



Control Number: 51023



Item Number: 643

Addendum StartPage: 0

RECEIVED
2021 MAR 15 AM 10:18
PUBLIC UTILITY COMMISSION
FILING CLERK

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

APPL. OF THE CITY OF SAN ANTONIO §
TO AMEND ITS [CCN] FOR THE §
SCENIC LOOP 138-KV TRANS. LINE IN §
BEXAR COUNTY, TX §

STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**SAVE HUNTRESS LANE AREA ASSOCIATION'S
RESPONSE TO THE OBJECTIONS TO ITS DIRECT TESTIMONY**

Save Huntress Lane Area Association (“SHLAA”), an intervenor, submits this response to the objections filed with the Commission by Anaqua Springs Homeowners Association (“AS”) on March 8, 2021 (but not sent directly to SHLAA even though it included objections to certain SHLAA testimony). This response is timely.

AS objects to two portions of the direct testimony of one of the SHLAA witnesses, Mr. Harold L. Hughes, Jr., P.E., an expert witness on electric transmission line routing in Texas.

The first AS objection is to Mr. Hughes’ Page 6, Answer to the Question, “WHICH SEGMENTS WOULD IMPACT THE SAVE HUNTRESS LANE AREA ASSOCIATION MEMBERS?” and his use of the term “members” throughout the Answer (e.g., “members’ property”). The AS objection thereto is: “Vague, assumes facts not in evidence, legal conclusion.” In explanation AS asserts: “Mr. Hughes appears to include all of the landowners within The Canyons POA and the Altair Subdivision POA as members of the SHLAA, which was clarified not to be the case by SHLAA in its Response to Order No. 6 and First Supplement to Its Motion to Intervene. SHLAA represents only those ‘members’ that it has designated in writing in this matter.” The AS objection is without merit:

- The testimony is not vague. This is because it is simply a summary of which routes would be crossed or adjacent to properties of the SHLAA members. As Mr. Hughes says, those are more fully described in the direct testimony of SHLAA members. See, e.g., the Direct Testimony of Cynthia Grimes, David Clark, and Jerry Rumpf and its Attachment B thereto. AS did not object to that other direct testimony of SHLAA. Therefore, on its own and especially when read in the context of the other testimony, Mr. Hughes’ answer is not vague.
- The testimony does not assume facts not in evidence. This is because his answer does not state anything about who are the members of SHLAA. Again, he simply identified in summary fashion the routes that would cross or be adjacent to properties of the SHLAA

643

members which the other SHLAA direct testimony more fully described per his reference thereto. AS did not object to that other direct testimony of SHLAA, so it will be offered into evidence without objection. Therefore, on its own and especially when read in the context of the other testimony for which there is no objection, Mr. Hughes' answer does not assume facts not in evidence.

- The testimony does not constitute a legal conclusion. This is because his answer does not state anything of a legal nature. Again, he simply identified in summary fashion the routes that would cross or be adjacent to properties of the SHLAA members which the other SHLAA direct testimony more fully described per his reference thereto. AS did not object to that other direct testimony of SHLAA. And which proposed routes cross or would be adjacent to properties of the SHLAA members are visually represented on the CPS Energy intervenor maps of February 11, 2011, views of which were included in Attachment A to that other SHLAA direct testimony. Therefore, on its own, when read in the context of the other testimony for which there is no objection, and when considered in light of the facts CPS Energy itself has visually provided and the SHLAA fact witnesses included in their direct testimony, Mr. Hughes' answer is a factual one, and does not constitute a legal conclusion.

The second AS objection to Mr. Hughes' direct testimony is: "Page 23, Answer to Question, "WHY IS THAT?", second sentence beginning with "I this [sic, should be think] this was amply demonstrated by the fact . . ." references to 5 new habitable structures." The AS objection thereto is: "Assumes facts not in evidence." In explanation AS asserts: "According to the CPS's Amended Application, Cover Pleading, Pages 5 & 6, only 2 of the 5 are new construction, which does not support the conclusion that 'this area is undergoing rapid development and it is difficult to pin down the number of habitable structures at a particular point in time.'" The AS objection is without merit:

- AS misstates Mr. Hughes' direct testimony. He did not say there were five "new" habitable structures. He instead said there were five "additional" habitable structures. Because the objection depends on non-existent references to "new" habitable structures, it fails due to a faulty premise.
- The testimony does not assume facts not in evidence. This is because the facts recounted in his answer regarding additional habitable structures are in the CPS Energy application, the CPS Energy amendment thereto, and the other SHLAA direct testimony to which there is no objection. AS may disagree with the conclusions Mr. Hughes draws from

those facts, but the facts themselves are matters that he is not assuming and instead are factual matters which will be part of the evidence to be admitted in the hearing on the merits.

WHEREFORE, PREMISES CONSIDERED, it is respectively requested that the AS objections as to SHLAA's direct testimony be overruled.

Respectfully submitted,

By: /s/ Thomas K Anson
Thomas K. Anson (SBN 01268200)
512-499-3608 / 512-536-5718 (fax)
TAnson@clarkhill.com
Clark Hill PLC
720 Brazos St. Suite 700, Austin, TX 78701

ATTORNEYS FOR SHLAA

Certificate of Service: I certify I served the foregoing under SOAH Order No. 3 on Mar. 15, 2021.

/s/ Thomas K Anson
Thomas K. Anson