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

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APPLICATION OF THE CITY OF § BEFORE THE STATE OFFICE,  
SAN ANTONIO TO AMEND ITS §  
CERTIFICATE OF CONVENIENCE § OF  
AND NECESSITY FOR THE §  
SCENIC LOOP 138-KV TRANSMISSION § ADMINISTRATIVE HEARINGS  
LINE IN BEXAR COUNTY §

**CLEARWATER RANCH POA'S RESPONSE TO CPS ENERGY'S FIRST SET OF REQUESTS FOR INFORMATION**

TO: City of San Antonio, acting by and through the City Public Service Board (CPS Energy), by and through its attorneys of record, Kirk D. Rasmussen and Craig R. Bennett, JACKSON WALKER LP, 100 Congress Avenue, Suite 1100, Austin, Texas 78701.

Pursuant to the orders in this docket, P.U.C. PROC. R. 22.144, and other applicable Commission rules, Clearwater Ranch POA and those Intervenor who have appointed Clearwater Ranch POA as their authorized representative ("Clearwater Ranch") hereby serves their Responses to CPS Energy's First Request for Information. The responses to these questions may be treated as thought provided under oath.

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 19, 2021 in accordance with Public Utility Commission Procedural Rule 22.74 and the Orders in the above-captioned proceedings.

/s/Carly Barton

Carly Barton

## QUESTIONS

- 1.1 Is Dr. Garoutte 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 electric and magnetic fields?

**Response:** No.

**Prepared by:** Carly Barton

**Sponsored by:** Dr. Garoutte for Clearwater Ranch

- 1.2 Is Dr. Garoutte 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 potential health effects of electric and magnetic fields?

**Response:** No.

**Prepared by:** Carly Barton

**Sponsored by:** Dr. Garoutte for Clearwater Ranch

- 1.3 Is Dr. Garoutte 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 effects of electric and magnetic fields on honeybees?

**Response:** No.

**Prepared by:** Carly Barton

**Sponsored by:** Dr. Garoutte for Clearwater Ranch

- 1.4 Is Dr. Garoutte 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 real estate appraisal and valuation?

**Response.** No.

**Prepared by:** Carly Barton

**Sponsored by:** Dr. Garoutte for Clearwater Ranch

- 1.5 Is Dr. Garoutte 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 issue relevant to this proceeding?

**Response:** No.

**Prepared by:** Carly Barton

**Sponsored by:** Dr. Garoutte for Clearwater Ranch

- 1.6 Identify any other witnesses who are providing testimony on behalf of Clearwater Ranch as an expert pursuant to the Texas Rules of Evidence 702 who is qualified by knowledge, skill, experience, training, or education regarding the subject of their testimony. For all experts identified, provide the specific subject area the witness is qualified to provide expert testimony and a detailed explanation of the basis for the qualification.

**Response:** None.

**Prepared by:** Carly Barton

**Sponsored by:** Clearwater Ranch

- 1.7 For all witnesses identified as expert witnesses in response to Questions 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 identify and provide:
- a. the expert's name, address, and telephone number;
  - b. the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this docket;
  - c. the expert's mental impressions and opinions formed or made in connection with this docket, and any methods used to derive them;
  - d. any bias of the witness;
  - e. all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony in this docket;
  - f. a listing of all proceedings in which the expert provided testimony;
  - g. the expert's current resume and bibliography.
  - h. all communications between the expert and any member or representative of the Clearwater Ranch, including its attorneys, regarding the testimony.
  - i. all communications between the expert and any member or representative of the Save Huntress Lane Area Association or the Bexar Ranch L.P.

**Response:** Clearwater Ranch has not identified any expert witnesses in this proceeding.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.8 Identify all consulting experts whose mental impressions or opinions have been reviewed by an expert testifying on behalf of Clearwater Ranch. For each consulting expert identified, provide the expert's name and address.

**Response:** Clearwater Ranch does not have a consulting expert in this proceeding.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.9 Describe in detail the basis of Dr. Garoutte's concerns regarding electric and magnetic fields and bees.

**Response:** Dr. Garoutte's concerns derive from an article he reviewed in *Bioelectromagnetics* 1981; 2(4): 315-28.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.10 Refer to page 10, lines 1-6 of Dr. Garoutte's testimony. Describe all of the limitations of the studies that Dr. Garoutte reviewed. Identify and provide all of the studies that Dr. Garoutte reviewed that do not support a correlation between transmission lines and bees.

**Response:** This specific study reviewed by Dr. Garoutte looked at the biological effects of a 765-kV transmission line. Dr. Garoutte did not review any studies that do not support a correlation between transmission lines and bees.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.11 Prior to September 1, 2019, describe any research or studies that Dr. Garoutte participated in related to the potential health effects of electric and magnetic fields.

**Response:** None.

**Prepared by: Carly Barton**

**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.12 Prior to September 1, 2019, describe any research or studies that Dr. Garoutte participated in related to electric and magnetic fields from transmission lines and bees.

**Response:** None.

**Prepared by: Carly Barton**

**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.13 Identify any study that Dr. Garoutte is aware of that does not find a correlation between electric and magnetic fields from transmission lines and potential health effects.

**Response:** Dr. Garoutte is unaware of specific studies that do not find a correlation between electric and magnetic fields from transmission lines and potential health effects.

**Prepared by: Carly Barton**

**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.14 Of all of the studies that Dr. Garoutte reviewed regarding electric and magnetic fields from transmission lines and potential health effects, identify the voltages of the transmission lines evaluated and the number of circuits present on each transmission line.

**Response:** Dr. Garoutte does not know the exact voltages of the transmission lines evaluated and the number of circuits present on each transmission line as his review of the literature was general.

**Prepared by: Carly Barton**

**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.15 Describe the maximum and average level of electric and magnetic fields that Dr. Garoutte believes will be present at the edge of the ROW of the proposed transmission line facilities. Describe how this level compares to background levels of electric and magnetic fields experienced from common home appliances.

**Response:** Dr. Garoutte does not hold a belief about the maximum and average level of electric and magnetic fields that will be present at the edge of the ROW as he is not an expert in electric and magnetic fields and does not know how to perform this calculation.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.16 Describe Dr. Garoutte’s understanding of reverse phasing as it has to do with the operation of multiple circuits on single transmission line poles and the levels of electric and magnetic fields potentially emitted from the transmission line facilities.

**Response:** Dr. Garoutte does not have an understanding of reverse phasing and the effects it has the levels of electronic and magnetic fields potentially emitted from the transmission line facilities as he is not an expert in electronic and magnetic fields.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.17 Refer to page 11, lines 4-9 of Dr. Garoutte’s testimony. Describe in detail how CPS Energy has identified route alternatives that discriminate specifically against the Clearwater Ranch in favor of other neighborhoods.

**Response:** Clearwater Ranch consists of large acreage lots with space to place a transmission line right through its neighborhood. The high density neighborhoods to the north, south, and east of Clearwater Ranch will not be affected this way.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.18 Refer to page 11, lines 4-9 of Dr. Garoutte’s testimony. Describe in detail how CPS Energy’s lack of forethought regarding the power needs of the northwest San Antonio corridor is punishing you.

**Response:** Because of a lack of planning by CPS Energy and development of higher density neighborhoods in the area, this has left Clearwater Ranch vulnerable to transmission lines being built through its neighborhood.

**Prepared by: Carly Barton**  
**Sponsored by: Dr. Garoutte for Clearwater Ranch**

- 1.19 Identify specific actions taken by members of Clearwater Ranch that demonstrate the “great lengths” taken to “preserve native Texas Hill Country” and identify all “established guarantees to preserve the natural native flora and fauna of the Texas Hill Country.”



**Response:** The vast majority of properties in Clearwater Ranch have a wildlife property tax valuation. As part of the requirements to maintain this, the landowner must complete at least three wildlife management activities a year under a plan targeted to specific indigenous wildlife species. Wildlife management activities include: habitat control, erosions control, predator control, providing supplemental supplies of water, providing supplement supplies of food, providing shelters, and making census counts to determine population.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.20 Identify the basis for, and provide all studies or documents that you rely on for, the testimony that a “138 kV transmission line would utterly destroy the protections that we have established and destroy this portion of undeveloped Hill Country.”

**Response:** The construction of 138 kV transmission line would require CPS Energy to clear-cut right-of-way of approximately 100 feet in width. This would remove any trees, bushes, and habitat for the wildlife that the neighborhood protects and manages.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.21 Identify any experience, education, or training any members of Clearwater Ranch have regarding the impact of the construction of a transmission line upon vegetation or wildlife.

**Response:** None as there has been no construction of a transmission line upon vegetation or wildlife in Clearwater Ranch.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.22 Describe how the presence of a 138 kV transmission line within Clearwater Ranch would “affect the wildlife and landscape, affecting harborage and nesting sites for the endangered golden-cheeked warbler” differently than if the line is constructed within golden-cheeked warbler habitat on a route not located within Clearwater Ranch.

**Response:** The presence of a 138 kV transmission line does not affect golden-cheeked warbler differently in Clearwater Ranch than in other habitat on a route. However, as noted

in direct testimony, Clearwater Ranch is increasingly becoming a preserve for golden-cheeked warbler as the area develops.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.23 Describe how the presence of a 138 kV transmission line would “impact the vegetation our honey bees forage on.”

**Response:** A 138 kV transmission line requires CPS Energy to clear-cut approximately 100 feet width the length of the segment, which would remove trees, bushes and vegetation that honeybees forage on.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch**

- 1.24 Explain how “CPS has chosen routes that are careless to the ecosystem,” identifying each of the specific ways you contend the routes presented in the application are careless to the ecosystem.

**Response:** Because Clearwater Ranch is large acreage lot neighborhood, where property owners participate in wildlife management practices to protect species, choosing a route through this area would be careless to the ecosystem.

**Prepared by: Carly Barton**  
**Sponsored by: Casey and Molly Keck for Clearwater Ranch**

- 1.25 Explain the basis for your opinion that CPS Energy has “not considered [the routes] impact on people, families, wildlife, endangered species, or the land,” identifying each of the alleged impacts on people, families, wildlife, endangered species, or land that you contend will result from the proposed routes that CPS Energy has not considered.

**Response:** The basis for my opinion is that routes that cross Clearwater Ranch will would destroy wildlife habitat, bisect and devalue properties, and negatively affect the families’ ability to enjoy nature.

**Prepared by: Carly Barton**  
**Sponsored by: Casey and Molly Keck for Clearwater Ranch**

- 1.26 Identify the “hundred trees” that will be destroyed in the area along the back of the VanWisses property if the transmission line is approved and constructed on a route using Segment 25.

**Response:** As seen in Exhibit A to the VanWisse’s testimony, Segment 25 runs close to their property in a wooded area. This segment would require clearcutting of trees on their property.

**Prepared by: Carly Barton**  
**Sponsored by: VanWisse for Clearwater Ranch**

- 1.27 Describe the basis for the Rohlmeier testimony that construction of the transmission line on Segment 32 will “eliminate” a tree line that separates their home from Sundance Ranch.

**Response:** As seen in Exhibit A to the Rohlmeier testimony, Segment 32 cuts through a wooded area on their property and parallel to the Rohlmeier’s property line with Sundance Ranch. The construction of a transmission line on Segment 32 would require removing those trees and therefore eliminating the tree line and natural barrier between the properties.

**Prepared by: Carly Barton**  
**Sponsored by: Rohlmeier for Clearwater Ranch**