



Control Number: 51023



Item Number: 561

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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

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PUBLIC UTILITY COMMISSION
FILING CLERK

Before the State Office of
Administrative Hearings

Direct testimony of Roy R. Barrera, Sr.

1. My name is Roy R. Barrera, Sr. and I have been a licensed practicing attorney in the State of Texas, SBOT 01808000, since 1951.
2. My mailing address is 26340 Toutant Beauregard Road, #3, Boerne, Texas and my physical home address is 26090 Toutant Beauregard Road, Boerne, Texas, 78006.
3. I own 327 acres (+/-) in Bexar County which consists of the following:
 - A. 68.4 acres of recorded wildlife management acreage (including another 32 – 100 total) which I have spent thousands of dollars on and in concert with Lola Maverick Moonfrog for wildlife conservation.
 - B. 193.27 acres of range/brush and improved pastureland which features:
 - i. Heidemann Family Cemetery (established pre 1840) A Texas Historic Commission (THC) Registered Historic Cemetery
 - ii. Heidemann Ranch Complex (established early 1800) which is listed on the National Registry of Historic Farms and Ranches –
 - iii. A natural spring fed pond – stocked for fishing
 - iv. A stock tank fed by windmill – stocked for fishing
(both the pond and tank have become the landing and breeding ground for two species of duck– Black Bellied Whistlers (aka Mexican Tree ducks) and Egyptian geese.
 - v. Improved grassland for stock
 - vi. Natural brush cedar for wildlife
 - vii. 7 Residential (Family) homes of myself, my children and grandchildren.....
 - a. Roy R. Barrera, Sr. (owner since 1971 in residence since 2015)
 - b. Roy R. Barrera, Jr. & wife Sally (in residence since 1973)
 - c. Carmen Alice B. Ramirez & husband Rick (in residence since 1980)
 - d. Bobby Barrera & wife Karen (in residence since 1985)
 - e. Roy R. Barrera, III & wife Jaime (in residence since 1987)
 - f. Mark J. Barrera & wife Abril (in residence since 2005)
 - g. Gilbert E. Barrera (in residence since 2015)

- h. Monica Ramirez Khirallah & husband David (-proposed residence 2021)
- i. Marissa Barrera Morales & husband Lawrence (future residence)

C. 65.0 acres of rangeland

4. In addition to the Historic Heidemann Family Cemetery, I have interred my parents, my wife's parents, my wife, my sister, two great grandchildren and my nephew in the Barrera-Zendejas Family Cemetery. It is a great labor of love and care which has gone into the planning and maintenance of this final resting place for our family.
5. Centrally located on the property is a family picnic park which has improvements of an outdoor kitchen, 2 bathrooms, barbeque/smoker pit, several covered patios, lighted sidewalks, flagstone patio and improved manicured lawn. The Picnic area has been used in the past by various and sundry charitable and social organizations for fundraising events and most recently by one of my granddaughters for her wedding.
6. While none of my children were born on this ranch, I have had 9 grandchildren and 7 great grandchildren born while living here. Three grandchildren have established homes and/or plans on the property and 9 great grandchildren reside here.
7. I have recorded documentation of endangered wildlife and wildlife habitat identified on my property consisting of the Golden Cheeked Warbler. It is also well documented that urban sprawl, and the destruction of old junipers or Texas cedar, as well as civilian noise and the wide spread use of man-made chemicals have contributed to the demise of these species of birds.
8. My son, Roy R. Barrera, Jr. runs a horse and cattle operation on the property utilizing the 65 acres of rangeland, for the use and enjoyment of his children and grandchildren, nieces, nephews and great nieces and nephews.
9. I wholly and completely object to Segments 28, 29, 30, 31, 35, and the meeting point of Segments 31, 35 and 36 for the following reasons:
 - 9.1 Segments 28 and 31 cut directly across my private property and will disrupt the wildlife protected habitat of the endangered species Golden-Cheeked Warbler and its nesting area and follows no property line or public roadway and fragments intact land which goes against TPWD's statement in its Recommendation Letter to the PUC that "the State's long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands."
 - 9.2 Segment 28 and its intersection of Segment 30 is directly on my private property at the fringe of the protected habitat and follows no property line or public roadway and fragments intact land which goes against TPWD's statement in its Recommendation

Letter to the PUC that “the State’s long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands.”

9.3 Segment 28 and its intersection of Segment 29 cuts directly across my private property and follows no property line or public roadway and fragments intact land which goes against TPWD’s statement in its Recommendation Letter to the PUC that “the State’s long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands.”

9.4 Segment 31 in addition to cutting directly across the wildlife protected habitat cuts directly through my son Bobby’s private property and homestead, and dissects and fringes the Heidemann Ranch Complex with nine historic structures built in the early 1860’s. This property as stated before is listed on the National Register of Historic Places and the Heidemann Family Cemetery which is also part of the Texas Historic Commission registry of Texas Historic Cemeteries. Segment 31 also trisects my private property and follows no property line or public roadway and fragments intact land which goes against TPWD’s statement in its Recommendation Letter to the PUC that “the State’s long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands.”

9.5 Segment 30 in addition to skirting and/or fringing protected habitat at the meeting point of Segment 28, and 30 also serves to trisect my private property and follows no property line or public roadway and fragments intact land which goes against TPWD’s statement in its Recommendation Letter to the PUC that “the State’s long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands.”

9.6 Segment 29 while it may follow owner property lines at some point, it quadrisepts my private property and follows no property line or public roadway and fragments intact land which goes against TPWD’s statement in its Recommendation Letter to the PUC that “the State’s long term interests are best served when new utility lines and pipelines are sited where possible in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting intact lands.”

9.7 Segment 35, (if your mapping diagrams are accurate) will run right down the frontage of my daughter Carmen’s private property and homestead, encroaching on the 15 century oaks in her front yard. The destruction of those century oaks will detract and devalue her property to which she has no recourse or remedy.

10. I also object to the actions of developers of Pecan Springs and CPS energy in the process of proposing segments, moving segments and donating “Right of Way” in Segments 42a,

46, 46a and 49a. These actions are based on protecting their financial interests, specifically saving CPS Energy expenses and enriching the developers of Pecan Springs, to the detriment of surrounding landowners. The Pecan Springs Developers have donated flood plain and other undeveloped property to CPS Energy (which flood plain feeds the Leon Creek that runs directly through my property) and by doing so, they are protecting their investment in the Pecan Springs and Anaqua Springs areas. In accepting such donation, CPS Energy reveals its lack of consideration of protected environments, aesthetics and rights of property owners to unencumbered use of their private property.

Wherefore premises considered, I respectfully request that CPS Energy run their new utility lines in or adjacent to existing utility corridors, roads or rail lines instead of fragmenting my property with Segments 28, 29, 30, 31 and 35.

Respectfully submitted,

/S/ ROY R. BARRERA, SR.
Roy R. Barrera, Sr.

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Certificate of Service

I certify that a true and correct copy of the foregoing Statement of Position has been filed with the Commission and served on all other parties via the PUC interchange on this 22ND day of February, 2021 pursuant to SOAH Order Number 3 issued in this docket.

/S/ ROY R. BARRERA, SR.
Roy R. Barrera, Sr.