

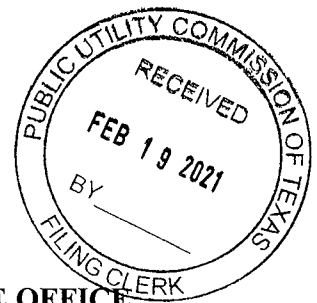


Control Number: 51023



Item Number: 529

Addendum StartPage: 0



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

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 IN BEXAR §
COUNTY §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY OF RUSSELL HARRIS AND BROOK HARRIS
ON BEHALF OF CLEARWATER RANCH POA

Intervenors, Russell Harris & Brook Harris 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,

BRAUN & GRESHAM, PLLC

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ATTORNEYS FOR CLEARWATER RANCH

529

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

6
7 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
8 RECORD.
9

10 ANSWER: Russell Harris & Brook Harris 24617 Clearwater Run, San Antonio, TX 78255.
11

12 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-21-0247 AND PUC
13 DOCKET NO. 51023 AND ON WHOSE BEHALF ARE YOU TESTIFYING?
14

15 ANSWER: Yes. We are testifying on behalf of ourselves, Russell Harris & Brook Harris, and
16 Clearwater Ranch POA, which we fully support.
17

18 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION OF
19 TEXAS ("PUC" OR "COMMISSION") PROCEEDING?
20

21 ANSWER: No
22

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

26 ANSWER: Russell is a retired racehorse trainer. He has served on too many committees to list
27 with the American Quarter Horse Association (AQHA), including past director. He is currently
28 the chairman of the racing council for the AQHA. He was in the top 10 racehorse trainers in the
29 nation for over 10 years and has trained seven world champions. Brook has a BS degree from
30 Oregon State University in Animal Science as well as a minor in Science and is currently a retired
31 Racehorse trainer. Brook and Russell now flip houses to make ends meet.
32

33 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
34

35 ANSWER: 24617 Clearwater Run San Antonio, TX 78255. Lot 9. **See Exhibit A.**
36
37

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

40 ANSWER: 15 years, since 2005.
41

1
2
3 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF BEXAR COUNTY, TEXAS?
4

5 ANSWER: Yes.
6
7

8 **II. PURPOSE AND SCOPE OF TESTIMONY**
9

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
36 great lengths to preserve native Texas Hill Country and have established guarantees to preserve

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

4
5 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
6

7
8 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?
9

10 ANSWER: Yes, our shop and home and they are very close to the proposed Segment 37. *See*
11 **Exhibit A.**

12
13 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
14 ECOLOGICAL OR BIOLOGICAL FEATURES.
15

16
17 ANSWER: The land around our home is a mixture of young and old oaks of all kinds, some
18 hundreds of years old, mountain cedar, ash trees and pasture. Trees fully surround the property.
19 Leon Creek runs just along the border of our land.

20
21 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES.
22

23
24 ANSWER: Our property is a fully developed residential property and is integral to our home. We
25 put everything we have into our land and home since we plan to live here for the rest of our lives.
26 We use our shop for to flip houses. We have a garden and chickens and two fenced pastures for
27 our donkey.

28
29 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
30 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE PROPERTY?
31

32
33 ANSWER: We cleared the land of cedars. We keep the pastures mowed. We are engaged in
34 wildlife exemption and ag exemption. We have beehives and wildlife feeders for the turkey and
35 birds as well as birdhouses specifically for the endangered species of Titmouse songbirds.
36
37

1 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF SO,
2 DESCRIBE THE GENERAL LOCATION.

3
4 ANSWER: Yes, our water well is on the east side of our home closer to the proposed Segment 37.
5 It services our home, livestock and wildlife.

6
7
8 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO, DESCRIBE
9 THE GENERAL LOCATION.

10
11 ANSWER: No. However, we do have an underground propane tank on the west side of our home.

12
13
14 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF SO,
15 DESCRIBE THE GENERAL LOCATION.

16
17 ANSWER: No.

18
19
20 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR PROPERTY
21 IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES PREVIOUSLY
22 DESCRIBED.

23
24 ANSWER: We plan to have horses and maybe a few goats or cows. This is our permanent home.

25
26
27 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES CROSS
28 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
29 PROPERTY.

30
31 ANSWER: Yes, on the north border of our property, there is a CPS electric line, which our
32 neighborhood went to great expense to bury underground to preserve the natural beauty of the
33 area. We do have an electricity distribution line that comes down to our driveway to serve only
34 our home, and this was buried underground at increased cost to us.

35
36
37 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON
38 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
39 PROPERTY.

40
41 ANSWER: No.

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3 QUESTION: WOULD THE LINKS THAT MIGHT IMPACT YOUR PROPERTY RUN
4 ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?

5
6 ANSWER: Segment 37 would be very close to the western border/corner of our property. This
7 would destroy all the trees along this Segment, which would surely be visible everyday as we drive
8 in and out. These trees provide security, beauty and environmental benefits such as a habitat for
9 wildlife. Segment 37 also looks to be several hundred feet from our home. **See Exhibit A.**

10
11
12 QUESTION: HOW WOULD A 138-KV ELECTRIC TRANSMISSION LINE IMPACT YOUR
13 PROPERTY AND ITS OPERATIONS?

14
15 ANSWER: Segments 37 would require removal of trees exposing the property and destroying the
16 natural beauty that is so integral to the value and benefit of the property. We believe removal of
17 these trees would cause environmental harm by destroying the habitat of the wildlife that resides
18 on the property. This line would also be very close to our home.

19
20
21 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
22 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

23
24 ANSWER: It looks like we might have to drive under the transmission line to get to my house.
25 We would at least have to drive next to it, obviously very unsightly and most sickening.

26
27
28 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF CPS
29 ENERGY BUILDS A 138-KV TRANSMISSION LINE ON YOUR PROPERTY.

30
31 ANSWER: Total destruction of property value and lifestyle. Oak trees that are over 200 years old
32 would be destroyed! This should never be allowed. It would make us SICK to have to look at the
33 power lines and to see the massive oak trees destroyed, not to say anything of the health hazards.

34
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36 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
37 HAVE ANY CONCERNS ABOUT CPS ENERGY HAVING ACCESS TO YOUR PROPERTY?

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ANSWER: Yes, we have the general concerns of landowners who are required to give third parties access to their property. Also, this would materially affect the use of our property. I hope that CPS will respect my property. If I have animals in my pastures they would not be able to access anything in there. The liability of getting injured by one of the animals is too great.

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

ANSWER: We have general safety and health concerns for living around transmission lines and EMF issues. Because potential buyers may be aware of medical studies available on the Internet arguing, correctly or not, a connection between high-powered transmission lines causing health problems and possible cancer, we are concerned about a negative stigma being attached to our property and the inevitable devaluation of our property value. In addition, the buzzing sounds emanating from high-voltage transmission lines would be bothersome for people living near them.

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

ANSWER: YES. We bought our land in 2005 knowing all of the utility lines would be underground. This was a big factor in buying our land. The price we paid for this land reflected that attribute. Now, after we have invested everything in our land and home, you want to change it to service new people moving into the area. When people buy land they should know about utility lines and that fact is correctly reflected in the price that is paid for the home/land they are purchasing. We do not feel that we should have to pay, via land devalued, for the errors of the county that neglected to plan ahead for everyone they are now having to service.

1 **IV. CONCLUSION AND RECOMMENDATIONS**

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4 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS PROCEEDING
5 REGARDING CPS ENERGY'S PROPOSED ALTERNATIVE ROUTES F1, K, L, N1, P, Q1,
6 R1, T1, U1, BB, AND CC AND CPS ENERGY'S PREFERRED ROUTES Z1 AND AA1?
7

8 ANSWER: We oppose CPS Energy's Alternative Routes F1, K, L, N1, P, Q1, R1, T1, U1, BB,
9 and CC and any Route using Segments 25, 26a, 32, 37, 38, 39, and 43. We support CPS Energy's
10 Routes Z1 and AA1 as the route(s) that best meet(s) the overall community values and PURA §
11 37.056(c)(4) and P.U.C. SUBST. R. 25.101(b)(3)(B).

12
13 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?
14



15 ANSWER: Yes.



HARRIS RUSSELL M & M BROOK - Lot 9
 +/- 11.2200 Acres - Bexar County



EXHIBIT A

 Lot
 Route

