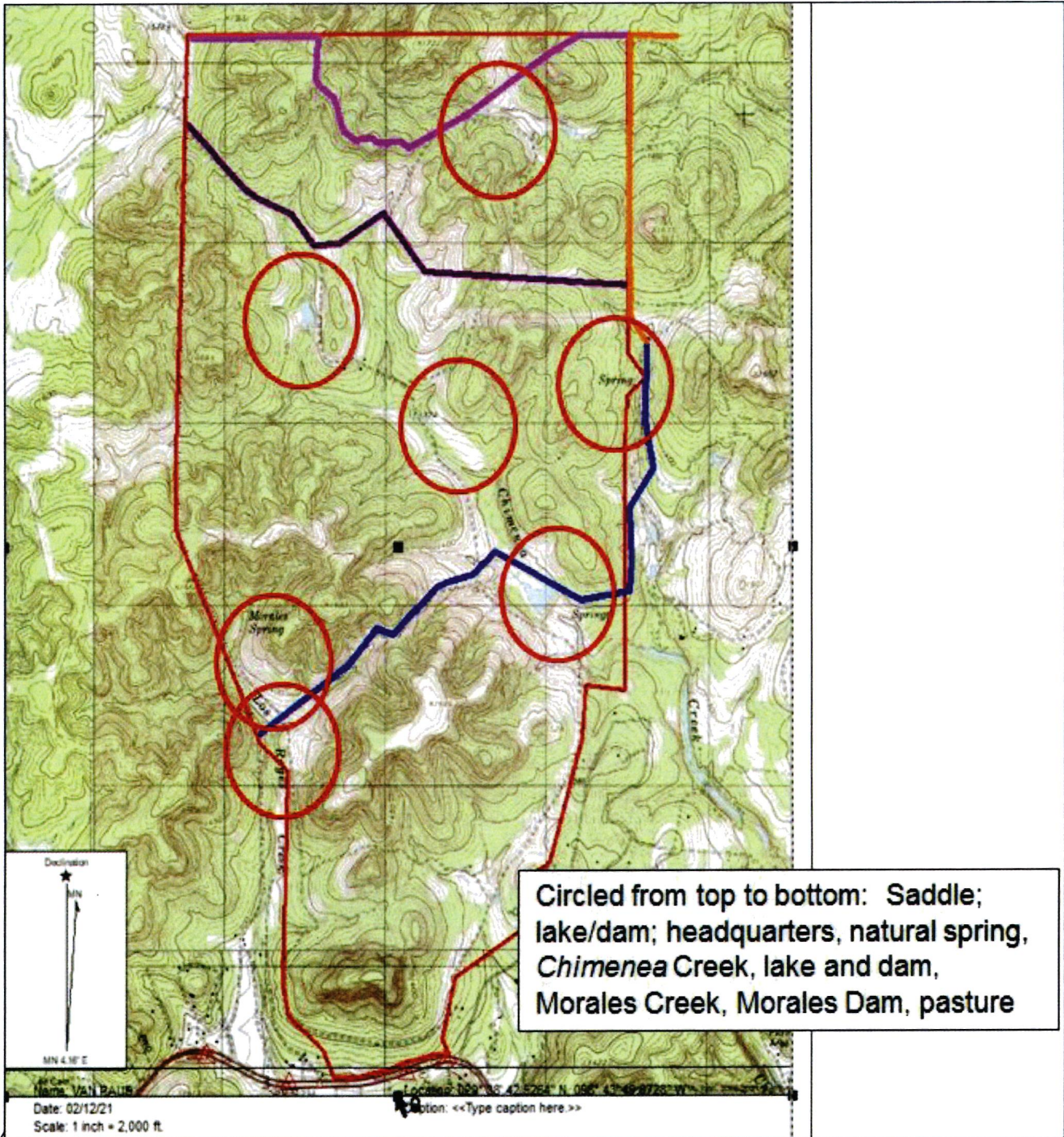
1

2 WHAT DOES THE FOLLOWING IMAGE SHOW?

2

3 It shows certain locations of interest on Bexar Ranch.

3



1 **HOW WOULD THOSE SCENIC VISTAS ON YOUR PROPERTY BE**
2 **IMPACTED BY THE CONSTRUCTION OF THE LINE ON YOUR PROPERTY?**

3 The views would never be the same again because each of these three east-
4 west segments (1) cross somewhere in the middle of the ranch; (2) cross
5 highpoints on the ranch; and/or (3) travel along high ridges. It is as if CPS wants
6 the world to see their transmission line. Each of these three segments, 43, 44
7 and 45, bisect the ranch, with each crossing over, through or near some of the
8 most beautiful and/or sensitive areas of the ranch.

9 For example, Segment 43, which originally followed the ranch's northern
10 boundary, now inexplicably wanders around the northern part of the ranch. The
11 route follows the path of a sightseer trying to take in as many of the most
12 spectacular natural features and scenic views as possible, including two of my
13 personal favorite spots. It crosses the saddle between the 'twin peaks' just inside
14 the northern fence line, follows the entire ridge where my sister, Barbara and her
15 husband, Vince were engaged, to the gap, and then turns to the north fence line.
16 It then turns left and follows the north fence to the northwest corner of the
17 ranch. On that part of the ranch, I would be hard-pressed to make it worse. The
18 path is treacherous, steep and winding, which makes its use more confounding.



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Figures above – showing Segment 43

1 Segment 44 crosses though the middle of the ranch, and like Segment 43,
2 it crosses some of the highest points on the ranch. Because it is the middle
3 segment of the three proposed to cross Bexar Ranch, it ensures that it will be
4 visible from virtually the entire ranch. It will definitely be seen from our
5 headquarters. Family gatherings will see the transmission line in close, stark
6 view. We will always be reminded of the presence of this towering transmission
7 line and how it fragments the ranch we have worked so diligently to preserve.

8 Section 45 manages to travel immediately adjacent, or perhaps over, the
9 only two reservoirs that dependably hold water, and appears to cross over or
10 pass immediately adjacent to the one in the southwest portion of the ranch. The
11 clearing of a heavily wooded area for the transmission line will cause erosion that
12 will drain into the lake, and damage the beauty and serenity --the transmission
13 lines make constant noise -- of one of our major improvements and one of the
14 most sensitive areas of the ranch, given the lake is fed by Los Reyes Creek that
15 originates from the artesian Morales Springs. This is also the area where several
16 archaeological and historical artifacts are located. As you move away from the
17 dam and lake, there is an area along Segment 45 where we have a large pasture
18 that is simply beautiful. It is one of few large open areas on the property. And,
19 Segment 45 is down Chimenea Creek valley from the headquarters, and within
20 its vistas.



2

Figure above – showing Segment 45

3 **HOW WOULD YOUR ROADS BE IMPACTED BY THE TRANSMISSION LINE?**

4 The installation of a transmission line along our two-track roads will not only
5 ensure we have to see it as much as possible, but it will also bring erosion
6 issues. In theory, CPS will be responsible for the maintenance of their right of
7 way, but Mother Nature does not wait for their maintenance schedule. Rain and
8 the topography of the ranch will promote erosion, no matter how much CPS
9 doesn't want that to be the case.

1 **WHAT DO YOU MEAN BY “TWO-TRACK ROADS”?**

2 At two-track road generally means a path that gets worn by the two tracks of a
3 truck due to a temporary, short term use.

4 **DESCRIBE HOW CPS WOULD REACH EACH PROPOSED SEGMENT FOR**
5 **CONSTRUCTION OR MAINTENANCE PURPOSES.**

6 This is unknown but could be particularly challenging.

7 **DESCRIBE YOUR CONCERNS REGARDING CONSTRUCTION ACTIVITIES**
8 **ON THE PROPERTY.**

9 The first concern is safety, as many of our better two-track roads are steep and
10 rough with drop offs. Similar danger exists in the off-road areas that would be
11 incorporated into the right of way, especially for the unwary.



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22

1 **IF IT IS DIFFICULT TO CONSTRUCT A TRANSMISSION LINE ON BEXAR**
2 **RANCH, WHY WOULD IT BE ANY EASIER TO CONSTRUCT ON THE**
3 **PROPERTIES ALONG Z1 AND AA1 THAT USE PORTIONS OF TOUTANT-**
4 **BEAUREGARD ROAD?**

5 Below are two photographs of Toutant-Beauregard Road. The routes that
6 incorporate and parallel Toutant-Beauregard Road, like Z1 and AA1, have many
7 advantages. Those routes tend to not have similar topography, which is why
8 those roads were routed where they are. CPS will also have much easier access
9 to at least those portions of the line, without the expense of building and
10 maintaining access roads. Even to the extent the proposed CPS segments on
11 Bexar Ranch utilize our ranch roads, the dynamic is very different: most of our
12 “two-track roads” are not paved or even improved, and in many cases are
13 impassable by CPS vehicles and equipment necessary for line installation. To
14 the extent that they may be or be made passible, they will be much slower and
15 more dangerous.



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1 **ARE THERE ANY CURRENT OR FUTURE PLANS THAT YOU HAVE WITH**
2 **RESPECT TO THE USE OF YOUR PROPERTY THAT WOULD BE**
3 **MATERIALLY IMPACTED BY THE CONSTRUCTION OF CPS'S LINE ON**
4 **YOUR PROPERTY?**

5 Yes. We are currently in the process to be considered for the City of San
6 Antonio's Aquifer Protection Program, known as the "APP." If successful, that
7 program would place the ranch in a conservation easement to prevent
8 development and protect the Edward's Aquifer, San Antonio's principal source of
9 water. This is exactly why the City of San Antonio has the program: to prevent
10 the development of properties still in pristine condition. Through these efforts, we
11 understand that the City of San Antonio believes that development 'breeds'
12 development, or in this case, the installation of a transmission line will increase
13 development pressure on the ranch, the opposite of the APP's objectives.
14 Ironically, we have a letter from the City's APP indicating that Bexar Ranch is at
15 the top of their list in terms of properties they would like to pursue for the
16 program. This transmission line could undermine that.

17 More generally, we hope to preserve Bexar Ranch for the use and
18 enjoyment of future generations of the Bitter Family. My kids and their cousins
19 represent the 5th generation of family on the ranch. It serves as a family
20 gathering place, as well as an educational experience to learn about land
21 management, maintenance and preservation. This is a very special place to us.

22

1 **V. CONCLUDING REMARKS**

2 **WHY ARE YOU OPPOSED TO A COMMISSION ORDER PERMITTING CPS**
3 **TO BUILD ITS ELECTRIC TRANSMISSION LINE ON YOUR PROPERTY?**

4 There are other routes available that make more sense, both economically and in
5 terms of trying to protect lands that offer the community value, for example,
6 aquifer recharge and endangered species habitat, at no expense. Bexar Ranch
7 is not developed, nor is development desired by Bexar Ranch. Fairness would
8 say that Bexar Ranch not receive this transmission line that is the direct result of
9 intense development by others.

10 **WHY SHOULD YOUR PROPERTY BE SPARED OVER HOMEOWNERS'**
11 **PROPERTIES IN THE AREA?**

12 Building across undeveloped land that has been cared for by private owners for
13 decades, is like punishing the well-behaved child for trying to break up the fight at
14 school. As a matter of public policy, it creates the wrong incentives. If we want
15 property to be protected and preserved, especially that over the Edwards Aquifer
16 or to provide habitat to endangered species, shouldn't we reward those that do
17 so without public expense, instead of penalizing them for the development
18 carried out on other properties? The developed areas, especially the new
19 development, is what is creating the demand the new transmission line and
20 substation are intended to meet. Care should be taken to ensure those areas
21 carry the burden of the infrastructure they require, as much as possible. Bexar

1 Ranch and its neighbor to the west have already been burdened with CPS
2 transmission lines.

3 We pray that the Administrative Law Judges and the Honorable
4 Commissioners are not persuaded by the “numbers” of intervenors that may
5 oppose routes utilizing the well-traversed, paved and level Toutant-Beauregard
6 Road, many of whom do not own a parcel that would bear the new transmission
7 line, much less own a parcel that would bear the line in the sheer magnitude as
8 would Bexar Ranch. On behalf of my family, most notably my father, Joseph
9 Bitter, we hope that we are spared this time.



10

1 **VI. ADOPTION OF TESTIMONY AND AUTHENTICATION**

2 **DO YOU ALSO ADOPT AND INCORPORATE THE DIRECT TESTIMONY OF**
3 **SARAH A. BITTER, STEPHEN BITTER AND VINCE TERRACINA INTO YOUR**
4 **TESTIMONY HERE, IN FULL, AS THOUGH YOUR OWN?**

5 Yes, I do.

6 **ARE THE MAPS AND PHOTOGRAPHS, WHICH ARE HEREBY INCLUDED**
7 **TO SERVE AS EXHIBITS TO YOUR TESTIMONY, TRUE AND ACCURATE**
8 **REPRESENTATIONS OF BEXAR RANCH; SEGMENTS 43, 44 AND 45;**
9 **AND/OR TOUTANT-BEAUREGARD ROAD, AS THE CASE MAY BE?**

10 Yes.

11 **DOES THIS CONCLUDE YOUR TESTIMONY?**

12 Yes. Thank you for the opportunity to provide this testimony.