



Control Number: 51023



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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

**CLEARWATER RANCH POA’S RESPONSE TO ANAQUA SPRINGS
HOMEOWNERS’ ASSOCIATION AND BRAD JAUER/BVJ PROPERTIES, LLC
OBJECTIONS, MOTIONS TO STRIKE PORTIONS OF INTERVENOR DIRECT, AND
MOTION TO REQUIRE THE DESIGNATION OF SPOKESPEOPLE**

COMES NOW, Clearwater Ranch POA (“Clearwater”), Intervenor and witnesses in this case proceeding, and files this their Response Anaqua Springs Homeowners’ Association and Brad Jauer/BVJ Properties, LLC (“Anaqua/Jauer”) Objections, Motion to Strike Portions of Intervenor Direct, and Motion to Require the Designation of Spokespeople and in support hereof would show:

I.

Clearwater Rach POA Board members are Michael Stevens, President; Byron Eckhart, Vice President; Brenda Ohrumndt, Treasurer; Molly Keck, Secretary; and Carlos Garcia, Board Member, all have filed Direct Testimonies on behalf of themselves and Clearwater POA.

II.

Clearwater filed their direct testimonies on February 19, 2021. On March 8, 2021, Anaqua/Jauer filed their Objections, Motion to Strike Portions of Intervenor Direct, and Motion to Require the Designation of Spokespeople. Pursuant to PUC Rule §22.78(a) responsive pleadings, if made, shall be filed by a party within five working dates after receipt of the pleading to which the response is made. Therefore, this Response to Anaqua/Jauer Objections, Motion to Strike

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Portions of Intervenor Direct, and Motion to Require the Designation of Spokespeople is timely filed.¹

III.

Anaqua/Jauer objects that statements about alleged health effects of electro-magnetic fields (“EMF”) require expert testimony and the witnesses making such testimony are not qualified to give an expert opinion. Anaqua/Jauer also objects that testimony concerning potential diminution in property values as not relevant. Anaqua/Jauer also objects to statements made by Clearwater regarding the impacts to the Clearwater community and the properties as speculation, hearsay and irrelevant and have requested to strike all of Clearwater’s’ direct testimony in its entirety. In addition, Anaqua/Jauer have requested Clearwater to select a group of spokespeople and refile direct testimony.

Clearwater strongly opposes to Anaqua Springs and Jauer’s Motion to Strike all of testimony filed by the Clearwater Ranch POA. Clearwater Ranch POA serves as the authorized representative for many the members of their property owner’s association under 16 TAC § 22.2(10). As such, in their testimonies, they speak on behalf of themselves and as a part of the group. To strike the direct testimony of all of the witnesses for ease of the record would be extremely prejudicial and severely limit Clearwater’s ability present its full case at the Hearing on

¹ Anaqua/Jauer have objected to the direct testimony of Joe Acuna/Villa Strangiato, LLC, Lonnie W. Arbuthnot, Jeffrey B. Audley & Darrell R. Cooper, Byron & Gina Eckhart, Carlos J. & Christina Garcia, Max & Meg Garoutte, Gume Garza, Robert Gume Garza/Laredo Sol Investments, Carlos & Rosa Guzman/CRG Properties, Gregory Hamon, Russell & Brook Harris, Samer & Elizabeth Ibrahim, Casey & Molly Keck, Alejandro Medina, Peter & Melanie Morawiec, Kurt & Brenda Ohrmundt, Kurt & Adrianna Rohlmeier, Paolo Salvatore/Clear Run LLC, Michael & Rosalinda Sivilli, Francis & Mariana VanWisse, Michael & Shawn Stevens, Michael Stevens on Behalf of Kuestermann.

the Merits. While there may be some commonalities between the neighbors' testimonies, the impact of a transmission line is unique to each of properties, all of which have been granted intervention in the case.²

Clearwater does not claim to be experts on EMF or related EMF interferences. The objected-to testimony consists of general statements of concern and lay opinions regarding exposure to EMF, possible diminished property values (valuation), and impacts to the Clearwater community and property. These general statements and opinions are not "speculation" or "hearsay" and are legitimate statements of concern reflecting community values that should not be struck from the record. Rather, the ALJs should accord such testimony the appropriate weight as has been done in most cases.³ A more detailed response to each of Anaqua Springs/Jauer's Objections are in the table below:

² Since the deadline to intervene, the following Intervenor's properties have transferred to new owners: Anton Shadrock, Russell & Brooke Harris (still has another property impacted by the transmission line), Lonnie Arbutnot (still has another property impacted by the transmission line), Alejandro Medina (still has another property impacted by the transmission line), and Raul Martinez. This was explicitly described in the direct testimonies; however, if the ALJs would prefer, Clearwater POA can file a Motion for Substitute Intervention.

³ See, e.g., *Joint Application of Oncor Electric Delivery Company LLC and City of Lubbock, acting by and through Lubbock Power & Light, for a Certificate of Convenience and Necessity for the Proposed Abernathy to North to North Loop 345/115-kV Transmission Line in Hale and Lubbock Counties, Texas*; Docket No. 49151, Order No. 7 (October 18, 2019) (denying similar objections by Commission Staff); *Joint Application of Sharyland Utilities, L.P. and The City of Lubbock, Acting Through Lubbock Power & Light to Amend a Certificate of Convenience and Necessity for the Proposed Wadsworth to New Oliver to Farmland 345-kV Transmission Line in Lubbock and Lynn Counties and the Proposed Southeast to New Oliver to Oliver 115-kV Transmission Line in Lubbock County, Texas*, Docket No. 48909, Order No. 6 (May 28, 2019) (denying similar objections by Commission Staff); *Joint Application of Sharyland Utilities, L.P. and The City of Lubbock, Acting Through Lubbock Power & Light to Amend a Certificate of Convenience and Necessity for the Abernathy to Wadsworth 345-kV Transmission Line in Hale and Lubbock Counties, Texas*, Docket No. 48668, Order No. 4 (April 8, 2019) (denying similar objections by Commission Staff); *Joint Application of Sharyland Utilities, L.P. and The City of Lubbock, Acting by and Through Lubbock Power & Light for a Certificate of Convenience and Necessity for the Proposed Ogallala to Abernathy 345-kV Transmission Line in Castro, Hale, and Swisher Counties, Texas*, Docket No. 48625, Order No. 4 (March 20, 2019) (denying similar objections by Commission Staff); *Joint Application of Oncor Electric Delivery Company LLC, AEP Texas Inc., and LCRA Transmission Services Corporation to Amend their Certificates of Convenience and Necessity for a 345-kV Transmission Lines in Pecos, Reeves and Ward Counties, Texas Sand Lake to Solstice and Bakersfiled to Solstice* Consolidated Docket No. 48785; Order No. 5 (January 29, 2019) (denying similar objections by Commission Staff);

Application of Rayburn Country Electric Cooperative, Inc to Amended its Certificate of Convenience and Necessity for the Lower Bois D'Arc Water Treatment Plant 138-kV Transmission Line in Fannin and Hunt Counties, Texas; Docket No. 47884, Order No. 5, (June 27, 2018) (denying similar objections by Rayburn Country Electric Cooperative, Inc.); Application of Oncor Electric Delivery Company LLC to Amend a Certificate of Convenience and Necessity for A 345-kV Transmission Line in Crane, Ector, Loving, Reeves, Ward and Winkler Counties, Texas, Docket No. 48095 Order No. 6, (June 6, 2018) (denying similar objections by Oncor and Staff), Application of Oncor Electric Delivery Company LLC to Amend its Certificate of Convenience and Necessity for the Proposed 345/138 KV Transmission Line in Loving, Reeves and Ward Counties, Texas (Riverton – Sand Lake); Docket No. 47368 (Bench Order March 1, 2018) (denying similar objections by Commission Staff); Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for a 230-kV Transmission Line in Montgomery and Walker Counties; Docket No. 47462, Order No. 6, (February 6, 2018) (denying similar objections by Commission Staff), Application of Brazos Electric Power Cooperative Inc , to Amend its Certificate of Convenience and Necessity for the 138-kV Transmission Line in Collin Counties: Docket No. 46429, Order No. 7, (May 26, 2017) (denying similar objections by Brazos and Commission Staff); Application of AEP Texas North Company and Electric Transmission of Texas, LLC to Amend their Certificates of Convenience and Necessity for a 138-kV Transmission Line within McCulloch and Menard Counties (Heartland to Yellowjacket); Docket No. 46234, Order No. 5, (February 28, 2017) (denying similar objections by AEP TNC & ETT and Commission Staff); Application of Southwestern Public Service Company to Amend a Certificate of Convenience and Necessity for a 345-kV Transmission Line within Hale, Hockley, Lubbock, Terry and Yoakum Counties (Tuco to Yoakum); Docket No. 46042, Order No. 4, (January 18, 2017) (denying similar objections by Commission Staff and SPS for these reasons); Application of LCRA Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Zorn-Marion 345-kV Transmission Line in Guadalupe County; Docket No. 45601, Order No. 6, (May 31, 2016) (denying similar objections by Commission Staff and LCRA for these reasons); Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a 138-kV Transmission Line in Denton County, Docket No. 45170, Order No. 5, (April 5, 2016) (denying similar objections by Commission Staff and Brazos Electric for these reasons); Application of AEP Texas Central to Amend a Certificate of Convenience and Necessity for a Proposed 138-kV Transmission Line in Bee County and Goliad County, Texas; Docket No. 44837, Order No. 7, (February 17, 2016) (denying similar objections by Commission Staff and AEP Texas Central for these reasons), Application of CenterPoint Energy Houston Electric, LLC

WITNESS	LOCATION	OBJECTION	RESPONSE
Joe Acuna/Villa Strangiato, LLC	Pg. 4, lines 13-14 "Yes." and " ... myself, Intervenor Joe R Acuna/Villa Strangiato, LLC,and ... " Pg 5, lines 9-12 "; (c) voice. . and AA1"	Assumes facts not in evidence, lack of foundation and legal conclusion. Neither Mr. Acuna nor Villa Strangiato, LLC are Intervenor. Purchasing property from an Intervenor (even if notices waived) without seeking to intervene pursuant to 16 TAC § 22 52(a)(3)(E) does not make one an Intervenor.	As noted in the Direct Testimony, Joe Acuna/ Villa Strangiato, LLC purchased the property from Anton Shadrock, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22 2 (10).
	Pg. 5, lines 15-34 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible	Anaqua Springs failed to cite the legal authority for its position that a member of the organization cannot testify to the opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Mr Acuna has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 6, line 15 "within ... segment37."	Lack of foundation, speculative and assumes facts not in evidence	As a property owner, the witness has personal knowledge of its terrain, the ecological/ biological features, and therefore he can testify to those facts.
	Pg 8, lines 11-12 "within . . door "	Lack of foundation, speculative and assumes facts not in evidence.	As a property owner, the witness is familiar with and has personal knowledge of where the transmission line would potentially cross his land and the impacts it would have.

WITNESS	LOCATION	OBJECTION	RESPONSE
Joe Acuna/Villa Strangiato, LLC	Pg. 8, line 18 "It would ... values "	Speculation and improper expert testimony. Mr. Acuna's qualifications do not demonstrate that he can testify about the impact of transmission lines on property values.	The witness does not claim to be an expert on property values, but is giving his general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 8, line 24 ", and . aesthetics."	Speculation and improper expert testimony. Mr. Acuna's qualifications do not demonstrate that he can testify about the impact of transmission lines on property values.	The witness does not claim to be an expert on property values, but is giving his general lay opinion related to property value concerns surrounding transmission lines
	Pg. 8, line 32; ", approximately . away."	Lack of foundation, speculative, and assumes facts not in evidence. (note. this measurement is even contradictory to the measurements above).	As a property owner, the witness is familiar with and has personal knowledge of where the transmission line would potentially cross his land and the impacts it would have. If Anaqua Springs believes there is contradictory testimony it can address it through cross-examination.
	Pg. 9, lines 2-3	Speculative and assumes facts not in evidence It is rank speculation that the native trees entirely surrounding and covering his property would be removed	As a property owner, the witness is familiar with and has personal knowledge of where the transmission line would potentially cross his land and the impacts it would have Furthermore, if Anaqua Springs read the next sentence, it would understand Mr. Acuna is not referring to removing all the trees on his property, but that Segment 37 would expose his southern edge, which is consistent throughout his entire testimony.
	Pg. 9, line 12 "Also... property "	Cumulative and speculative	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.

	Pg. 9, line 14-15 ", and ourfencing... CPS."	Speculative; assumes facts not in evidence	As a property owner, the witness is familiar with and has personal knowledge of where the transmission line would potentially cross his land and the impacts it would have on his fencing.
	Pg. 9, lines 22-26 "Because... near them."	Cumulative, speculative and improper expert testimony. Mr. Acuna's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
	Pg. 9, line 35 to pg. 10, line 3 "We would... dollars."	Speculative, assumes facts not in evidence, and improper expert testimony. Mr. Acuna's qualifications do not demonstrate that he can testify about the impact of transmission lines on property values and engineering constraints.	The witness does not claim to be an expert on property values, but is giving his general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 10, lines 13-16 "We oppose..." Entire answer	Lack of foundation for a party position. Neither Mr. Acuna nor Villa Strangiato, LLC are Intervenor. Purchasing property from an Intervenor (even if notices waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	There is no basis in the rules of evidence for this objection. As noted in the Direct Testimony, Joe Acuna/ Villa Strangiato, LLC purchased the property from Anton Shadrock, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22.2 (10).
WITNESS	LOCATION	OBJECTION	RESPONSE
Lonnie W. Arbuthnot	Pg. 5, lines 13-32 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) are administered by and act through their board of directors or trustees, which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board.

			Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Arbuthnot has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 6, line 12 "Heritage Oaks,"	Speculative; lack of requisite expertise to identify trees	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore he can testify to those facts.
	Pg. 6, line 20 "including protected ... the creek."	Speculative, lack of requisite expertise to testify on protected species	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore he can testify to those facts.
	Pg 7, lines 36-37 "It would destroy...thousands of dollars."	Speculative;	As a property owner, the witness has personal knowledge of his general lay opinion related to his property value and transmission lines
	Pg 8, line 15 "Also... property "	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg. 8, lines 25-29 "Because ... near them."	Cumulative, speculative and improper expert testimony Mr. Arbuthnot's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.

	pg. 8, line 37 to pg 9, line 4 "The economic ... exemption."	Speculative;	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically his tax exemption.
WITNESS	LOCATION	OBJECTION	RESPONSE
Jeffrey B. Audley and Darrell R. Cooper	Pg. 5, line 29 to pg. 6 line 7 "In general. . Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of their own POA through meetings, minutes, and communications with the Board Lack of authority is not an evidentiary objection. As indicated in the Direct Testimony, Mr. Audley and Mr. Cooper have testified on their own behalf and on that of the Clearwater POA of which they are members of
	Pg. 8, lines 15-17 "This would ... devastating "	Speculative; lack of requisite expertise to testify on ecological impacts	As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore can testify to the impacts of a potential transmission line.
	Pg. 9, line 5 "Also... property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.

	Pg. 9, lines 13-17 "Because... near them."	Cumulative, speculative and improper expert testimony. Neither Mr. Audley's nor Mr. Cooper's qualifications demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
WITNESS	LOCATION	OBJECTION	RESPONSE
Byron and Gina Eckhart	Pg. 5, line 24 to pg 6 line 4 "In general...Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOA) are administered by and act through their board of directors or trustees, which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in this Direct Testimony, the Eckharts have testified on their own behalf and on that of the Clearwater POA of which they are members of
	Pg. 6, lines 18-19 "providing cover for endangered species songbirds"	Speculative; lack of requisite expertise to testify on endangered species	As a property owner, the witness has personal knowledge of the ecological/ biological features and habitat, and therefore can testify to the impacts of a potential transmission line.
	Pg. 8, lines 1-3 "The EMF... areas."	Speculative, lack of requisite expertise to testify on effects on bee colonies.	As a property owner, the witness is familiar with and has personal knowledge of their bees and the potential impacts of a transmission line.
	Pg. 8, lines 18-19 "The land ... impacted."	Speculative, lack of requisite expertise to testify on land values	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property

			value concerns surrounding transmission lines.
	Pg. 8, line 26 "Also . . . property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony. As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property.
	Pg. 8, line 34 to pg. 9, line 2 "Because... near them."	Cumulative, speculative and improper expert testimony. The Eckhart's qualifications do not demonstrate that either of them can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
WITNESS	LOCATION	OBJECTION	RESPONSE
Carlos J and Christina Garcia	Pg. 5, line 22 to pg. 6 line 2 "In general. Hill Country."	Hearsay and lack of authority Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of their own POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in the Direct Testimony, the Garcias's have testified on their own behalf and on that of the Clearwater POA of which they are members of.

	Pg. 7, line 39, pg 8, line 1 "This segment ... the property."	Speculative	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line.
	Pg. 8, lines 8-9 "Segments... be ruined."	Speculative; lack of requisite expertise to testify on ecological impacts	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line
	Pg. 8, line 34 "Also property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg. 9, lines 6-10 "Because ... property value."	Cumulative, speculative and improper expert testimony The Garcia's qualifications do not demonstrate that either of them can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony The witness does not claim to be an expert on EMF or property values, but is giving their general lay opinion related to concerns surrounding transmission lines
	Pg 9, line 27 "and away from where the children play"	Facts not in evidence Assumes facts not in evidence. Where the children play outdoors is at most 280 feet from the proposed line See Cleveland RFI 1-10.	The witnesses do not assume facts not in evidence, they simply give their opinion that the proposed transmission line on Segment 42a is "away from where the children play" and make no statement regarding the exact distance from the school. Furthermore, RFI responses are not in evidence.

WITNESS	LOCATION	OBJECTION	RESPONSE
Max and Meg Garoutte	Pg. 5, line 26 to Pg 6, line 4 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection As indicated in this Direct Testimony, the Eckharts have testified on their own behalf and on that of the Clearwater POA of which they are members of.
	Pg 8, lines 28-33 "Many ... homes."	Speculation, assumes facts not in evidence, and hearsay.	As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property.
	Pg. 9, lines 5-10 "Negative ... United States."	Speculation, assumes facts not in evidence, and improper expert testimony. The Garouttes' qualifications do not demonstrate that either of them can testify about the impact of transmission lines on the environment, EMFs or Endangered Species	The witnesses do not claim to be an expert on the environment, EMFs, or endangered species, but is giving their general lay opinion related to the concerns surrounding transmission lines in their neighborhood.
	Pg. 9, lines 12-14 "Clearcutting .. subdivision."	Hearsay.	Not hearsay as this is an admission by party opponent
	Pg. 9, lines 17-18 "Most of ... exemptions."	Speculation, assumes facts not in evidence and hearsay.	As a property owner, the witness is familiar with and has personal knowledge of the potential impacts of a transmission line to their property taxes.

	Pg. 9, lines 23-25 "We anticipate... subdivision."	Speculative and improper expert testimony. The Garouttes' qualifications do not demonstrate that either of them can testify about EMFs and their impact on wildlife.	The witness does not claim to be an expert on EMF or wildlife, but as a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg. 9, line 27 "Harmful... colonies." Pg. 9, line 29, pg. 10, lines 1-6 "These neighbors... bees."	Speculation, hearsay and improper expert testimony. The Garouttes' qualifications do not demonstrate that either of them can testify about the impact on honeybees.	As a property owner, the witness is familiar with and has personal knowledge of their bees and the potential impacts of a transmission line.
	Pg. 10, lines 8-20 "Health ... lines."	Hearsay, speculation, and improper expert testimony. The Garouttes' qualifications do not demonstrate that either of them can testify about EMFs or their impacts	The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg. 10, lines 22-28, pg. 11, lines 1-2 "Diminished... value."	Speculation, hearsay and improper expert testimony. The Garouttes' qualifications do not demonstrate that either of them can testify about the impact of transmission lines on property values.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines
	Pg. 11, lines 4-9 "Discriminatory... corridor."	Speculation, and assumes facts not in evidence.	As a property owner, the witnesses are familiar with and has personal knowledge of the actions by CPS. They are simply giving their interpretation of those actions and their opinion on them
	Pg. 12, line 2 "Also our property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony. As a property owner, the witnesses are familiar with and has personal knowledge of how the

			transmission line would potentially impacts their property.
	Pg 12, lines 11-15 "Because...near them."	Cumulative, speculative and improper expert testimony. The Garouttes' qualifications do not demonstrate that they can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg. 12, lines 24-26 "The residents... neighborhood."	Speculation, assumes facts not in evidence, and hearsay	As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impact their property.
	Pg. 12, lines 28-29 "Clearwater. ... security."	Speculation, assumes facts not in evidence, and hearsay.	As a property owner, the witness is familiar with and has personal knowledge of the reputation of their neighborhood
WITNESS	LOCATION	OBJECTION	RESPONSE
Gume Garza	Pg. 4, line 13 "Yes." and " .. myself, Gume Garza and . . ." Pg. 5, lines 7-10 "; (c) voice. and AA 1 "	Assumes facts not in evidence, lack of foundation and legal conclusion Mr. Gurne Garza is not an Intervenor. Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	As noted in the Direct Testimony, Gume Garza purchased the property from Russell and Brook Harris, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22.2 (10).
	Pg. 5, lines 13-32 "In general ... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) 3 are administered by and act through their board of directors or trustees, ⁴ which	Anaqua Springs failed to cite the legal authority for its position that a member of the organization cannot testify to the opinion held by that organization. It is well within the personal knowledge and

		<p>the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions.</p> <p>Therefore, the statements are inadmissible.</p>	<p>awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board</p> <p>Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, the Garzas have testified on their own behalf and on that of the Clearwater POA of which they are members of.</p>
	Pg. 8, line 13 "Also . . . our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg. 8, lines 21-25 "Because near them "	Cumulative, speculative, and improper expert testimony. Mr. Garza's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
	Pg. 9, lines 8-11 "We oppose..." whole answer	Lack of foundation for a party position. Mr. Gurne Garza is not an Intervenor. Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	There is no basis in the rules of evidence for this objection. As noted in the Direct Testimony, Gurne Garza purchased the property from Russell and Brook Harris, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22.2 (10).

WITNESS	LOCATION	OBJECTION	RESPONSE
Robert Gurme Garza/Laredo Sol Investments	Pg. 4, lines 13-14 "Yes " and " ... myself, Robert G. Garza/Laredo Sol Investments, LLC, and ... " Pg 5, lines 7-10 "; (c) voice... and AA I."	Assumes facts not in evidence, lack of foundation and legal conclusion. Neither Mr. Gurme Garza nor Laredo Sol Investments are Intervenor. Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	As noted in the Direct Testimony, Robert Garza purchased the property from Raul Martinez who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22 2 (10).
	Pg. 5, lines 13-32 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs failed to cite the legal authority for its position that a member of the organization cannot testify to the opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Mr. Garza has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 8, line 13 "Also... our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg 8, lines 21-25 "Because... near them."	Cumulative, speculative and improper expert testimony. Mr. Garza's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay

			opinion related to concerns surrounding transmission lines.
	Pg. 9, lines 8-11 "I oppose..." whole answer	Lack of foundation for a party position. Neither Mr. Gurne Garza nor Laredo Sol Investments are Intervenors. Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	There is no basis in the rules of evidence for this objection. As noted in the Direct Testimony, Mr. Garza purchased the property from Raul Martinez, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22.2 (10).
WITNESS	LOCATION	OBJECTION	RESPONSE
Carlos and Rosa Guzman/CRG Properties	Pg. 4, lines 14-15 "Yes " and " ... ourselves, Carlos & Rosa Guzman/CGR Properties, LLC and..." Pg 5, lines 16-19 ", (c) voice... and AAI"	Assumes facts not in evidence, lack of foundation and legal conclusion. Neither the Guzman's nor CRG Properties are intervenors. Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor	As noted in the Direct Testimony, the Guzman's purchased the property from Lonnie Arbuthnot, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22 2 (10).
	Pg. 5, lines 22 to pg. 6, line 5 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HO As) 3 are administered by and act through their board of directors or trustees, 4 which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to the opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Mr. Acuna has testified on his own behalf and

			on that of the Clearwater POA of which he is a member of.
	Pg. 6, lines 34-35 "If the line... be destroyed."	Speculative; improper opinion testimony. Witness does not have the qualifications to testify about this matter.	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects.
	Pg. 8, lines 5-6 "We believe . the property "	Speculative; lack of requisite expertise to testify about environmental impacts	As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore he can testify to those facts
	Pg. 8, line 27 "Also our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property
	Pg. 8, lines 35 to pg. 9, line 2 "Because . near them."	Cumulative, speculative and improper expert testimony. The Guzman's qualifications do not demonstrate that either of them can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg 9, lines 9-10 ", which would be destroyed by installation of the lines"	Speculative; lack of requisite expertise to testify on ecological "destruction"	As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore can testify to the impacts of a potential transmission line on their land.

	Pg. 9, lines 20-23 "We oppose . . ." Whole answer	Lack of foundation for a party position. Neither the Guzmans nor CRG Properties are Intervenor Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor.	There is no basis in the rules of evidence for this objection. As noted in the Direct Testimony, the Guzman's purchased the property from Lonnie Arbuthnot, who had previously filed a Motion to Intervene in this case, which was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22.2 (10).
WITNESS	LOCATION	OBJECTION	RESPONSE
Gregory Hamon	Entire testimony	Mr. Hamon testifies about the impacts of the line to his property. His property is not crossed by the proposed transmission line.	Mr. Hamon is an intervenor in this docket under SOAH Order #9. Anaqua Springs/Jauer failed to cite any legal authority – evidentiary or otherwise - for its argument that Direct Testimony can only come from a landowner where the transmission line will be crossing. Furthermore, Mr. Harmon never testifies that his property is crossed with a transmission line, but that does not mean his property and neighborhood, for which he is testifying on behalf of, would be impacted. Lastly, Mr.
	Pg 5, lines 22 to pg 6, line 2 "In general. . . Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeworkers Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to the opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Mr. Acuna has testified on his own behalf and

			on that of the Clearwater POA of which he is a member of
	Pg. 8, lines 7-10 "A transmission .. over \$2,000,000."	Speculative the witness lacks the expertise to testify regarding requirements for how much of the land would need to be cleared Assumes facts not in evidence. Mr. Hamon's property is not crossed by the proposed transmission line. There will be no damage to his property	The witness does not claim to be an expert on property values, but is giving his general lay opinion related to property value concerns surrounding transmission lines. A transmission line does not have to cross a property to have an impact on its value.
	Pg. 8, lines 22-24 "Destruction of . . . recoverable."	Assumes facts not in evidence. Mr. Hamon's property will not be crossed by the transmission line.	A transmission line does not have to cross a property to have an impact on surrounding wildlife, views, a tranquil setting, or property values, as Mr. Hamon testified to.
	Pg. 8, line 31 "Also.. our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg 9, lines 2-6 "Because .. near them "	Cumulative, speculative and improper expert testimony Mr Hamon's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
	Pg. 9, lines 13-15 "Placing this... area."	Speculative; lacks requisite expertise to testify on property value or environmental/ecological impacts. Assumes facts not in evidence and relevance. Mr Hamon's	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically his property values and environmental/ ecological preservation.

		property will not be crossed by the transmission line.	
WITNESS	LOCATION	OBJECTION	RESPONSE
Russell and Brook Harris	Entire testimony	Relevance. Lack of foundation. The Harris' are not crossed by any of the proposed segments and do not have a habitable structure within 300 feet of the line.	The Harris' are intervenors in this docket under SOAH Order #9. Anaqua Springs/Jauer failed to cite any legal authority for its argument that Direct Testimony can only come from a landowner where the transmission line will be crossing. Furthermore, the Harris' never testifies that his property is crossed with a transmission line, but that does not mean his property and neighborhood would be impacted.
	Pg. 5, lines 24 to pg. 6, line 3 "In general. . Hill Country."	Hearsay and lack of authority Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs)3 are administered by and act through their board of directors or trustees,4 which the witness is not Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization It is well within the personal knowledge and awareness of a property owner to know the position of their own POA through meetings, minutes, and communications with the Board Lack of authority is not an evidentiary objection. As indicated in the Direct Testimony, the Harris' have testified on their own behalf and on that of the Clearwater POA of which they are members of.
	Pg. 8, lines 6-7 "This would . in and out."	Speculative; lack of requisite expertise to testify on effects of line construction	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property

	Pg. 8, lines 15-18 " . . . and destroying ... the property "	Speculative; lack of requisite expertise to testify on environmental harm Relevance. Assumes facts not in evidence. Segment 37 does not cross their property	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property. Again, the Harris' do not claim that Segment 37 crosses them, but does come a few hundred feet from their house.
	Pg. 9, lines 31-32 "Total destruction destroyed." Pg. 9, Line 33 " ... and to see destroyed, . "	Speculative; lack of requisite expertise to testify on property value and environmental harm; Facts not in evidence	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 10, line 3 "Also ... our property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony. As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property.
	Pg. 9, lines 4-5 "If I have too great "	Speculative;	As a property owner, the witnesses are familiar with and has personal knowledge of how accessing would be affected by their livestock.
	Pg 9, lines 12-16 "Because ... near them."	Cumulative, speculative and improper expert testimony. The Harris's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg. 9, lines 23-24 " knowing all be underground"	Hearsay	Not hearsay because it is not an out-of-court statement

	Pg. 9, lines 24-25 "The price attribute."	Hearsay Facts not in evidence Speculative	As a property owner, the witness is familiar with and has personal knowledge of the price and reasons to why they paid a premium for underground utilities.
	Pg 9, lines 27-29 " ... and that fact.. to service "	Hearsay Facts not in evidence Speculative	Not hearsay because it is not an out-of-court statement. Witnesses are testifying to their lay opinion of what "should" occur.
WITNESS	LOCATION	OBJECTION	RESPONSE
Samer and Elizabeth Ibrahim	Pg. 5, lines 23-35, pg 6, lines 1-3 "In general Hill Country "	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, the Ibrahims have testified on their own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 7, line 38 " ... , this would destroy all our trees along the border"	Speculative; lack of requisite expertise to testify on impact of installation of line	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line.
	Pg. 7, line 40 "The lines would destroy the habitat of wildlife we currently have."	Speculative;	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line.

	Pg. 8, lines 6-7 "This would .. property."	Speculative; lack of requisite expertise to testify on environmental impacts	As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore can testify to the impacts of a potential transmission line
	Pg. 8, line 21 "Our property .."	Cumulative, speculative and improper expert testimony. Neither Mr. nor Mrs. Ibrahim's qualifications demonstrate that he/she can testify about the impact of transmission lines on property values.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 8, line 29 "Also ... our property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property.
	Pg. 8, lines 37-38, pg. 9, lines 1- 3 "Because .. near them."	Cumulative, speculative and improper expert testimony. Neither Mr nor Mrs. Ibrahim's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
WITNESS	LOCATION	OBJECTION	RESPONSE
Casey and Molly Keck	Entire testimony	Relevance the Kecks' property is not crossed by a transmission line and they do not have a habitable structure within 300 feet.	The Keck's are intervenors in this docket under SOAH Order #8. Anaqua Springs/Jauer failed to cite any legal authority for its argument that Direct Testimony can only come from a landowner where the transmission line will be crossing Furthermore, the Kecks never testifies that his property is crossed with a transmission line, but that does not mean their property and

			neighborhood would not be impacted.
	Pg. 5, lines 24-36, pg. 6, lines 1- 3 "In general... Hill Country "	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of their own POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in the Direct Testimony, the Kecks have testified on their own behalf and on that of the Clearwater POA of which they are members of.
	Pg. 8, lines 11-13 "It would affect . forage on."	Speculative; lack of requisite expertise to testify on ecological harm	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line on their land.
	Pg. 8, line 36 "Also ... our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property.
	Pg. 9, lines 9- 13 "Because . near them."	Cumulative, speculative, and improper expert testimony. Neither Mr. nor Mrs. Keck's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.

	Pg. 9, line 34 ", and away from where the children play"	Assumes facts not in evidence. Where the children play outdoors is at most 280 feet from the proposed line. See Cleveland RFI 1-10	The witnesses do not assume facts not in evidence, they simply give their opinion that the proposed transmission line on Segment 42a is "away from where the children play" and make no statement regarding the exact distance from the school. Furthermore, RFI responses are not in evidence.
WITNESS	LOCATION	OBJECTION	RESPONSE
Alejandro Medina	Entire testimony, not an intervenor	Relevance, speculative and hearsay. -by own admission is not an intervenor, p 4, line 13	This is a misstatement and will be corrected with an errata. Mr Medina is an Intervenor as evidenced in SOAH Order #9.
	Pg. 5, lines 17-32 "In general Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ² are administered by and act through their board of directors or trustees, ³ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Medina has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 6, lines 19-20 "There is... in the area."	Improper expert testimony. Mr. Medina's qualifications do not demonstrate that he can testify about potential for wildlife studies.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to wildlife. As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore can testify to the impacts of a potential transmission line on their land.

	Page 7, line 39-41. "Segment 37 . to be removed." Pg. 8. lines 12-13	Improper expert testimony. Mr. Medina's qualifications do not demonstrate that he can testify as to whether a transmission will destroy future uses of property or destroy an ecological preserve, harm wildlife. require the removal of countless trees, destroy ecosystems, etc Speculation, as to need for removal of countless trees or that anything would be destroyed.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to wildlife. As a property owner, the witness has personal knowledge of the ecological/ biological features, and therefore can testify to the impacts of a potential transmission line on their land.
	Pg 8, lines 28-32 "Because. . near them "	Cumulative, speculative and improper expert testimony. Mr. Medina's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
	Pg 9, lines 1-2- "Yes, Clearwater Ranch ... with nature "	Speculation, lack of foundation and hearsay	As a property owner, the witness is familiar with and has personal knowledge of the character of his neighborhood
	Pg. 9, lines 12-15 "We oppose. . " Whole answer	Relevance, lack of foundation for a party position. Neither Mr. Medina is not an Intervenor by his own admission	Mr Medina is an Intervenor under SOAH Order #9
WITNESS	LOCATION	OBJECTION	RESPONSE
Peter and Melanie Morawiec	Pg 4, line 13 "Yes," and ". ourselves, Peter and Melanie Morawiec, and... "	Assumes facts not in evidence, lack of foundation and legal conclusion. Neither Mr nor Mrs Morawiec are Intervenor. Purchasing property from an Intervenor (even if notice is waived)	As noted in the Direct Testimony, Morawiec purchased the property from Alejandro Medina, who had previously filed a Motion to Intervene in this case and is still an intervenor in the case, which

	Pg. 5, lines 10-13 "; (c) voice... and AA!"	without seeking to intervene pursuant to 16 TAC § 22.52(a)(3)(E) does not make one an Intervenor	was granted by the ALJs and for which Clearwater POA is the authorized representative of under 16 TAC 22 2 (10)
	Pg. 5, lines 20-33, pg. 6 lines 1- 2 "In general. ... Hill Country "	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Morawiec has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 7, lines 37-38 "This will. ... our property."	Speculative, lack of requisite expertise to testify on impact to property value	The witness does not claim to be an expert on property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg 8, line 2 "The lines... natural waterway."	Speculative; lack of requisite expertise to testify on ecological damage	The witness does not claim to be an expert on ecological damages, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects
	Pg. 8, line 3 " ... causing further damage to wildlife"	Speculative; lack of requisite expertise to testify on impact to wildlife	The witness does not claim to be an expert on wildlife. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property

			and specifically the ecological effects.
	Pg. 8, lines 4-5 " . and selling the property ... reduced value"	Speculative, lack of requisite expertise to testify on impact to property value	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 8, lines 17-19 "The lines.. be ruined."	Speculative, lack of requisite expertise to testify on ecological damage	The witness does not claim to be an expert on ecological damage. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects.
	Pg 8, line 26 "Also our property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property.
	Pg 8, lines 34-36, pg. 9, lines 1- 2 "Because . near them."	Cumulative, speculative and improper expert testimony. Neither Mr nor Mrs Morawiec's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg 9, lines 22-25 "We oppose... " Whole answer	Lack of foundation for a party position. Neither Mr. nor Mrs Morawiec are Intervenors Purchasing property from an Intervenor (even if notice is waived) without seeking to intervene pursuant to 16 TAC § 22 52(a)(3)(E) does not make one an Intervenor.	There is no basis in the rules of evidence for this objection As noted in the Direct Testimony, Morawiec purchased the property from Alejandro Medina, who had previously filed a Motion to Intervene in this case and is still an intervenor in the case, which was granted by the ALJs and for which Clearwater POA is

WITNESS	LOCATION	OBJECTION	RESPONSE
Kurt and Brenda Ohrmundt	Pg. 5, lines 28-36, pg. 6, lines 1-7 "In general. Hill Country "	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	<p>the authorized representative of under 16 TAC 22.2 (10).</p> <p>Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board.</p> <p>Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Ohrmundt has testified on his own behalf and on that of the Clearwater POA of which he is a member of.</p>
	Pg. 7, lines 37-38 "The proposed.. wildlife."	Speculative; lack of requisite expertise to testify on wildlife habitat	The witness does not claim to be an expert on wildlife habitat. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects.
	Pg 9, lines 22-25 "The lines . . . property."	Speculative; lack of requisite expertise to testify on home value	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg 10, lines 16-21 "Because . the wildlife "	Cumulative, speculative and improper expert testimony. Neither Mr. nor Mrs. Ohrmundt's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines
	Pg 10, lines 28-29 ", which would be	Speculative; lack of requisite expertise to testify on the installation of the line;	As a property owner, the witness has personal knowledge of the ecological/

	destroyed by installation ... neighborhood"	Facts not in evidence	biological features, and therefore can testify to the impacts of a potential transmission line.
	Pg. 11, lines 5-6 " ... , and away from where the children play"	Assumes facts not in evidence. Where the children play outdoors is at most 280 feet from the proposed line. See Cleveland RFI 1-10.	The witnesses do not assume facts not in evidence, they simply give their opinion that the proposed transmission line on Segment 42a is "away from where the children play" and make no statement regarding the exact distance from the school. Furthermore, RFI responses are not in evidence.
WITNESS	LOCATION	OBJECTION	RESPONSE
Kurt and Adrianna Rohlmeier	Pg. 5, lines 23-35, pg. 6, lines 1-3 "In general... Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to an opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, the Rohlmeier has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg. 6, lines 20-21 "The proposed ... route."	Speculative;	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line.
	Pg. 8, lines 8-9 " .. would eliminate... Sundance Ranch"	Speculative;	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore can testify to the impacts of a potential transmission line.

Pg. 8, line 10 " ... that provide security for local wildlife"	Speculative; lacks requisite expertise to testify on local wildlife	The witness does not claim to be an expert on wildlife, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects.
Pg 8, lines 16-17 "Proposed Segment . Sundance Ranch."	Speculative; lacks requisite expertise to testify on local wildlife	The witness does not claim to be an expert on wildlife, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects.
Pg 8, lines 35-36 "The biggest... power lines."	Speculative; lacks requisite expertise to testify on future home value/ how it would appear.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines
Pg. 9, line 6 "Also . our property."	Cumulative and speculative	This testimony is not cumulative as it is the first mention of third party access to the property in issues in the Direct Testimony. As a property owner, the witnesses are familiar with and has personal knowledge of how the transmission line would potentially impacts their property
Pg 9, lines 14-18 "Because... near them."	Cumulative, speculative and improper expert testimony Neither Mr. nor Mrs. Rohlmeier's qualifications demonstrate that he/ she can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines

	Pg. 10, lines 2-3 ", and away from where the children play"	Assumes facts not in evidence. Where the children play outdoors is at most 280 feet from the proposed line. See Cleveland RFI 1-10.	The witnesses do not assume facts not in evidence, they simply give their opinion that the proposed transmission line on Segment 42a is "away from where the children play" and make no statement regarding the exact distance from the school. Furthermore, RFI responses are not in evidence.
WITNESS	LOCATION	OBJECTION	RESPONSE
Paolo Salvatore/Clear Run LLC	Pg 5, lines 21 to pg 6, line 2 "In general Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Salvatore has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg 6, line 17 " ... heritage.. "	Speculative, lacks requisite expertise to testify to identity of heritage oaks	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore he can testify to those facts.
	Pg. 6, line 29 " ... including heritage oak trees"	Speculative, lacks requisite expertise to testify to identity of heritage oaks	As a property owner, the witness has personal knowledge of the ecological/biological features, and therefore he can testify to those facts

	Pg. 6, lines 30-31 "If Segment 37... wildlife."	Speculative; lacks requisite expertise to testify on potential impact to trees and wildlife	The witness does not claim to be an expert on wildlife. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects
	Pg. 7, lines 21-22 " ... that our neighborhood area"	Speculative;	As a property owner, the witness is familiar with and has personal knowledge of the character of his neighborhood.
	Pg. 8, lines 2-3 " . . which would cause habitat"	Speculative, lacks requisite expertise to testify to potential environmental harm	The witness does not claim to be an expert on environmental harm As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact their property and specifically the environmental effects
	Pg 8, lines 15-16 " ... , destroy several It would . property "	Speculative; lacks requisite expertise to testify to potential environmental harm or property values.	The witness does not claim to be an expert on environmental harm As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact their property and specifically the environmental harm and property values
	Pg. 8, line 23 "Also.. our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this questions. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property
	Pg. 8, lines 31-35 "Because . . near them."	Cumulative, speculative and improper expert testimony. Mr. Salvatore's qualifications do not demonstrate that he can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.

	Pg 9, lines 5-6 " ... ,these lines ... my property"	Speculative;	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property.
WITNESS	LOCATION	OBJECTION	RESPONSE
Michael and Rosalinda Sivilli	Pg 5, lines 32 to pg. 6, line 9 "In general Hill Country."	Hearsay and lack of authority. Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions Therefore, the statements are inadmissible	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection As indicated in his Direct Testimony, Sivilli has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Pg 6, lines 33-34 " . ,but also serves as a wildlife refuge for endangered species"	Speculative; lacks requisite expertise to testify on endangered species;	The witness does not claim to be an expert on wildlife, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects
	Pg. 7, lines 7-9 "The proposed ... maintain."	Speculative;	The witness does not claim to be an expert on wildlife, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects

	Pg. 8, lines 18-19 "This line... the line "	Speculative; lacks requisite expertise to testify about potential ecological impacts Assumes facts not in evidence right of way width is not 200 feet.	The witness does not claim to be an expert on wildlife, but is giving his general lay opinion related to concerns surrounding transmission lines. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects
	Pg. 8, lines 26-32 "Segment 26a .. health impact."	Speculative; lacks requisite expertise to testify on necessary installation requirements, environmental harm, endangered species, wildlife habitats, property value, and potential buyers' future opinions.	The witness does not claim to be an expert on environmental harm. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact their property and specifically the environmental harm and property values.
	Pg. 9, lines 11-13 "Having... pristine beauty."	Lack of personal knowledge Speculative	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects
	Pg. 9, lines 23-24 "This would . . in general."	Cumulative, speculative and improper expert testimony. Neither Mr. nor Mrs. Sivilli's qualifications demonstrate that he/she can testify to the impact of transmission lines on nonertv values.	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg 9, lines 31-34, pg. 10, lines 1-4 "Because... for them "	Cumulative, speculative and improper expert testimony. Neither Mr. nor Mrs. Sivilli's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values.	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.

WITNESS	LOCATION	OBJECTION	RESPONSE
Francis and Mariana Van Wisse	Pg 5, lines 21-34, pg. 6, lines 1- 2 "In general... Hill Country."	Hearsay and lack of authority Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) are administered by and act through their board of directors or trustees, which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection. As indicated in his Direct Testimony, Van Wisse has testified on his own behalf and on that of the Clearwater POA of which he is a member of.
	Page 6, line 38. "My well is within the 100 ft boundary of the proposed construction line . " Page 8, line 1. "As mentioned earlier my barn, coop, well, and garden would be within the 100ft boundary."	Lack of foundation, speculative and assumes facts not in evidence. The witnesses provide no evidence as to how the asserted distance was determined or to what specific boundary they are referring.	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact their property, specifically the location of their water well. Furthermore, an accurate map with a scale is attached as Exhibit A to the Direct Testimony.
	Pg 7, lines 40-41 "destroy the value of our property and . "	Speculative; lacks requisite expertise to testify on future property values	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 7, lines 41-42 "Segment 25 would destroy a hundred trees in this area."	Speculative;	As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impact his property and specifically the ecological effects

	Pg. 8, line 9 "It would destroy the value of the home."	Speculative; lacks requisite expertise to testify on future property values	The witnesses do not claim to be an expert on property values, but is giving their general lay opinion related to property value concerns surrounding transmission lines.
	Pg. 8, lines 11-12 " . . . , but we would ... developing minds"	Speculative; Facts not in evidence	This is not speculation. The witness is testifying to the consequences to their lives if the transmission line were built.
	Pg. 8, line 25 "Also... our property."	Cumulative and speculative	This testimony is not cumulative as it has not been testified to prior to this question. As a property owner, the witness is familiar with and has personal knowledge of how the transmission line would potentially impacts his property.
	Pg. 9, lines 7-11 "Because. near them."	Cumulative, speculative and improper expert testimony. Neither Mr. nor Mrs. Van Wisse's qualifications demonstrate that he/she can testify about EMFs and the impact of transmission lines on property values	This testimony is not cumulative as it is the first mention of EMF issues in the Direct Testimony. The witness does not claim to be an expert on EMF or property values, but is giving his general lay opinion related to concerns surrounding transmission lines.
	Pg. 9, lines 26-27 " . . . , and away from where the children play"	Assumes facts not in evidence. Where the children play outdoors is at most 280 feet from the proposed line. See Cleveland RFI 1-10.	The witnesses do not assume facts not in evidence, they simply give their opinion that the proposed transmission line on Segment 42a is "away from where the children play" and make no statement regarding the exact distance from the school. Furthermore, RFI responses are not in evidence.
WITNESS	LOCATION	OBJECTION	RESPONSE
Michael and Shawn Stevens	Entire testimony; not an intervenor		A witnesses' status as an Intervenor does not prevent the admission of testimony. Anaqua Springs/Jauer failed to cite any legal authority for their position.
	Pg. 4, line 13 "No. We are testifying on behalf of	Relevance; By their own admission, the Stevens are not Intervenor. Relevance, By their	Anaqua Springs/Jauer failed to cite the legal authority for its position that a member of the organization

	Clearwater Ranch POA, which we fully support."	own admission, the Stevens are not Intervenor. Assumes facts not in evidence, lack of foundation and legal conclusion. Hearsay and lack of authority Regarding the Stevens testifying on behalf of Clearwater Ranch POA, Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	cannot testify to opinion held by that organization. It is well within the personal knowledge and awareness of a property owner to know the position of the POA through meetings, minutes, and communications with the Board. Lack of authority is not an evidentiary objection and as indicated in the Direct Testimony, Mr. Stevens testified on behalf of the Clearwater POA of which he is the President.
	Pg 5, lines 12-15 "; (c) voice... and AAI."	Relevance, assumes facts not in evidence, lack of foundation and legal conclusion. The Stevens are not Intervenor by their own admission,	A witnesses' status as an Intervenor does not prevent the admission of testimony. Furthermore, Mr Stevens is the President of Clearwater HOA
	Pg. 5, line 22 to pg 6 line 2 "In general Hill Country."	Hearsay and lack of authority. Regarding the Stevens testifying on behalf of Clearwater Ranch POA, Texas "Property Owners Associations" (POAs) and "Homeowners Associations" (HOAs) ³ are administered by and act through their board of directors or trustees, ⁴ which the witness is not. Moreover, the witness presents no evidence that the POA board approved the stated positions. Therefore, the statements are inadmissible.	The witness is a member of the Property Owners Association's board and serves as the President.

III.

WHEREFORE, PREMISES CONSIDERED, Clearwater respectfully requests that the ALJs deny all of the objections, motion to strike portions of Intervenor direct, and motion to require the designation of spokespeople filed by Anaqua/Jauer.

Respectfully submitted,

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**ATTORNEYS FOR CLEARWATER RANCH
POA**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 12, 2021, via the Commission's Interchange in accordance with SOAH Order No. 3.

/s/Patrick L. Reznik

Patrick L. Reznik