



Control Number: 51023



Item Number: 526

Addendum StartPage: 0



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

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

DIRECT TESTIMONY OF BYRON ECKHART AND GINA ECKHART
ON BEHALF OF CLEARWATER RANCH POA

Intervenors, Byron Eckhart and Gina Eckhart, on behalf of Clearwater Ranch POA (“Clearwater Ranch”) files this Direct Testimony, which is attached. Clearwater Ranch stipulates that this Direct Testimony can be treated by all parties as if the answers were filed under oath.

Respectfully submitted,

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ATTORNEYS FOR CLEARWATER RANCH

526

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 19, 2021, in accordance with Public Utility Commission Procedural Rule 22.74.

/s/Patrick L. Reznik

Patrick L. Reznik

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4 **I. INTRODUCTION**

5 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
6 RECORD.

7 ANSWER: Byron Eckhart and Gina Eckhart, 24711 Clearwater Run, San Antonio, TX 78255.
8
9

10 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-21-0247 AND PUC
11 DOCKET NO. 51023 AND ON WHOSE BEHALF ARE YOU TESTIFYING?
12

13 ANSWER: Yes. We are testifying on behalf of ourselves, Byron and Gina Eckhart, and the
14 Clearwater Ranch POA, which we fully support.
15
16

17 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF
18 TEXAS (“PUC” OR “COMMISSION”) PROCEEDING?
19

20 ANSWER: No.
21
22

23 QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND WORK
24 HISTORIES.
25

26 ANSWER: Byron Eckhart, MBA, Our Lady of the Lake University recently retired after 30 plus
27 years of Project and Program Management at USAA. Gina Eckhart, MBA, Our Lady of the Lake
28 University and Real Estate License has been at USAA for 36 plus years. Gina is currently is an
29 Information Technology (IT) Project Manager.
30
31

32 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
33

34 ANSWER: Our property is located at 24711 Clearwater Run, San Antonio, TX 78255. Lot 6.
35

36 ***See Exhibit A.***
37

38 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?
39

40 ANSWER: We purchased the property in March 2016 and have been improving for the property
41 since then so we have owned it for 4+ years.

1
2 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF BEXAR COUNTY, TEXAS?

3
4 ANSWER: Yes we are. Gina is a resident of 60 years Bexar County. Byron has been a resident in
5 Bexar County for 35 years.

6
7
8 **II. PURPOSE AND SCOPE OF TESTIMONY**
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10
11 QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?

12
13 ANSWER: The purpose of our testimony is to (a) describe our property; (b) describe the expected
14 impact of the proposed transmission line on our property; (c) voice our opposition against The City
15 of San Antonio, acting by and through the City Public Service Board (“CPS Energy”), using
16 Segments 25, 26a, 32, 37, 38, 39, and 43 and Routes F1, K, L, N1, P, Q1, R1, T1, U1, BB, and CC
17 which utilize these Segments; and (d) voice our support for Routes Z1 and AA1.

18
19
20 QUESTION: WHAT IS CLEARWATER RANCH POA’S CONCERNS ABOUT THE
21 PROPOSED TRANSMISSION LINE USING CPS ENERGY’S SEGMENTS 25, 26a, 37, 38, 39
22 AND 43 AND ROUTES F1, K, L, N1, P, Q1, R1, T1, U1, BB, AND CC?
23

24 ANSWER: In general, Clearwater Ranch is opposed to the construction of CPS Energy’s
25 transmission line through their community because of the following: (1) a 138-kV transmission
26 line will severely depreciate the value of the Clearwater Ranch properties; (2) a 138-kV
27 transmission line will severely detract from the scenic beauty and aesthetic values of the
28 Clearwater Ranch properties and area; (3) a 138-kV transmission line would negatively impact
29 community, economic, and historical values and the character, ecology, and biology of Clearwater
30 Ranch’s properties and area; (4) the Clearwater Ranch residents and visitors will have to drive
31 under or near a 138-kV transmission line on a regular basis; (5) for transmission lines crossing a
32 Clearwater Ranch property, they would be required to give third parties access to their properties,
33 which limits the privacy and control over our properties; (6) Clearwater Ranch has general
34 concerns about any buzzing of the 138 kV transmission line and general health and safety concerns
35 and concerns about living and being close to a 138 kV transmission line; and, (7) we have gone to

1 great lengths to preserve native Texas Hill Country and have established guarantees to preserve
2 the natural native flora and fauna of the Texas Hill Country. A 138 kV transmission line would
3 utterly destroy the protections that we have established and destroy this portion of undeveloped
4 Hill Country.

5
6
7 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
8
9

10 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?
11

12 ANSWER: Yes, we have a home in the final stage of construction.
13
14

15 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
16 ECOLOGICAL OR BIOLOGICAL FEATURES.
17

18 ANSWER: The property has many Oaks and two Cedar breaks providing cover for endangered
19 species songbirds. Also, eight beehives are part of the property. The property sits at the top of a
20 ridge overlooking Leon Creek and many hills.
21
22

23 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES.
24

25 ANSWER: Residential and Beekeeping along with conservation and land management.
26
27

28 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
29 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE PROPERTY?
30

31 ANSWER: Yes, some cedar has been cleared allowing half of the property to planted with native
32 grasses and we are currently working on erosion control.
33
34

35 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF SO,
36 DESCRIBE THE GENERAL LOCATION.
37

38 ANSWER: Yes, at the North Central part of the property.
39
40

1 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO, DESCRIBE
2 THE GENERAL LOCATION.

3
4 ANSWER: No.

5
6
7 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF SO,
8 DESCRIBE THE GENERAL LOCATION.

9
10 ANSWER: No.

11
12
13 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR PROPERTY
14 IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES PREVIOUSLY
15 DESCRIBED.

16
17 ANSWER: Additional residential structures.

18
19
20 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES CROSS
21 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
22 PROPERTY.

23
24 ANSWER: No.

25
26
27 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON
28 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
29 PROPERTY.

30
31 ANSWER: No.

32
33
34 QUESTION: WOULD THE LINKS THAT MIGHT IMPACT YOUR PROPERTY RUN
35 ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?

36
37 ANSWER: No.

38
39
40 QUESTION: HOW WOULD A 138-KV ELECTRIC TRANSMISSION LINE IMPACT YOUR
41 PROPERTY AND ITS OPERATIONS?
42

1 ANSWER: The EMF resulting from the Power lines may alter bee foraging. EMF's could affect
2 the acquisition of important resources for the colonies. Since the proposed lines form two
3 boundaries of habitat for the bees, they will be forced to abandon the east and south foraging areas.

4
5
6 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
7 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

8
9 ANSWER: Yes, multiple times each day. Not only will I be impacted, but all family visiting and
10 living at 24711 Clearwater Run will be exposed to high levels of EMF.

11
12
13 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF CPS
14 ENERGY BUILDS A 138-KV TRANSMISSION LINE ON YOUR PROPERTY.

15
16 ANSWER: This property is surrounded by the hills and at the upper headwaters of the pristine
17 Leon Creek. The larger acreage tracts were a primary consideration when we purchased the land.
18 The habitat for wildlife will be negatively impacted and the views will be destroyed. The land
19 value will also be negatively impacted.

20
21
22 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
23 HAVE ANY CONCERNS ABOUT CPS ENERGY HAVING ACCESS TO YOUR PROPERTY?

24
25 ANSWER: Yes, we have the general concerns of landowners who are required to give third parties
26 access to their property. Also, this would materially affect the use of our property. We hope that
27 CPS will respect my property.

28
29
30 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
31 HAVE ANY OTHER CONCERNS?

32
33 ANSWER: We have general safety and health concerns for living around transmission lines and
34 EMF issues. Because potential buyers may be aware of medical studies available on the Internet
35 arguing, correctly or not, a connection between high-powered transmission lines causing health
36 problems and possible cancer, we are concerned about a negative stigma being attached to our

1 property and the possible devaluation of our property value. In addition, the buzzing sounds
2 emanating from high-voltage transmission lines would be bothersome for people living near them.

3
4
5 QUESTION: IS THERE ANYTHING ELSE YOU WOULD LIKE THE ADMINISTRATIVE
6 LAW JUDGE AND THE PUBLIC UTILITY COMMISSION TO CONSIDER IN THIS
7 PROCEEDING?

8
9 ANSWER: Please realize the negative impact to our community.

10
11
12 **IV. CONCLUSION AND RECOMMENDATIONS**

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14
15 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS PROCEEDING
16 REGARDING CPS ENERGY'S PROPOSED ALTERNATIVE ROUTES F1, K, L, N1, P, Q1,
17 R1, T1, U1, BB, AND CC AND CPS ENERGY'S PREFERRED ROUTES Z1 AND AA1?

18
19 ANSWER: We oppose CPS Energy's Alternative Routes F1, K, L, N1, P, Q1, R1, T1, U1, BB,
20 and CC and any Route using Segments 25, 26a, 32, 37, 38, 39, and 43. We support CPS Energy's
21 Routes Z1 and AA1 as the route(s) that best meet(s) the overall community values and PURA §
22 37.056(c)(4) and P.U.C. SUBST. R. 25.101(b)(3)(B).

23
24 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?

25
26 ANSWER: Yes.



ECKHART BYRON C & GINA M - Lot 6
 +/- 11.8580 Acres - Bexar County

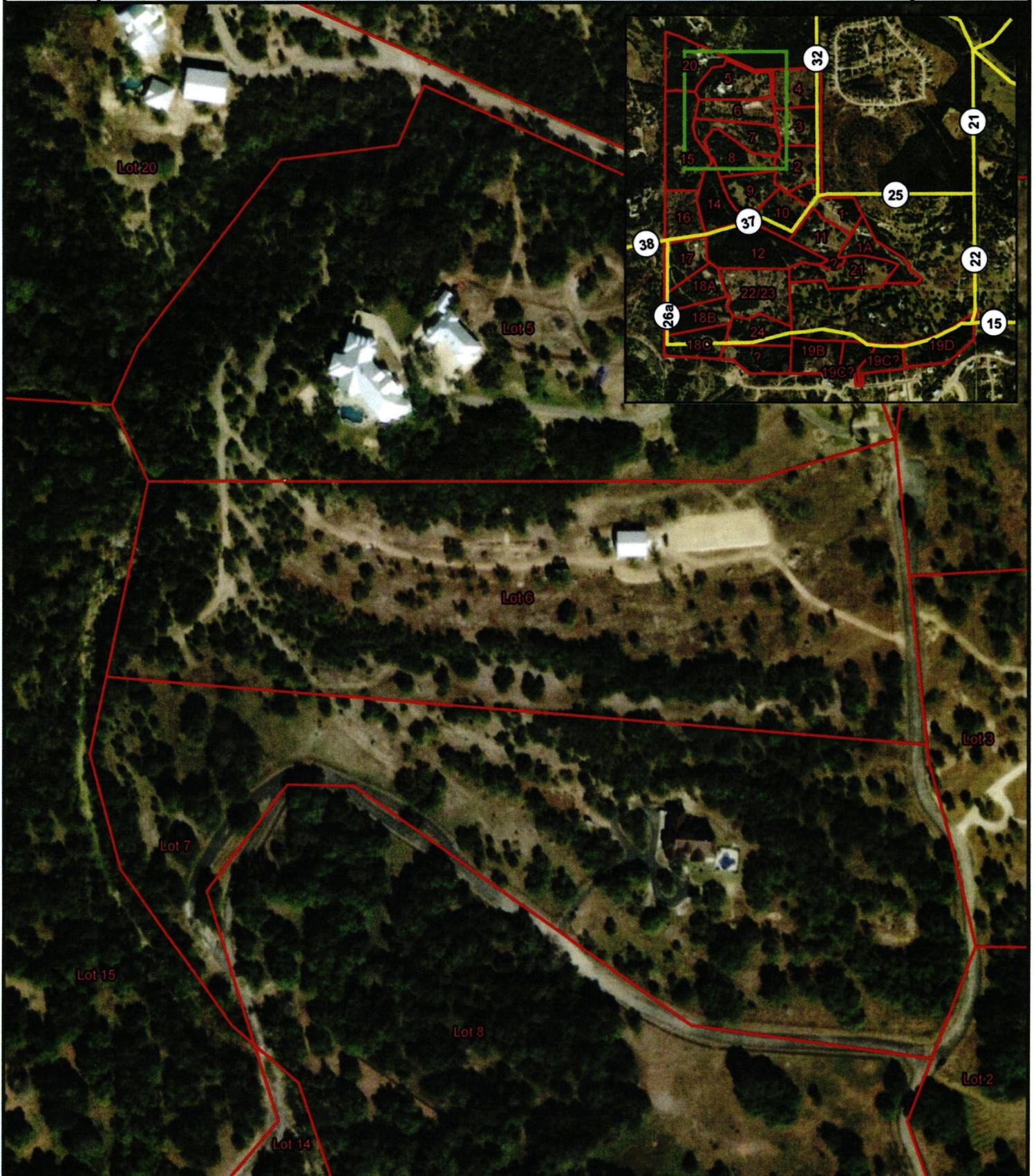


EXHIBIT A

