



Control Number: 51023

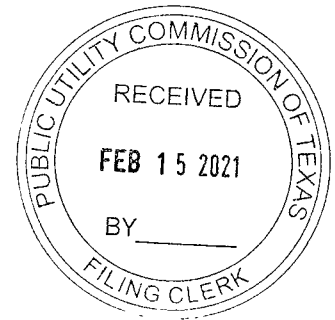


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SOAH DOCKET NO. 473-21-024

P.U.C. DOCKET NO. 51023



**In re 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 Project
in Bexar County, Texas**

**BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

STATEMENT OF POSITION OF CHARLES A. ROCKWOOD

1. I, Charles A. Rockwood, have purchased numerous parcels of land in northwest Bexar County including 4 lots at High Country Ranch (HCR) and several other parcels surrounding HCR including parcels IA199, IA 201, IA319, IA333, and IH 8 (see Scenic Loop Intervenors Map Inset 1).
2. These parcels have been bequeathed to my eight children (Mark Rockwood, Andrew Rockwood, Stephen Rockwood, Peter Rockwood, Paul Rockwood, Jeffrey Rockwood, David Rockwood and Virginia Savage) in the form of several trusts, in which Don Durflinger, serves as the trustee. Myself, my sons Stephen and Paul, and Don Durflinger have all filed as intervenors in PUC Docket 51023.
3. Regarding the proposed routes/segments in PUC Docket 51023, I object to and am most concerned about those routes which include segments 46b, and 49a. (i.e., routes B1, C1, D1, I1, M1, T1, X1, Z1, DD, G1, J1, AA1, and EE) due to their impacts to HCR and other nearby communities for the reasons stated below in items 4 through 9.
4. Tex. Admin. Code 25.101(b)(3)(B) (TAC) requires that new transmission lines address the criteria in PURA 37.056(c), and that upon consideration of those criteria, engineering constraints and cost, the line shall be routed to the extent reasonable to moderate the impact of the affected community and landowners, unless grid reliability and security dictate otherwise. The following

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factors shall be considered in the selection of the route that in the utility's position, best address the requirements of PURA and the Commission's rules from among the proposed alternate routes:

- Routes utilizing existing compatible right-of-way
- Routes parallel existing compatible right-of-way
- Routes parallel property lines or other natural or cultural features
- Routes conform with policy of prudent avoidance
- Other factors include
 - Community values
 - Recreational and park areas
 - Historic and aesthetic values
 - Environmental integrity

5. HCR was established with the intended purpose of creating a recreational area formed under an association with covenants and restrictions. There are 15 lots ranging in size from 1 to 2 acres each. Lot owners have an undivided interest in approximately 309 acres of recreational lands and a 9-acre club site. In an effort to keep this recreation area intact, the association created restrictions and covenants that ran with the land for 10 years, and thereafter in 10 year increments, also making the requirement that the land could not be partitioned unless 80% of owners agreed. This recreation area is available to individual lot owners and their families and is used for hiking, hunting, bird and wildlife viewing, and educating our youth about nature conservancy in the unique micro-environment of the Texas Hill Country. This concept has been preserved and in place for over 40 years.

In all the background documents provided by CPS and the PUC, including the Environmental Assessment and Alternative Route Analysis (EAARA), HCR was not listed as having an established recreational area. This clearly has been overlooked by CPS and should be recognized as such and documented in the EAARA.

6. Other environmental and historic factors unique to HCR include:

- Two natural springs, one which flows through the heart of the property and forms the headwaters of Leon Creek and another which exist on the western portion of the property and flows north. It appears that Segment 49a would be constructed within 100 to 200 ft. of the spring exit which forms the headwaters of Leon Creek. This spring exit should be evaluated as a possible cultural resource as there exist an old archaic concrete trough where the spring exits the ground.
- Foraging and possible nesting habitat of the endangered Golden Checked warbler.
- Critical habitat of the Texas horned lizard, currently listed as a threatened species in Texas.
- Numerous colonies of Red Harvester Ants which are the primary diet of the Texas horned lizard and are directly in the path of segments 46b and 49a. The Texas Parks and Wildlife Department has recommended avoiding construction of power lines over Red Harvester Ant colonies in its letter to CPS.

7. As for community values and routes following combined ROW's, routes B1, C1, D1, I1, M1, T1, X1, Z1, DD, G1, J1, AA1, and EE utilize or follow anywhere from 53% to 75% of combined ROW's. The number of habitual structures these routes encounter vary from a minimum of 30 structures for routes Z1 and AA1 and upwards of 61 structures for route B1. Conversely, there are 6 routes that utilize or follow a comparable percentage of combined ROW's but encounter only 6 to 12 habitual structures (routes F1, N1, P, Q1, R1, and U1).

One could argue that Route Q1 is the best possible route in that it encounters the fewest habitual structures (6) while following/utilizing approximately 70% of combined ROW's. Also, of the 31 proposed routes, the average distance is about 5.75 miles with an average cost of approximately \$47 million. Route Q1 is not only shorter than the average (5.56 miles), it also cost less than the average (\$45.9M).

8. Other community impacts include routes AA1, G1 and J1 are relatively close to Dr. Sara McAndrew Elementary School.

9. Finally, I question the actions of Pecan Springs developers proposing to donate ROW easements to CPS Energy (segments 42a, 46, 46a and 49a). These actions are based on

protecting their financial interests and enriching the developers of Pecan Springs, to the detriment of surrounding landowners. The Pecan Springs Developers have donated flood plain and other undevelopable property to CPS Energy and by doing so, are protecting their investment in the Pecan Springs and Anaqua Springs areas. While PURA 37.056(c) clearly favors those routes which follow ROW's, I question the ethics of accepting these donations under the pretense of an ultimate financial gain for the developers.

THUS, I respectfully request that the Administrative Law Judge(s) avoid selecting those routes (i.e., B1, C1, D1, I1, M1, T1, X1, Z1, DD, G1, J1, AA1, and EE) which includes segments 40, 46b, an 49a and instead focus on those routes (i.e., F1, N1, P, Q1, R1, and U1) which follow or utilize a comparable percentage of combined ROW's, impact far fewer habitual structures, avoid impacts to HCR and Dr. Sara McAndrew Elementary School.

Respectfully submitted this 15th day of February 2021

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been filed with the Commission and served on all other parties via the PUC interchange on this 15th day of February 2021 pursuant to SOAH Order Number 3 issued in this docket.

/s/Charles A. Rockwood

Charles A. Rockwood