



Control Number: 51023



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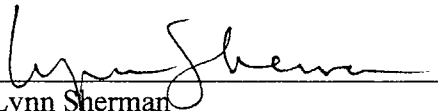
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APPLICATION OF THE CITY OF	§	
SAN ANTONIO, ACTING BY AND	§	
THROUGH THE CITY PUBLIC	§	
SERVICE BOARD (CPS ENERGY)	§	
TO AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY FOR	§	
THE SCENIC LOOP 138-KV	§	
TRANSMISSION LINE IN BEXAR	§	
COUNTY, TEXAS	§	OF TEXAS

**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

COMES NOW Brad Jauer and BVJ Properties, LLC and file these Responses to CPS Energy's First Set of Requests for Information. The Responses are timely filed. Brad Jauer and BVJ Properties, LLC agree and stipulate that all parties may treat these Responses as if the answers were filed under oath.

Respectfully submitted,

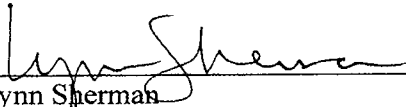


 Lynn Sherman
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 Austin, Texas 78763
 (512) 431-6515
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**ATTORNEY FOR BRAD JAUER &
 BVJ PROPERTIES, L.L.C.**



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed and served on all other parties via the PUC Interchange on this 19th day of March 2021, pursuant to SOAH Order No. 3 issued in this docket.


Lynn Sherman

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-1:

Is Mr. Jauer providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702 who is qualified by knowledge, skill, experience, training, or education regarding AC induction from electric transmission lines?

Response:

No. Mr. Jauer is not providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702; however, as indicated in his direct testimony, he does have many years of experience with natural gas pipelines as a mechanical engineer in the oil field and petroleum company executive.

Prepared By: Lynn Sherman

Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-2:

Is Mr. Jauer providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702 who is qualified by knowledge, skill, experience, training, or education regarding any other matters discussed in your testimony?

Response:

No. Mr. Jauer is not providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702.

Prepared By: Lynn Sherman
Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-3:

If Mr. Jauer's answer to Question 1.1 or 1.2 is yes:

- a. Identify and provide all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for you in anticipation of your testimony in this docket.
- b. Identify and provide all workpapers, draft analyses, evaluations, notes, and any other factual information related to or forming the basis of your mental impressions and opinions in connection with this docket.
- c. Identify and fully describe any bias you have as it relates to this docket or any parties thereto.

Response: N/A

Prepared By: Lynn Sherman
Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-4:

Identify and provide all communications between you and any resident or representative of the Anaqua Springs community regarding Mr. Jauer's testimony.

Response: There are no responsive communications.

Prepared By: Lynn Sherman

Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-5:

Refer to page 4, line 14 of Mr. Jauer's testimony. Describe in detail what you mean by "encroach upon McAndrew Elementary."

Response:

Segment 42a is 280 feet from the area where McAndrew Elementary school children play, and Segment 35 is less than 300 feet from the school building, as well. In addition, Segments 33, 34 and 41 cross NISD property just to the north of McAndrew Elementary where the middle school will be built.

Prepared By: Lynn Sherman
Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-6:

Do Mr. Jauer's children currently attend McAndrew Elementary School?

Response:

Not at this time, but they did attend McAndrew Elementary when they were younger.

Prepared By: Lynn Sherman

Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-7:

Refer to page 4, lines 16-17 of Mr. Jauer's testimony. Describe in detail what he means by "attractive nuisance."

Response: Something that appears attractive and fun to play on or around, but can be hazardous.

Prepared By: Lynn Sherman

Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-8:

Refer to page 4, line 18 of Mr. Jauer's testimony. Describe in detail what he means by "irreparable damage to the value of ALL of our properties."

Response:

As detailed in his direct testimony, Mr. Jauer and his wife have spent 10 years assembling adjacent properties to preserve them from development and in largely their natural state. A 100-foot cleared right-of-way with electric transmission lines and poles will cause irreparable damage to that.

Prepared By: Lynn Sherman
Sponsored By: Brad Jauer

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-9:

Is Mr. Huber providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702 who is qualified by knowledge, skill, experience, training, or education regarding the matters discussed in your testimony?

Response:

No. Mr. Huber is not providing testimony in this proceeding as an expert pursuant to the Texas Rules of Evidence 702; however, he does have many years of experience in the selection of communication tower sites and the ownership and leasing of communication towers. He also has personal knowledge and experience with the activities that occur on the property.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-10:

If Mr. Huber's answer is yes:

- a. Identify and provide all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for Mr. Huber in anticipation of his testimony in this docket.
- b. Identify and provide all workpapers, draft analyses, evaluations, notes, and any other factual information related to or forming the basis of Mr. Huber's mental impressions and opinions in connection with this docket.
- c. Identify and fully describe any bias Mr. Huber has as it relates to this docket or any parties thereto.

Response: N/A

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-11:

Identify and provide all communications between Mr. Huber and Brad Jauer regarding Mr. Huber's testimony.

Response: There are no responsive communications.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-12:

Identify and provide all communications between Mr. Huber and counsel for Brad Jauer or the Anaqua Springs HOA regarding Mr. Huber's testimony.

Response:

Any responsive communications between Mr. Huber and Lynn Sherman, counsel for Brad Jauer, are protected by attorney/client privilege because Mr. Sherman also is counsel for Mr. Huber.

There are no responsive communications between Mr. Huber and the Anaqua Springs HOA.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-13:

Describe in detail all impacts, interference, or disruption of operations Mr. Huber alleges will occur to Communications Tower No. 501 from the construction and operation of the proposed transmission line facilities along Segments 20, 32, or 36.

Response:

As stated in Mr. Huber's direct testimony, according to CPS Energy, Communications Tower No. 501 is located 279 feet of Segment 32 (*See Application, Table 4-3*) and 482 feet from Segment 36 (*See Application, Page 7*). Both of these distances are well within threshold distance of 2,000 feet specified in the PUC's CCN form. Although the Application did not provide Communication Tower No. 501's distance from Segment 20, a cursory review of Figure 4-1 Amended and Figure 2-4 Amended clearly indicated that the distance from Segment 20 is not much further than the distance from Segment 36.

Communications Tower No. 501 is used by three communication services and systems, including the Alamo Area Regional Radio System (AARRS), which is a network of 28 interconnected tower sites and related communications facilities that provide wireless connectivity to police, fire and other public safety users.

AT&T has leased a spot on Communication Tower No. 501 for a microwave antenna; AARRS has leased two spots for microwave antennas; and other carriers will likely do the same as they look for system redundancy to ensure adequate and continuous service, particularly for those providing public safety communications.

Notably, microwave communications are limited to "line of sight" transmissions and, as a result, they can be negatively impacted by obstructions to their line of sight. Mr. Huber is concerned

that one or more of the tenants leasing microwave antenna space on Communications Tower No 501 might not be able to operate their equipment properly if the electric transmission poles or lines associated with Segment 20, 32 or 36 end up obstructing the microwave equipment's line of sight. This could lead to the tenant terminating its lease, or, more tragically, it could result in public safety communications being obstructed when they are needed in the midst of an emergency. Unfortunately, the latter outcome actually appears quite possible.

The two AARRS microwave antennas are installed less than 100 feet above ground surface – well within the height of Segments 20, 32 and 36. In fact, one of the AARRS microwave antennas is installed at 80 feet, and it has a specified azimuth of 35.54° that focuses its line of sight into Segment 36 and its two angle structures on either side of Toutant Beauregard. The other AARRS microwave antenna is installed even lower at 50 feet, and it has a specified azimuth of 127.44° that focuses its line of sight into Segment 32. As a result, the line of sight of either microwave antenna, which will be devoted to public safety communications, could be obstructed.

In addition to the threat posed to the AARRS microwave communications, and possibly the microwave communications of AT&T and other providers that may install microwave antenna on Communications Tower No. 501, there also is the hazardous condition Segments 20, 32 and 36 would pose to installation and maintenance activities on the property and at the communications tower. To get to the communications tower, CellTex and the communications companies to which it leases must travel up a steep, gravel service road. The grade and layout of the service road is a major issue because the maintenance of the communications tower and the installation and servicing of equipment can require the use of large cranes. The hard right-angle turn that is required for a crane to enter and exit the property from Toutant Beauregard would be extremely hazardous under or in proximity to an electric transmission line, and going up and down the steep grade of the service road with a crane would likely be impossible under Segment 32.

In addition, and relatedly, if Segment 32 is selected, its 100-foot right-of-way will consume almost ½ of the property's width along the entrance on Toutant Beauregard, which is 209.73 linear feet, and almost ¼ of the property's width at the back, which is 427.54 linear feet. As a result, the existing service road would have to be relocated to the remaining usable portion of the tract, thereby impacting the property even more significantly and effectively resulting in a conversion of about half of it for cleared right-of-way purposes as a result of the construction of Segment 32.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-14:

Describe in detail Mr. Huber's understanding of the basis for the requirement in the Public Utility Commission of Texas' certificate of convenience and necessity form to report communication facilities within 2,000 feet of a proposed transmission line.

Response: Mr. Huber has no knowledge of the basis for the stated requirement.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-15:

Identify all other communication facilities of CellTex or the Alamo Area Regional Radio System currently within 2,000 feet of an electric transmission line.

Response:

CellTex does not own or operate communication facilities. It owns communications towers and rents space on them to communication companies that install their own communications facilities and operate them themselves. Nevertheless, Mr. Huber believes CellTex may own a communications tower near Floresville and another west of Austin that may be within 2,000 feet of either an electric distribution line or an electric transmission line, he is not certain which. However, neither tower has any microwave antennas that are directed into the electric lines in question.

With respect to AARRS's communication facilities, Mr. Huber has no knowledge of them, other than the locations AARRS has leased for microwave antennas on Communications Tower No. 501.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-16:

Identify all communication facilities of CellTex or the Alamo Area Regional Radio System on electric transmission poles or towers.

Response:

CellTex does not own or operate communication facilities. It owns communications towers and rents space on them to communication companies that install their own communications facilities and operate them themselves.

With respect to AARRSs communication facilities, Mr. Huber has no knowledge of them, other than the locations AARRS has leased for microwave antennas on Communications Tower No. 501.

Nevertheless, it is worth noting that the question of whether a microwave antenna has been installed on an electric transmission pole or tower is a much different consideration than whether an electric transmission pole or a tower can *obstruct* the line of sight of a microwave antenna installed somewhere else in relatively close proximity.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-17:

Admit or deny that cellular communication facilities can be constructed and operated on electric transmission line poles, towers, and within electric substations and switching stations.

Response: Admit, but only to the extent the variables necessary for effective communications are met.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber

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**BRAD JAUER AND BVJ PROPERTIES, LLC RESPONSES TO
CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

CPS Energy's RFI 1-18:

Admit or deny that microwave communication facilities can be constructed and operated on electric transmission line poles, towers, and within electric substations and switching stations.

Response: Admit, but only to the extent their intended line of sight is not obstructed.

Prepared By: Lynn Sherman
Sponsored By: Carl G. Huber