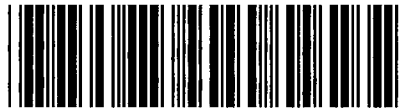




Control Number: 51023



Item Number: 540

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 L.W. ARBUTHNOT
ON BEHALF OF CLEARWATER RANCH POA

Intervenor, L.W. Arbuthnot 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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/s/Patrick L. Reznik

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ATTORNEYS FOR CLEARWATER RANCH

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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1 **I. INTRODUCTION**

2
3
4 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
5 RECORD.

6
7 ANSWER: L.W. Arbuthnot, 503 Wild Turkey, Boerne, Texas 78006.
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. I am testifying on behalf of myself , L.W. Arbuthnot ,and Clearwater Ranch
14 POA, which I 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: Retired Farmer and High School Graduate.
27

28
29 QUESTION: WHERE IS YOUR PROPERTY LOCATED?
30

31 ANSWER: 10814 Clearwater Meadow, San Antonio, TX 78255. Lot 19A. **See Exhibit A.**
32
33

34 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?
35

36 ANSWER: I purchased the property in September of 2019 or 1.5 years ago.
37

38
39 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF BEXAR COUNTY, TEXAS?
40

41 ANSWER: Yes, I have lived in the area for 21 years.
42
43
44
45

II. PURPOSE AND SCOPE OF TESTIMONY

QUESTION: WHAT IS THE PURPOSE AND SCOPE OF YOUR TESTIMONY?

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

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

ANSWER: In general, Clearwater Ranch is opposed to the construction of CPS Energy's transmission line through their community because of the following: (1) a 138-kV transmission line will severely depreciate the value of the Clearwater Ranch properties; (2) a 138-kV transmission line will severely detract from the scenic beauty and aesthetic values of the Clearwater Ranch properties and area; (3) a 138-kV transmission line would negatively impact community, economic, and historical values and the character, ecology, and biology of Clearwater Ranch's properties and area; (4) the Clearwater Ranch residents and visitors will have to drive under or near a 138-kV transmission line on a regular basis; (5) for transmission lines crossing a Clearwater Ranch property, they would be required to give third parties access to their properties, which limits the privacy and control over our properties; (6) Clearwater Ranch has general concerns about any buzzing of the 138 kV transmission line and general health and safety concerns and concerns about living and being close to a 138 kV transmission line; and, (7) we have gone to great lengths to preserve native Texas Hill Country and have established guarantees to preserve the natural native flora and fauna of the Texas Hill Country. A 138 kV transmission line would utterly destroy the protections that we have established and destroy this portion of undeveloped Hill Country.

1 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
2
3

4 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?

5
6 ANSWER: No.
7

8
9 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
10 ECOLOGICAL OR BIOLOGICAL FEATURES.

11
12 ANSWER: My property has vegetation that consist of many indigenous trees, Heritage Oaks, and
13 prairie grasses. My property also drains into an adjacent creek that feeds a year round spring,
14 making it an ecological marvel.
15

16
17 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES.

18
19 ANSWER: It is currently under a Wildlife Management Exemption because of the abundant
20 animals: including protected birds that live on the property near the creek.
21

22
23 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
24 RESTORE THE LAND OR THE ENVIRONMENTAL QUALITY OF THE PROPERTY?

25
26 ANSWER: Yes.
27

28
29 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF SO,
30 DESCRIBE THE GENERAL LOCATION.

31
32 ANSWER: Unknown.
33

34
35 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO, DESCRIBE
36 THE GENERAL LOCATION.

37
38 ANSWER: No.
39

40
41 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF SO,
42 DESCRIBE THE GENERAL LOCATION.

1
2 ANSWER: No.

3
4
5 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR PROPERTY
6 IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES PREVIOUSLY
7 DESCRIBED.

8
9 ANSWER: I plan to build a home and guest house.

10
11
12 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES CROSS
13 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
14 PROPERTY.

15
16 ANSWER: No.

17
18
19 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON
20 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS THE
21 PROPERTY.

22
23 ANSWER: No.

24
25
26 QUESTION: WOULD THE LINKS THAT MIGHT IMPACT YOUR PROPERTY RUN
27 ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?

28
29 ANSWER: Yes, Segment 26a, while not on my property, would run along a portion of the northern
30 boundary of the property. **See Exhibit A.**

31
32
33 QUESTION: HOW WOULD A 138-KV ELECTRIC TRANSMISSION LINE IMPACT YOUR
34 PROPERTY AND ITS OPERATIONS?

35
36 ANSWER: It would destroy the habitat areas that I have worked hard to preserve. It would also
37 devalue my property by hundreds of thousands of dollars.

38
39
40 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
41 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

1 ANSWER: Yes, all ingress and egress.

2
3
4 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF CPS
5 ENERGY BUILDS A 138-KV TRANSMISSION LINE ON YOUR PROPERTY.

6
7 ANSWER: The unique sensitive environmental attributes of the land will be destroyed forever,
8 changing the aesthetic beauty of the property. This beauty is why I purchased the land.

9
10
11 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
12 HAVE ANY CONCERNS ABOUT CPS ENERGY HAVING ACCESS TO YOUR PROPERTY?

13
14 ANSWER: Yes, we have the general concerns of landowners who are required to give third parties
15 access to their property. Also, this would materially affect the use of our property. I hope that CPS
16 will respect my property; however, being a farmer/landowner, I know that CPS cannot guarantee
17 the protection of my property, wild life, and domestic animals by the contractors who access the
18 property.

19
20
21 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO YOU
22 HAVE ANY OTHER CONCERNS?

23
24 ANSWER: We have general safety and health concerns for living around transmission lines and
25 EMF issues. Because potential buyers may be aware of medical studies available on the Internet
26 arguing, correctly or not, a connection between high-powered transmission lines causing health
27 problems and possible cancer, we are concerned about a negative stigma being attached to our
28 property and the possible devaluation of our property value. In addition, the buzzing sounds
29 emanating from high-voltage transmission lines would be bothersome for people living near them.

30
31
32 QUESTION: IS THERE ANYTHING ELSE YOU WOULD LIKE THE ADMINISTRATIVE
33 LAW JUDGE AND THE PUBLIC UTILITY COMMISSION TO CONSIDER IN THIS
34 PROCEEDING?

35
36 ANSWER: Yes. I am 81 years of age, I needed to be close to medical facilities for my wife and I,
37 while preserving our way of life and this property did that. The economic hardship created by this

1 line will likely exceed one million dollars and that is only if I can find a similar property, which is
2 not likely. If I found a property and it qualified for the wildlife exemption, I would be 88 years old
3 before I could get the exemption benefits. That would cost me close to \$100,000.00 in taxes alone
4 waiting for my exemption.

5
6
7 **IV. CONCLUSION AND RECOMMENDATIONS**
8
9

10 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS PROCEEDING
11 REGARDING CPS ENERGY'S PROPOSED ALTERNATIVE ROUTES F1, K, L, N1, P, Q1,
12 R1, T1, U1, BB, AND CC AND CPS ENERGY'S PREFERRED ROUTES Z1 AND AA1?
13

14 ANSWER: We oppose CPS Energy's Alternative Routes F1, K, L, N1, P, Q1, R1, T1, U1, BB,
15 and CC and any Route using Segments 25, 26a, 32, 37, 38, 39, and 43. We support CPS Energy's
16 Routes Z1 and AA1 as the route(s) that best meet(s) the overall community values and PURA §
17 37.056(c)(4) and P.U.C. SUBST. R. 25.101(b)(3)(B).

18
19 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?
20

21 ANSWER: Yes.



ARBUTHNOT L W - Lot 19A

+/- 10.9664 Acres - Bexar County

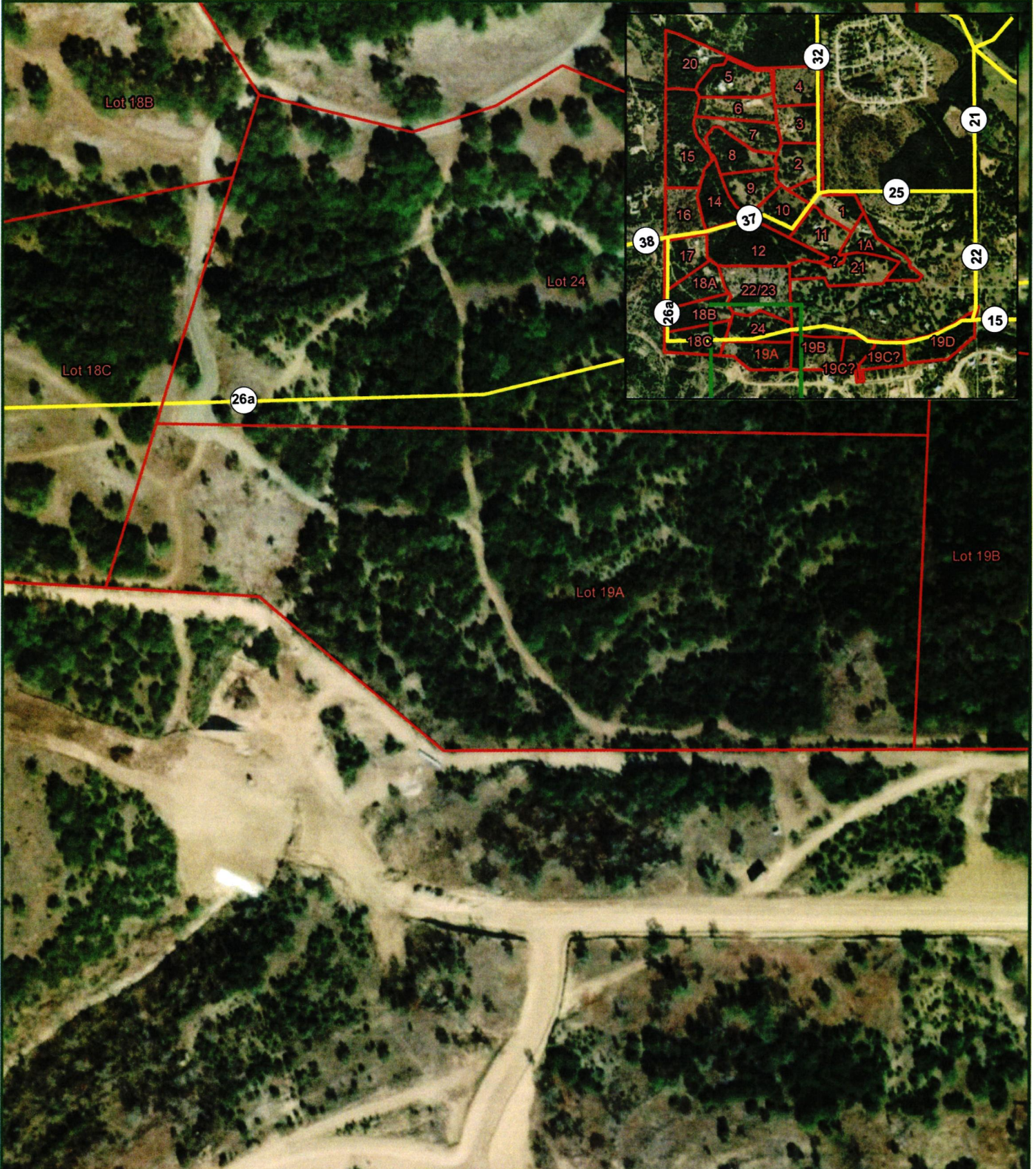




EXHIBIT A

 Lot
 Route

