



Control Number: 51023



Item Number: 548

Addendum StartPage: 0



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

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

**DIRECT TESTIMONY  
OF  
CARL G. HUBER  
ON BEHALF OF  
BRAD JAUER AND BVJ PROPERTIES, L.L.C**

**February 19, 2021**

548

**DIRECT TESTIMONY OF CARL G. HUBER**

1   **Q.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2   A.   My name is Greg Huber. My business address is 12000 Crownpoint Drive, Suite 150, San  
3       Antonio, Texas, 78233, and its mailing address is P.O. Box 700452, San Antonio, Texas,  
4       700452.

5   **Q.   ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

6   A.   On behalf of my neighbor, Brad Jauer, and BVJ Properties, LLC.

7   **Q.   HAVE YOU PREVIOUSLY FILED TESTIMONY BEFORE THE PUBLIC  
8       UTILITY COMMISSION OF TEXAS (“COMMISSION”)?**

9   A.   No.

10  **Q.   DO YOU HAVE ANY EXHIBITS TO YOUR TESTIMONY?**

11  A.   Yes.

12       •   **Exhibit Huber-1** contains Table 4-3, entitled “Electronic Communication  
13       Facilities,” from the Environmental Assessment attached to CPS Energy’s  
14       Application, which lists Communications Tower No. 501 as one of the two known  
15       communication towers within 2,000 feet of the alternative routes proposed by CPS  
16       Energy.<sup>1</sup>

17       •   **Exhibit Huber-2** is Page 7 from CPS Energy’s Application Amendment (Dec. 20,  
18       2020), referencing Communication Tower No. 501’s distances from Segment 32  
19       and Segment 36.<sup>2</sup>

20       •   **Exhibit Huber-3** is a screenshot of “Figure 4-1 Amended,” entitled “Amended  
21       Habitable Structures and Other Land Use Features in the Vicinity of the Primary

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<sup>1</sup> See CPS Energy’s Application, Attachment 1, Section 4.2.4, Page 4-22 (Bates Stamp No. 000175).

<sup>2</sup> See CPS Energy’s Application Amendment (Dec. 20, 2020), Page 7 (Bates Page No. 000007).

1 Alternative Routes (Aerial Photograph Base Map with CCN Inventory Items),”<sup>3</sup>  
2 focusing on the area where Communications Tower No. 501 and the Segments  
3 proximate to it are located.

- 4 • **Exhibit Huber-4** is a screenshot of “Figure 2-4 Amended,” entitled “Primary  
5 Alternative Routing Segments With Environmental and Land Use Constraints,”<sup>4</sup>  
6 focusing on the area where Communications Tower No. 501 and the Segments  
7 proximate to it are located, *and also showing topographic contour lines and*  
8 *elevations.*
- 9 • **Exhibit Huber-5** contains three plats of the tract on which Communications  
10 Towner No. 501 is located -- Tract No. C-208.
- 11 • **Exhibit Huber-6** is a photograph showing the gate to Tract No. C-208 and the steep  
12 service road leading from Toutant Beauregard Road up to Communications Tower  
13 No. 501.
- 14 • **Exhibit Huber-7** is the ordinance passed by the San Antonio City Council on June  
15 13, 2019 authorizing the addition of CellTex’s Communication Tower No 501 to  
16 the Alamo Area Regional Radio System, which is a 28-cell tower site network used  
17 by San Antonio Police and Fire Departments, Bexar County, CPS Energy, and  
18 Surrounding Participating Agencies.
- 19 • **Exhibit Huber-8** is a “Tower Sublease Agreement” between The City of San  
20 Antonio and CellTex Site Services, Ltd., dated June 17, 2019, pertaining to the  
21 installation of communications equipment on Communication Tower No. 501,  
22 which has been filed under seal in accordance with the protective order in effect in  
23 this proceeding.

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<sup>3</sup> See Figure 4-1 Amended, entitled “Amended Habitable Structures and Other Land Use Features in the Vicinity of the Primary Alternative Routes (Aerial Photograph Base Map with CCN Inventory Items) (Appendix E),” in CPS Energy’s Application Amendment (Dec. 20, 2020), Attachment 2.

<sup>4</sup> See Figure 2-4 Amended, entitled “Amended Primary Alternative Routing Segments with Environmental and Land Use Constraints (Topographic Base Map with Constraints) (Appendix D),” in CPS Energy’s Application Amendment (Dec. 20, 2020), Attachment 2.

1 **Q. WHAT IS YOUR RELATIONSHIP TO THE ROUTES UNDER**  
2 **CONSIDERATION IN THIS PROCEEDING?**

3 A. I am the Manager of the General Partner of CellTex Site Service, Ltd. (“CellTex”), which  
4 owns and operates the FCC-registered Communications Tower No. 501 -- one of “two  
5 known communication towers (FM radio transmitters, microwave towers, or other  
6 electronic communications towers) that are located within 2,000 feet of the alternative  
7 routes” proposed by CPS Energy in this proceeding.<sup>5</sup> Communications Tower No. 501 and  
8 the other “known” communication tower are listed on Table 4-3 of CPS Energy’s  
9 Application, entitled “Electronic Communication Facilities,” which is included in **Exhibit**  
10 **Huber-1** attached to my testimony. According to Table 4-3, Communications Tower No.  
11 501 is 279 feet from Segment 32. And, according to CPS Energy’s Application  
12 Amendment at Page 7, which is attached to my testimony as **Exhibit Huber-2**,  
13 Communications Tower No. 501 is 482 feet from Segment 36. Both distances are  
14 *significantly closer* than the specified threshold distance of 2,000 feet – *less than*  $1/7$  of the  
15 threshold distance from Segment 32, and *less than*  $1/4$  from Segment 36. And, although  
16 Communication Tower No. 501’s distance from Segment **20** is not included in either Table  
17 4-3 or CPS Energy’s Application Amendment, a cursory review of the maps attached as  
18 **Exhibit Huber-3** and **Exhibit Huber-4** will confirm that Communications Tower No. 501  
19 is not much further away from Segment 20, than it is from Segment 36. It is *certainly*  
20 within 2,000 feet.

21 Communications Tower No. 501’s location relative to Segments 20, 32 and 36 can be seen  
22 on the maps attached as **Exhibit Huber-3** and **Exhibit Huber-4**. Of the 31 routes listed

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<sup>5</sup> CPS Energy’s Application, Section 22, entitled “Electronic Installations,” Page 36 (Bates Stamp No. 000036).

1 on Table 2-1 of CPS Energy’s Application Amendment, entitled “Amended Alternative  
2 Substation and Route Composition and Length,” 12 of them (over  $\frac{1}{3}$ ) utilize Segments 20,  
3 32 and/or 36.<sup>6</sup> Each of these routes – including CPS’s “best meets route” Route Z1 –  
4 would encroach upon Communications Tower No. 501 within less than  $\frac{1}{7}$  or  $\frac{1}{4}$  of the  
5 threshold distance of 2,000 feet.

6 Communications Tower No. 501 is used by variety of communication services and  
7 systems, including the Alamo Area Regional Radio System (AARRS) trunked radio  
8 system, which includes the City of San Antonio, Bexar County, and CPS Energy and  
9 supports numerous agencies within the region. AARRS is a network of 28 interconnected  
10 tower sites and related communications facilities that provide wireless connectivity to  
11 police, fire and other public safety users. CellTex’s Tower No. 501 was added to the  
12 system in 2019. A copy of the San Antonio City Council ordinance authorizing the  
13 addition of CellTex’s Communication Tower No 501 to the AARRS system is attached to  
14 my testimony as **Exhibit Huber-7**.

15 As part of its installation of the communications equipment use of Communications Tower  
16 No. 501 for the AARRS system, the City of San Antonio has the right to install two (2)  
17 microwave antennas for system redundancy. AT&T also subleases a spot for a microwave  
18 antenna, and other carriers will likely do the same as they look for system redundancy to  
19 ensure adequate and continuous service, particularly for those providing public safety  
20 communications. Notably, microwave communications are limited to “line of sight”

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<sup>6</sup> See Table 2-1 in CPS Energy’s Application Amendment (Dec. 20, 2020), Attachment 2 (Bates Stamp No. 000043).

In contrast, the other Communications Tower identified by CPS Energy - Communications Tower No. 502 – is *521 feet* away from its nearest transmission line segment and is impacted by only 4 routes.

1 transmissions and, as a result, they can be negatively impacted by tall obstructions, such as  
2 electric transmission lines. And, the two (2) AARRS microwave antennas are specified  
3 for installation below 100 feet – well within the height of the electric transmission line that  
4 is the subject of this proceeding. In fact, one of the AARRS microwave antennas is  
5 specified for installation at *80 feet*, with an azimuth of 35.54°, which focuses its line of  
6 sight *into Segment 36 and its two angle structures on either side of Toutant Beauregard*;  
7 and the other AARRS microwave antenna is specified for installation at *50 feet*, with an  
8 azimuth of 127.44°, which focuses its line of sight *into Segment 32*. A copy of the sublease  
9 pertaining to AARRS communications equipment is attached to my testimony as **Exhibit**  
10 **Huber-8**, which has been filed under seal pursuant to the protective order in this  
11 proceeding.

12 Communications Tower No. 501 is constructed on Tract C-028, which is located on the  
13 south side of Toutant Beauregard and is bordered by property owned by: i) Brad Jauer and  
14 BVJ Properties, LLC to the west and south (i.e., Tract C-029); and ii) four homeowners in  
15 the Sundance Ranch subdivision to the east (i.e., Tracts C-019, C-020, T-001 and T-002).<sup>7</sup>

16 Tract C-028, where Communications Tower No. 501 is located, is owned by SDR TX-015,  
17 LLC, and I am the Manager of SDR TX-015, LLC. As the Manager of SDR TX-015, LLC  
18 (the landowner) and Manager of the General Partner of CellTex, (the communications  
19 tower owner), I have personal knowledge and experience with every aspect of the  
20 businesses and the activities that occur on the property.

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<sup>7</sup> See Attachment 6 Amended, entitled “Scenic Loop 138 kV Electric Transmission Project: Location of Directly Affected Parcels and Habitable Structure,” Sheet 7 of 17, in CPS Energy’s Application Amendment (Dec. 20, 2020), Attachment 5.

1 I found and purchased the site, which was larger than was needed for a communications  
2 tower; however, there was a need for predictable communications service in this area, and  
3 CellTex wanted to meet that need.

4 The property totals 4.425 acres and measures 209.73 linear feet in the front along Toutant  
5 Beauregard and 427.37 linear feet in the back. I have included three different plats of the  
6 property, showing different elements, in **Exhibit Huber-5**, which is attached to my  
7 testimony.

8 CellTex, the owner of the communication tower, has a ground lease for it with SDR TX-  
9 015, LLC. The plat on the second page of **Exhibit Huber-5** shows the area of the ground  
10 lease, which is in the back, southwestern corner of the property. To get to the  
11 communications tower, CellTex and the communications companies to which it subleases  
12 must travel along a steep, gravel road that is depicted on the third page of **Exhibit Huber-**  
13 **5. Exhibit Huber-4**, which I discussed previously, shows the steepness of the grade in the  
14 ascending topographic contours and elevations shown within the area where the  
15 communications tower is located. The steepness of the grade also is evident in in the  
16 photograph of the property's front gate and service road attached to my testimony as  
17 **Exhibit Huber-6.**

18 The grade and layout of the service road used by CellTex and the communications  
19 companies to which it subleases is a major issue relative to these transmission lines,  
20 because the maintenance of the communications tower and the installation and servicing  
21 of equipment require the use of large cranes. The hard right-angle turn that is required for  
22 a crane to enter and exit the property from Toutant Beauregard would be extremely  
23 hazardous under or in proximity to an electric transmission line, and going up and down



1 the steep grade of the service road with a crane would likely be impossible under Segment  
2 32. Bear in mind, if the right-of-way for Segment 32 is 100 feet, it will consume virtually  
3 half of the 209.73 linear feet of the front the property along Toutant Beauregard and  
4 continue to consume almost the entire length of the service road to the back of the property.

5 **Q. HOW LONG HAVE YOU BEEN IN THE COMMUNICATIONS TOWER**  
6 **BUSINESS?**

7 A. I started in the site acquisition side of the business in 1995 and have owned and managed  
8 communication towers since 2002. Right now, I own or have executive responsibility for  
9 about 13 and have had as many as 30. I also run an internet business, which involves the  
10 use and deployment of microwaves.

11 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

12 A. Yes.

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**DIRECT TESTIMONY OF**

**GREG HUBER**

**EXHIBIT HUBER-1**

**TABLE 4-3 ELECTRONIC COMMUNICATION FACILITIES**

FIGURE 4-1 MAP ID	TOWER TYPE	NEAREST SEGMENT	DISTANCE FROM NEAREST SEGMENTS (FEET)*
501	CellTex Site Services, Ltd.	32	279
502	Global Tower, LLC	16	521

\*POWER aerial photo and USGS interpretation, FCC 2019

#### 4.2.5 Impacts on Utility Features

Utility features include existing electrical transmission lines, distribution lines, water wells, pipelines, and oil and gas wells. Numerous water wells were identified within the study area and were mapped and avoided to the extent practicable. The number of identifiable existing water wells within 200 feet of the ROW centerline and substation sites range from zero (0) for Alternative Route V, to six for Alternative Route A. None of the water wells located within 200 feet of the alternative routes are public supply water wells. If these utility features are crossed by or are in close vicinity to the alternative route centerline approved by the PUC, CPS Energy will coordinate with the appropriate entities to obtain necessary permits or permission as required. The number of known water wells within 200 feet of each of the alternative route is presented in Table 4-1.

Two existing electric transmission lines were identified within the study area, the Ranchtown to Menger Creek 138 kV transmission line and the Kendall to Cagnon Road 345 kV transmission line. All of the alternative routes connect into but do not cross the Ranchtown to Menger Creek 138 kV transmission line.

No oil and gas wells and associated treatment facilities or pipelines were identified within the study area. Thus, the project will have no impacts on oil and gas wells and associated treatment facilities or pipelines. Further, if any unknown oil and gas wells and associated treatment facilities or pipelines are discovered during construction, CPS Energy will notify and coordinate with pipeline companies as necessary during transmission line construction and operation.

None of the alternative routes cross or parallel known oil or gas pipelines or are within 200 feet of any oil and gas wells. Additionally, none of the alternative routes cross gravel pits, mines, or quarries.

#### 4.2.6 Impacts on Socioeconomics

Construction and operation of the project is not anticipated to result in a significant change in the population or employment rate within the study area. For this project, some short-term employment would be generated. CPS Energy normally uses contract labor supervised by each entity's respective employees during the clearing and

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**GREG HUBER**

**EXHIBIT HUBER-2**

- Map ID 135 Single Family Residence was listed as having a distance of 171 feet from Segment 25 but should have been listed as having a distance of 260 feet from Segment 37. This adjustment impacts Route CC.
- Map ID 501 CellTex Site Services, Ltd. was listed as having a distance of 279 feet from Segment 32 but should have been listed as having a distance of 482 feet from Segment 36. This adjustment impacts Routes C1, D1, I1, J1, M1, Y, Z1, and AA1.
- Map ID 701 Heidemann Cemetery was listed as having a distance of 593 feet from Segment 36 but should have been listed as having a distance of 736 feet from Segment 31. This adjustment impacts Routes B1 and G1.
- Map ID 901 Heidemann Ranch Historic District was listed as having a distance of 50 feet from Segment 35 but should have been listed as having a distance of 98 feet from Segment 36. This adjustment impacts Routes C1, D1, I1, J1, M1, T1, Y, Z1, and AA1.
- The text and tables in Section 4.5.3 were revised to clarify distances and segments in proximity to some of the archeological sites recorded within 1,000 feet of various alternative routes.

#### IV. CONTENTS OF APPLICATION AMENDMENT

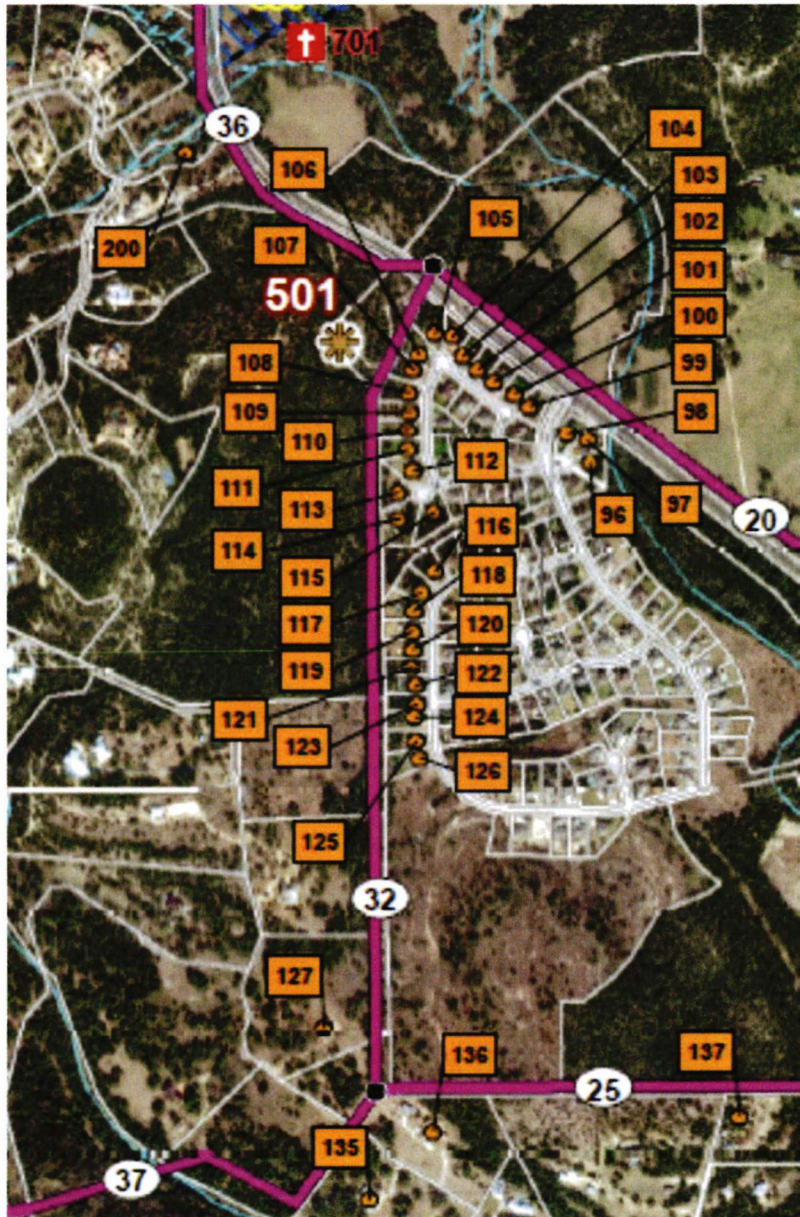
This filing consists of the following, with the first five attachments encompassing CPS Energy’s amendment to its application in this proceeding, and the sixth attachment consisting of testimony supporting and explaining the amendment:

1. Attachment 1 – Application Amendment, presenting modifications described in Section III. above, to CPS Energy’s application previously filed on July 22, 2020.
2. Attachment 2 – EA Amendment, prepared by POWER to document the changes to the information previously reported by POWER in the EA.
3. Attachment 3 – Application Attachment 3 Amended
4. Attachment 4 – Application Attachment 5 Amended showing the locations of Segments 26a, 42a, 46a, 46b, and 49a.
5. Attachment 5 – Application Attachment 6, Sheet 2 Amended showing the location of Segments 46b, and 49a; Sheet 3 Amended showing the location of Segments 42a and 46a;

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GREG HUBER

EXHIBIT HUBER-3

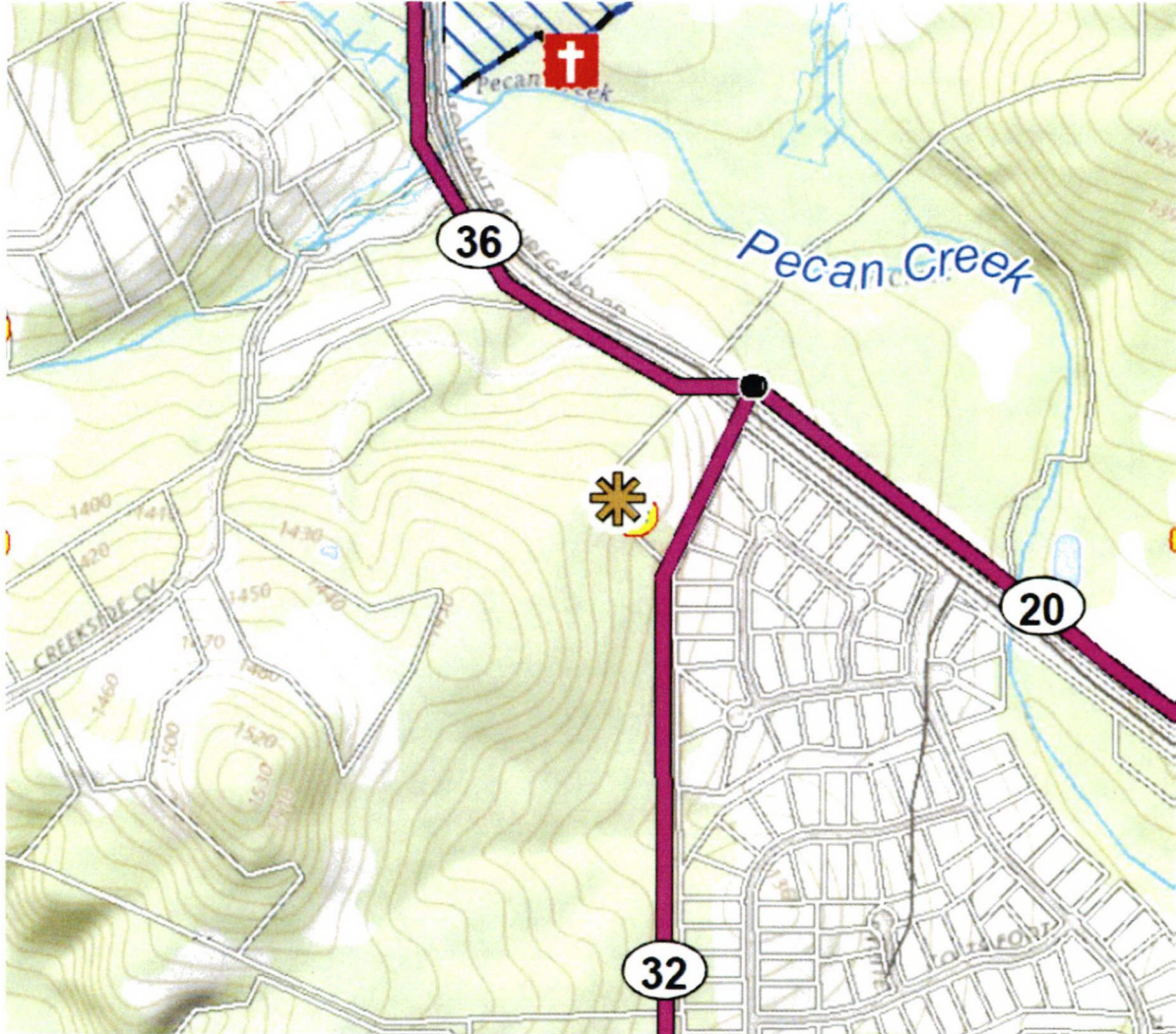


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DIRECT TESTIMONY OF  
GREG HUBER

EXHIBIT HUBER-4

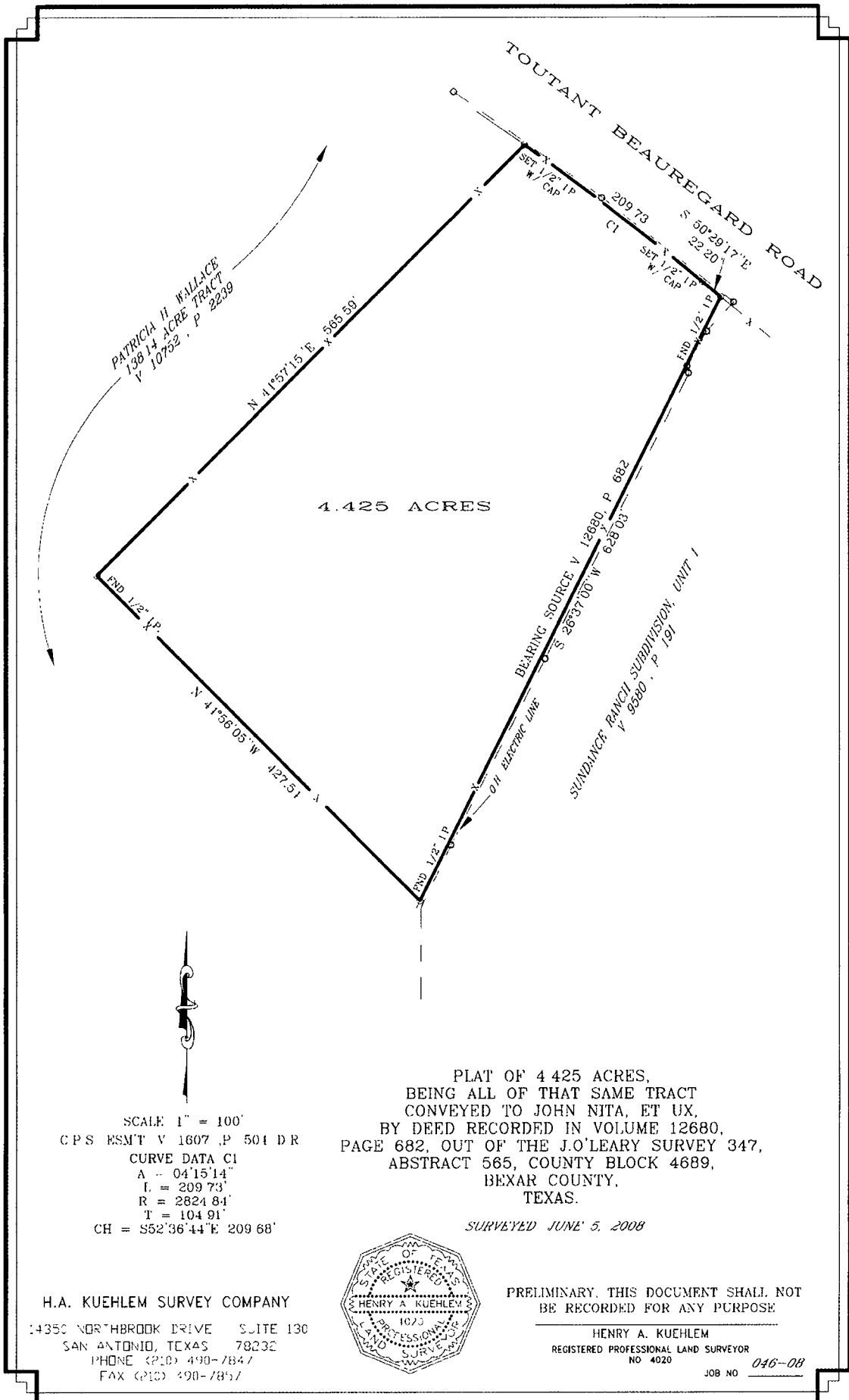


**SOAH DOCKET NO. 473-21-0247**  
**PUC DOCKET NO. 51023**

**DIRECT TESTIMONY OF**  
**GREG HUBER**

**EXHIBIT HUBER-5**





4.425 ACRES

SCALE 1" = 100'  
 CPS ESM'T V 1607 P 501 DR  
 CURVE DATA C1  
 A = 04°15'14"  
 L = 209.73'  
 R = 2824.84'  
 T = 104.91'  
 CH = S52°36'44"E 209.68'

PLAT OF 4.425 ACRES,  
 BEING ALL OF THAT SAME TRACT  
 CONVEYED TO JOHN NITA, ET UX,  
 BY DEED RECORDED IN VOLUME 12680,  
 PAGE 682, OUT OF THE JO'LEARY SURVEY 347,  
 ABSTRACT 565, COUNTY BLOCK 4689,  
 BEXAR COUNTY,  
 TEXAS.

SURVEYED JUNE 5, 2008

H.A. KUEHLEM SURVEY COMPANY  
 14350 NORTHBROOK DRIVE SITE 130  
 SAN ANTONIO, TEXAS 78232  
 PHONE (210) 490-7847  
 FAX (210) 490-7857



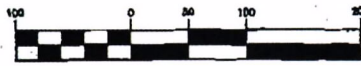
PRELIMINARY. THIS DOCUMENT SHALL NOT  
 BE RECORDED FOR ANY PURPOSE  
 HENRY A. KUEHLEM  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO 4020  
 JOB NO 046-08



LINE	BEARING	LENGTH
L1	S78°22'40"V	141.57
L2	S54°23'39"V	86.31
L3	S22°18'30"V	8.94
L4	S89°46'13"E	23.01
L5	S12°21'32"E	39.98
L6	S12°00'11"E	33.13
L7	S17°14'27"E	37.54
L8	S82°44'39"E	37.54
L9	S17°13'30"E	29.54
L10	S47°11'37"E	89.54
L11	S24°17'40"V	41.82
L12	S42°18'29"V	41.82
L13	S54°44'47"V	24.95
L14	N86°49'15"V	24.95
L15	N58°17'19"V	37.88
L16	N14°49'14"V	37.78
L17	N02°34'29"V	31.67
L18	N42°28'42"V	33.39
L19	N62°03'01"V	32.89
L20	N71°54'01"V	6.70
L21	S46°18'59"E	18.00
L22	S42°44'40"V	4.82
L23	N67°52'11"V	6.65
L24	N77°54'19"V	6.22
L25	N43°44'40"V	11.13
L26	N43°18'28"E	35.83
L27	S42°17'39"E	112.84
L28	S41°30'20"E	198.08
L29	S22°12'27"V	28.47
L30	N41°30'15"V	204.84
L31	N46°47'22"V	116.22

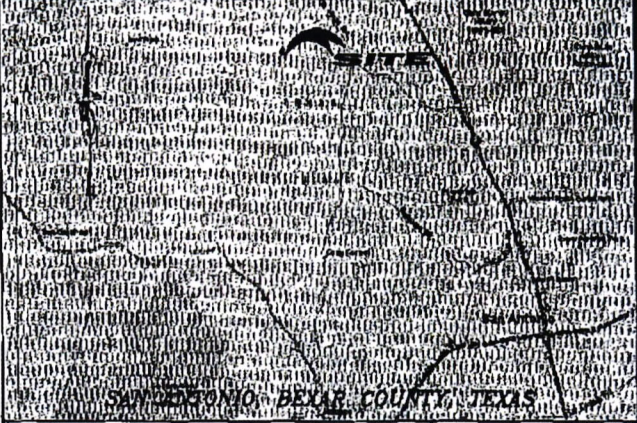
TOUTANT BEAUREGARD RD.  
(ROW VARIES)

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

VICINITY MAP



ANAQUA SPRINGS  
20-1015E  
BOERNE  
BEAR COUNTY  
TEXAS



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PATRICIA M. WALLACE, TRUSTEE  
VOL. 152782, PG. 38230 OPRP/BCT

SUBLESSOR/  
SUBLESSEE  
12' WIDE  
ACCESS EASEMENT  
0.2302 ACRE  
DOC. NO. 20090008520 OPRP/BCT

SDR TX-018, LLC  
(CALLED 4.425 ACR.)  
DOC. NO. 2008183267 OPRP/BCT

O'LEARY TRACT, 347  
A-156  
1276

SUBLESSOR  
MEMORANDUM OPTION AND  
GROUND LEASE AGREEMENT  
TO CULTEX SITE SERVICES, L.P.  
VOL. 10782, PG. 38230 OPRP/BCT

LEGEND

- |   |                           |
|---|---------------------------|
| △ = SET 800 WEL                               | ○ = UTILITY POLE          |
| ( ) = DITCHED CHANNEL & DRAINAGE<br>POE BOXES | — = OVERHEAD ELECTRIE     |
| ⊙ = 1/2" IRON ROD WITH<br>WITH CAP (R/S 4000) | ○ = WEL FEEDS             |
| ⊙ = SET 1/2" IRON BAR W/ 1/2" GALVAN CAP      | ⊙ = 6" DIA. LATE GAN      |
|   | ⊙ = 1" DIA. STAINLESS STE |

FLOOD ZONE

This property described above appears on the Federal Emergency Management Agency Flood Insurance Rate Map: FIRM 48029C0090H. Effective date February 16, 1996. This property does not appear in the "FLOOD HAZARD AREA" shown on the map. No warranty expressed or implied is made regarding the accuracy of the National Flood Insurance program Map.

PROJECT INFORMATION

**SITE NAME:** Anaqua Springs  
**SITE NUMBER:** 20-1015E  
**SUBLESSOR NAME:** Celltex Site Services, LTD.  
**SUBLESSEE NAME:** San Antonio MTA, LP  
**SITE ADDRESS:** d/b/a Verizon Wireless  
25695 Toutant Beauregard Rd.  
Boerne, Bexar County, Texas

**LATITUDE:** 29°41'00.70"N **LONGITUDE:** 98°43'04.81"W

**GROUND ELEVATION:** 1400.6' ANSL

**COORDINATES:**  
LATITUDE NORTH: 29° 41' 00.70"      29° 41' 00.08"  
LONGITUDE WEST: 98° 43' 04.81"      98° 43' 03.62"  
SYSTEM: GEODETIC      GEODETIC  
DATUM TRANS: NAD 1983      NAD 1927  
ELLIPSOID: GRS 1980      CLARK, 1866

THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFIES THAT THE ABOVE DESCRIBED PROPERTY IS ACCURATELY LOCATED AND THE SURVEY IS IN ACCORDANCE WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY III, COUNTY SURVEY.

*Clinton L. Kanak*  
CLINTON L. KANAK, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4799



JOB NUMBER: 08-0121  
DATE: 01/21/09  
PMS  
P/R



DRM  
REV:  
Exhibit B  
Page 1 of 2

**SURVEY OF:**  
A 3.17 square foot lease area and a 3 foot wide, 300 square foot work around easement out of a called 0.147 acre lease area in Memorandum of Option and Ground Lease Agreement to Celltex Site Services, LTP recorded in Document No. 20080208102 Official Public Records Bexar County, Texas (OPR/BCT) and out of a called 4.425 acre tract of land in deed in SDR TX-018, LLC recorded in Document No. 20080183267 OPR/BCT.

**SUBJECT TO:**  
POLE LINE RIGHT-OF-WAY AGREEMENT (BLANNET) TO SAN ANTONIO PUBLIC SERVICE COMPANY, VOL. 1807, PG. 504. DEED RECORDS BEXAR COUNTY, TEXAS (DIRCT).  
MEMORANDUM OF FIRST AMENDMENT TO OPTION AND GROUND LEASE AGREEMENT, DOC. NO. 20090008520 OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS (OPR/BCT).  
**ON ADDRESS:**  
25695 TOUTANT BEAUREGARD ROAD, #TELC, BOERNE, TEXAS 78255

SOAH DOCKET NO. 473-21-0247

PUC DOCKET NO. 51023

DIRECT TESTIMONY OF  
GREG HUBER

EXHIBIT HUBER-6



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

**DIRECT TESTIMONY OF  
GREG HUBER**

**EXHIBIT HUBER-7**

ORDINANCE 2019-06-13-0518

**AUTHORIZING MULTIPLE TOWER LEASE AGREEMENTS TO  
SECURE RADIO TOWER SITES FOR THE INSTALLATION OF RADIO  
COMMUNICATIONS EQUIPMENT IN SUPPORT OF THE ALAMO  
AREA REGIONAL RADIO SYSTEM USED BY THE CITY OF SAN  
ANTONIO POLICE AND FIRE DEPARTMENTS, GPS ENERGY, BEXAR  
COUNTY, AND SURROUNDING PARTICIPATING AGENCIES.**

\* \* \* \* \*

**WHEREAS**, on February 15, 2018, City Council approved a contract ("Radio Contract") with Darley & Wells for the construction, system delivery, and system operation of a new P25 compliant public safety radio system, referred to as the Alamo Area Regional Radio System ("ARRS") for the benefit of the City of San Antonio ("City"), Police and Fire departments, GPS Energy, Bexar County, and 56 additional public safety agencies; and

**WHEREAS**, on the same date, City Council also authorized the execution of an Interlocal Agreement ("IIA") between the City, Bexar County, and GPS Energy for Bexar County and GPS Energy to make financial contributions to obtain minority ownership interests in the ARRS. The IIA sets out the terms of the shared ownership including, but not limited to, financial contributions, fiscal controls, governance, management, vendor oversight, construction, testing, delivery, operation, maintenance, technology upgrades and enhancements, selection of equipment, and the admission of radio subscribers; and

**WHEREAS**, on March 7, 2019, Council approved Ordinance 2019-03-07-0187 that authorized lease agreements for tower sites in support of the ARRS with Crown Castle USA, Inc., American Tower, Bexar Metro, GPS Energy, and San Antonio Water System comprising 17 of the 28 radio tower sites and one backup core location which will support the new radio system's installation during the transition period starting April 1, 2019 and ending January 31, 2022; and

**WHEREAS**, the ARRS consists of a network made up of interconnected system tower sites and related communications facilities that provide wireless connectivity to public safety users and in order to provide the coverage needed by the ARRS, the current radio network consisting of 14-cell tower sites is being increased to a 28-site network; and

**WHEREAS**, approval of 5 lease agreements, as summarized in **Attachment A**, which include the additional tower sites and to extend leases for existing tower sites as well as one backup core location, is required to support the ARRS; and

**WHEREAS** Additional changes regarding site-access to the previously-approved SAWS agreement (Ordinance 2019-03-07-0187) necessitates City Council approval. The lease agreements will support the locations during a transition period starting April 1, 2019 then ending January 31, 2022. The purpose of the transition period is to secure the necessary tower heights which are optimal for the P25 design, then build, install and test the radio equipment which will be used by the new P25 system; **NOW THEREFORE**:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager and/or designee, severally, are directed to execute the lease agreements summarized in **Attachment A** for tower sites in support of the AARRS with Cell-Tex, KSAT, SBA, Univision, and San Antonio Water System comprising of 4 of the 28 radio tower sites and one backup core location which will support the locations during the transition period starting April 1, 2019 and ending January 31, 2022.


**SECTION 2.** Funding and payment for this Ordinance was previously authorized with Ordinances 2019-03-21-0244 and 2019-03-21-0245.

**SECTION 3.** Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

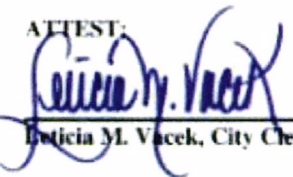
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.


**PASSED AND APPROVED** this 13<sup>th</sup> day of June, 2019

  
M A Y O R  
Ron Nirenberg

ATTEST:

  
Justicia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	42 ( in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21A, 21B, 22, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 48, 50, 51A, 51B, 52 )						
<b>Date:</b>	06/13/2019						
<b>Time:</b>	10:10:52 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving multiple tower lease agreements to secure radio tower sites for the installation of radio communications equipment in support of the Alamo Area Regional Radio System used by City of San Antonio Police and Fire Departments, CPS Energy, Bexar County and surrounding participating agencies. Costs for this item will be shared by the entities based on the Interlocal Agreement approved by the City, CPS Energy and Bexar County. [Ben Gorzell, Chief Financial Officer; Craig Hopkins, Chief Information Officer, Information Technology Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x			x	
Art A. Hall	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				



IRS  
561509  
Item No. 42

ATTACHMENT A

San Antonio Public Safety Radio System  
Attachment A

Site Name	Site Name	Owner	Lease Type	System	Transition Price/Annually	Post Transition Price/Annually 2022	Purchase
NW-09	Touant Beauregard Road	Cell-Tex	Commercial	New	\$31,680.00	\$34,617.60	\$0.00
CS-02	KSAT	KSAT	Commercial	Legacy	\$262,962.00	\$64,478.88	\$0.00
NW-05	San Gerónimo	SBA	Commercial	Legacy	\$34,225.92	\$34,225.92	\$0.00
NE-05	Hogan Drive	Univision	Commercial	New	\$42,000.00	\$42,000.00	\$0.00
CS-06	Medical Center Tank	SAWS	In-Kind	New	\$0.00	\$0.00	\$0.00
NW-02	Helotes Park 3	SAWS	In-Kind	New	\$0.00	\$0.00	\$0.00
NW-04	Winwood	SAWS	In-Kind	New	\$0.00	\$0.00	\$0.00
NW-06	Ranch Town	SAWS	In-Kind	New	\$0.00	\$0.00	\$0.00
NW-08	Cross Mountain	SAWS	In-Kind	New	\$0.00	\$0.00	\$0.00

**SOAH DOCKET NO. 473-21-0247**  
**PUC DOCKET NO. 51023**  
**DIRECT TESTIMONY OF**  
**GREG HUBER**  
**EXHIBIT HUBER-8**

[The document attached as *Exhibit Huber-8*  
has been filed under seal in accordance with  
the protective order in effect in this proceeding]