



Control Number: 51023



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

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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 §
BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS §

BRAD JAUER'S & BVJ PROPERTIES, L.L.C.'S RESPONSES TO CITY PUBLIC SERVICE BOARD'S OBJECTIONS TO WITNESS TESTIMONY

Brad Jauer and BVJ Properties, L.L.C. (collectively "Jauer") file this Response to the City Public Service Board's ("CPS Energy") Objections to direct testimony filed on behalf of Jauer. CPS Energy's Objections were filed on March 8, 2021, after 3:00 p.m. Therefore, this response is timely filed.

I. OBJECTIONS REGARDING ROUTE R1 MODIFIED

CPS Energy has objected to all direct testimony related to Route R1 Modified. Based on the Administrative Law Judges' ("ALJs") ruling in SOAH Order No. 9 striking that testimony, Jauer agrees to strike those portions of the direct testimony filed on its behalf at this time. However, Jauer reserves the right to pursue any available avenues of appeal on the issues related to Route R1 Modified and to make an offer of proof during the hearing on the merits.

II. BRAD JAUER TESTIMONY

CPS Energy objects to Brad Jauer's testimony on Page 4, Lines 17-18, where Mr. Jauer states, "This proposal would cause irreparable damage to the value of ALL of our properties." The stated basis of CPS Energy's objection is that the witness has not been demonstrated to be an expert on property values, and the testimony is speculative. However, a lay witness can give opinion testimony about value if he has personal knowledge of facts forming the opinion and a

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rational connection exists between the facts and the opinion. *See e.g.*, Tex. R. Evid. 701. In fact, under the legal doctrine commonly known as the “property owner rule,” a landowner can estimate the value of his or her own property.

Moreover, Mr. Jauer has demonstrated that he has been an active participant in the local real estate market and has actively acquired, improved and preserved property in and around his homestead. In his direct testimony, he describes how he and his wife spent “years of planning” to select and purchase the location on which to construct their current home, and then starting with a 5-acre tract, they began to purchase and improve surrounding properties, including another home next door and a 70-acre tract that was slated for a 60+ lot development by a major home builder.

It is clear that Mr. Jauer has demonstrated personal knowledge and much more than a passing familiarity with the real estate market in his area and the value of his own property. Accordingly, CPS Energy’s objection to Mr. Jauer’s testimony on Page 4, Lines 17-18 should be overruled.

III. CONCLUSION

For the foregoing reasons, the ALJs should overrule the objections and deny the motions to strike.

Respectfully submitted,

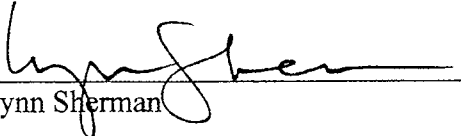
By: 

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**ATTORNEY FOR BRAD JAUER &
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed with the Commission and served on all other parties via the PUC Interchange on this 15th day of March 2021, pursuant to SOAH Order No. 3 issued in this docket.


Lynn Sherman