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PUBLIC UTILITY COMMISSION OF TEXAS

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PUBLIC UTILITY COMMISSION OF TEXAS  
FILINGS CLERK

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

**Docket Number: 51023**

**SOAH Docket No. 473-21-0247**

**DIRECT TESTIMONY OF PAUL M.  
ROCKWOOD**

1. I, Paul M. Rockwood, respectfully submit this Direct Testimony in the above captioned case. I own parcel IA 201 and co-own several parcels of land including a house with my family in northwest Bexar County including 4 lots at High Country Ranch (HCR) and several other parcels surrounding HCR including parcels IA199, IA319, IA333, and IH 8 (see Scenic Loop Intervenors Map Inset 1).

2. As an intervenor in PUC Docket 51023, I object to routes which impact a substantial number of habitual structures, or that do not adequately follow ROW's. Additionally, I am also concerned about routes E, H, Y, B1, C1, D1, I1, M1, T1, X1, Z1, DD, G1, J1, AA1 and their potential impact to HCR. More specifically, these routes include segments, 40, 46b, and 49a. which could potentially impact HCR and those parcels referenced above. My objection to these routes is largely based on PURA criteria and the Environmental Assessment and Alternative Route Analysis provided for this proposed project.

3. 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 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

4. Based on the Environmental Assessment and Alternative Route Analysis and taking into consideration PURA 37.056, one would presume and favor a route that followed the greatest percentage of combined ROW's. There are four routes which follow a 75% or greater combined ROW's. These include routes A (83%), H (80%), Y (82%), and T1 (75%). However, these same routes encounter a significant number of habitual structures. For instance, route A encounters 69 habitual structures, H-61 structures, Y-39 structures, and T1-34 structures. Instead, I highly recommend that CPS/PUC staff take into consideration those routes which not only follow the greatest percentage of combined ROW's but encounter the fewest habitual structures. Distance and cost also play a significant role. Below is a table which summarizes those routes which impact 12 or fewer habitual structures and includes other factors such as the percent combined ROW's, distance, and estimated cost of each route.

<b>Route</b>	<b>Distance (Miles)</b>	<b>Habitual Structures</b>	<b>% combined ROW's</b>	<b>Estimated Cost (Millions)</b>
F1	5.66	12	70	49.7
N1	5.33	11	68	46.8
P	4.89	12	71	43.4
Q1	5.56	6	69	45.9
R1	4.76	7	64	43.5
U1	6.36	6	59	50.5

*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 slightly shorter than the average route distance (5.56 miles) and cost less than the average cost of all routes (\$45.9M).*

5. Other community impacts that should be considered are those routes (i.e., AA1, G1 and J1) which are relatively close to Dr. Sara McAndrew Elementary School. Again, why would these routes even be considered when there are clearly other more suitable routes?

6. With regard to PURA 37.056 and established "Recreational Areas," 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 20 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.*

5. Nobody from CPS Energy or Power Engineers contacted the Rockwood family to investigate whether HCR was a recreational area.

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.

8. Other community impacts that should be considered are those routes (i.e., AA1, G1 and J1) which are relatively close to Dr. Sara McAndrew Elementary School. Again, why would these routes even be considered when there are clearly other more suitable routes?

9. Finally, I question the actions of Pecan Springs developers proposing to donate ROW easements to CPS Energy (segments 42a, 46, 46a and 49a). 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) favor those routes which utilize ROW's and minimize impacts to habitual structures such as routes F1, N1, P, Q1, R1, and U1. Additionally, based on PURA 37.056 and "other factors" such as recreational areas, community values, etc, CPS has yet to recognize HCR as a recreational area, and should avoid routes which impact Dr. Sara McAndrew Elementary School.

Respectfully submitted this 23th 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 23rd day of February 2021 pursuant to SOAH Order Number 3 issued in this docket.

/s/Paul M. Rockwood

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Paul M. Rockwood