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Addendum StartPage: 0

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

STATE OFFICE OF ADMINISTRATIVE
HEARINGS
ON REFERRAL FROM THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**CROSS-REBUTTAL TESTIMONY
OF CYNTHIA GRIMES, DAVID CLARK, AND JERRY RUMPF
ON BEHALF OF THE SAVE HUNTRESS LANE AREA ASSOCIATION**

Q. PLEASE STATE YOUR NAMES.

A. Cynthia Grimes, David Clark, and Jerry Rumpf. This cross-rebuttal testimony is provided by all three of us except to the extent identified otherwise in the answer to a particular question.

Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

A. Save Huntress Lane Area Association ("SHLAA"). SHLAA represents the interests of its members in this proceeding. The members of SHLAA include 31 individual landowners, the Canyons Property Owners Association ("Canyons") with over 700 individual landowners, and the Altair Subdivision Property Owners' Association, Inc. ("Altair") with 14 individual landowners.

Q. ARE YOU ALL THE SAME CYNTHIA GRIMES, DAVID CLARK, AND JERRY RUMPF WHO PROVIDED DIRECT TESTIMONY IN THIS CASE ON BEHALF OF SHLAA?

A. Yes.

Q. WHAT IS THE PURPOSE OF YOUR CROSS-REBUTTAL TESTIMONY?

A. The purpose of this cross-rebuttal testimony is to address certain matters in the direct testimony and statements of position by other intervenors, as well as certain comments by non-parties. Those other intervenors include but are not limited to the Anaqua Springs HOA ("Anaqua," including *pro se* intervenors who are landowners in that subdivision), Brad Jauer and BVJ Properties, LLC ("Jauer"), the San Antonio Rose

672

Palace, Inc. and its affiliate Strait Promotions, Inc. (together “Rose Palace”), the Northside Independent School District (“NISD”), and others.

We will again be referencing parts of the CPS Energy application as amended and the CPS Energy 2-11-2021 Intervenor map, included as part of Attachment A to our direct testimony and available on the CPS Energy website for the Scenic Loop Project at <https://www.cpsenergy.com/en/about-us/new-infrastructure/scenic-loop-project.html>. Mr. Harold L. Hughes, Jr., P.E., a transmission routing expert, provided direct testimony on behalf of SHLAA, and will also be providing cross-rebuttal testimony from his expert perspective. This testimony is therefore in addition to his.

Q. IS YOUR TESTIMONY BASED ON YOUR PERSONAL KNOWLEDGE AND EXPERIENCE?

A. Yes.

Q. DO YOU HAVE ANY EXHIBITS?

A. Cynthia Grimes: Yes. They are included as part of this testimony.

Q. ARE THE EXHIBITS TRUE AND CORRECT COPIES AND ACCURATE REPRESENTATIONS OF WHAT IS DEPICTED?

A. Cynthia Grimes: Yes.

Q. IN YOUR DIRECT TESTIMONY, YOU INDICATED THAT THERE WERE FOUR HABITABLE STRUCTURES WITHIN 300 FEET OF SEGMENTS 26A AND 15 WHICH CPS ENERGY HAD NOT PREVIOUSLY COUNTED, AND FOR WHICH INFORMATION WAS PROVIDED TO CPS ENERGY. DO YOU HAVE AN UPDATE ON THAT INFORMATION?

A. Cynthia Grimes: Yes. CPS Energy reviewed that information and does not dispute the existence of those additional four habitable structures. This means that adding four habitable structures to the habitable structure count increases the number of habitable structures within the SHLAA area to 10 to 40 habitable structures, depending on which route is utilized.

Q. IN YOUR DIRECT TESTIMONY, YOU INDICATED THAT THERE WERE FIVE WATER WELLS WITHIN 200 FEET OF SEGMENTS 26A, 15, AND 8 WHICH CPS ENERGY HAD NOT PREVIOUSLY COUNTED, AND FOR

WHICH INFORMATION WAS PROVIDED TO CPS ENERGY. DO YOU HAVE AN UPDATE ON THAT INFORMATION?

- A. Cynthia Grimes: Yes. CPS Energy reviewed that information and does not dispute the existence those additional water well locations.

Routes Which SHLAA Supports

Q. IN LIGHT OF OTHER INTERVENOR DIRECT TESTIMONY, PLEASE DESCRIBE THE ROUTES WHICH SHLAA IS PROPOSING THAT THE COMMISSION APPROVE.

- A. As stated in our direct testimony, SHLAA supports approval of Route Z1 and Route AA1. Route Z1 is the shortest in length, and Route Z1 and Route AA1 are the two least costly (well under \$40 million). In contrast, Route R1, Route S, and Route W, which are advocated for by certain intervenors seeking to push the selected route further south, are all well over (rather than under) \$40 million in total cost. For example, when compared to Route Z1, the added cost of Route R1 is over \$5 million, the added cost for Route W is over \$14 million, and the added cost for Route S is over \$16 million more, as shown in the CPS Energy Amended Attachment 3 Cost Tables.

Additionally, in the direct testimony of Mr. Brian Andrews on behalf of Lisa Chandler, Clinton R. Chandler, and Chip and Pamela Putnam, he developed a new proposed route, which he calls Route AA2. For that new route, he substituted one utility-proposed segment (Segment 46a) for part of another utility-proposed segment (Segment 46). That too appears to SHLAA to be a reasonable route for selection and SHLAA generally supports its approval, for the same reasons that SHLAA supports approval of Route Z1 and Route AA1. As discussed later in this testimony, as between those three, SHLAA favors Route Z1 over Routes AA1 and AA2.

Q. HAS TPWD ADDRESSED THE ROUTES PROPOSED IN THE AMENDED APPLICATION?

- A. Yes, it submitted a letter to CPS Energy on February 18, 2021, addressing the amended application. In that letter, it indicated it reviewed all of the routes in the amended application, and based thereon recommends Route DD as the one which causes the least adverse impacts to natural resources. While that route would not go through or along

SHLAA member properties, it would have certain kinds of impacts on SHLAA members that are greater than the impacts on them from Routes Z1, AA1, or AA2.

Specifically, Route DD uses Segments 41 and 35 on and in front of the McAndrew Elementary School, instead of Segment 42a along the backside of the school. Route DD would also use a greater length of Toutant Beauregard which as previously described in our direct testimony is a thoroughfare driven by our members. Therefore, for the reasons earlier stated in our direct testimony about why SHLAA supports approval of Routes Z1 and AA1, SHLAA prefers selection of Routes Z1, AA1, or AA2 over Route DD.

- Q. WHICH INTERVENORS OPPOSE SELECTION OF ROUTES Z1 AND AA1?**
- A. As described in more detail below, the only intervenors actually located along key segments in Routes Z1 and AA1 who oppose use of those key segments are the NISD (as to Segment 42a, even though it is in the floodplain area behind the school), Anaqua (as to Segment 36 even though it only goes in front of its entrance and by one habitable structure which is its entrance gatehouse), Jauer (as to Segment 36 even though it only goes in front of its entrance and by no habitable structures), Rose Palace (as to Segment 54 which goes along the road by its affiliated ranch but not along the road by the Rose Palace itself), and Mr. Steven Herrera (as to Segment 54, and in the entire Scenic Hills subdivision is the only one with property along Toutant Beauregard Road that intervened in this case).

Anaqua and Jauer

- Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS AND ROUTES APPEAR TO AFFECT ANAQUA AND JAUER?**
- A. Segment 42a touches a point near to, then veers back away from, a northeast portion of Anaqua across from the property boundary between the tracts for Pro Se Landowner IA-53 & IA-92 on the CPS Energy Intervenor Map. Segment 36 comes along Toutant Beauregard Road along the front of the Anaqua subdivision and the front of the Jauer properties. Segment 43 comes along a part of the Anaqua subdivision on its southside. Segment 38 is not along the Anaqua subdivision's southside but is relatively near it (and in northwest part of the Canyons subdivision). The west end of Segment 37 is relatively near the Anaqua subdivision (and in the Clear Water Ranch subdivision).

In addition to Segment 36 which comes along Toutant Beauregard Road along the front of the Jauer properties, the Jauer properties also have Segment 32 running along the east side of its properties. Unlike Segment 36, Segment 32 is not part of Routes Z1 or AA1.

Q. WHAT HABITABLE STRUCTURES IN THE ANAQUA SUBDIVISION AND THE JAUER PROPERTIES ARE WITHIN 300 FEET OF A CPS ENERGY PROPOSED LINE SEGMENT?

- A. Only three habitable structures in the Anaqua subdivision are within 300 feet of a CPS Energy proposed line segment according to CPS Energy, according to CPS Energy's amended Figure 4-1 Inventory, available on the Scenic Loop Project website at https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/Fig_4_1_Inventory_Amended_20201221.pdf. Those are Habitable Structure numbers 200, 201, and 134 (and respectively CPS Energy Amended Attachment 5 Sheet 7 Parcel C-011 and Sheet 11 Parcels F-026 & F-007). Two are on the southside and one is on the northeastern side of the subdivision.

Anaqua in its testimony says there is a another residence within 300 feet of Segment 38. CPS Energy has not formally indicated it agrees, so at this point we assume that is not the case.

Q. PLEASE DESCRIBE IN MORE DETAIL THOSE HABITABLE STRUCTURES IN THE ANAQUA SUBDIVISION?

- A. The two which CPS Energy identified on the Anaqua south side are by Segments 43 and 38. They are single family residences, per CPS Energy amended Attachment 2 (Table 4-11 for Alt. Route F1).

One is that of Mark and Catherine Cichowski, at Habitable Structure number 201 (also CPS Energy Amended Attachment 5 Sheet 11 Parcel F-026); the habitable structure is along or near Segment 43 which is part of Routes F1, K, N1, P, R1, BB, and CC (and thus not located along Routes Z1, AA1, or AA2). Mr. Cichowski is the Anaqua HOA President, and he filed testimony both in that capacity and in his individual capacity in support of Anaqua's positions.

The other southern Anaqua habitable structure is that of Sunil Dwivedi for Habitable Structure number 134 (also CPS Energy Amended Attachment 5 Sheet 11

Parcel F-007); the habitable structure is along or near Segments 38, 39, and 43, which are parts of Routes F1, K, L, N1, P, Q1, R1, U1, BB, and CC (and thus not located along Routes Z1, AA1, or AA2). Mr. Dwivedi submitted direct testimony in this case in support of Anaqua's positions.

The habitable structure in the northeastern part of the Anaqua subdivision is on Toutant Beauregard Road. It is a commercial gatehouse (per CPS Energy Amended Attachment 2, Table 4-8 for Alt. Route C1). It is owned by Anaqua itself, and is along Segment 36, which is a part of Routes C1, D1, I1, J1, M1, T1, Y, Z1, and AA1. So only that one Anaqua commercial habitable structure for the entrance to the Anaqua subdivision is on Routes Z1, AA1, or AA2.

Q. WHAT HABITABLE STRUCTURES IN THE JAUER PROPERTIES ARE WITHIN 300 FEET OF A CPS ENERGY PROPOSED LINE SEGMENT?

A. There are no habitable structures in the Jauer properties within 300 feet of a CPS Energy proposed line segment. This too is seen on CPS Energy's amended Figure 4-1 Inventory.

Instead, a neighbor of Jauer, Mr. Carl G. Huber, testified on behalf of Jauer about Mr. Huber's cellular communications tower in the vicinity of (and over 480 feet away from) Segment 36. That tower location was identified in the application and amended application, and CPS Energy did not indicate that the tower posed a constraint preventing the use of Segment 36.

Q. ARE THERE AREAS OF AGREEMENT BETWEEN THE ANAQUA AND SHLAA POSITIONS?

A. Yes. Segment 38 is one of the line segments that is colored yellow in Attachment B of our direct testimony, because it runs through or along SHLAA member property. SHLAA opposes the use of Segment 38 and those routes using it and which would run through or along SHLAA member property.

Part of the Anaqua position, expressed in the Anaqua direct testimonies and in multiple Anaqua statements of position, is opposition to the use of Segment 38. The SHLAA position is thus consistent with the Anaqua's opposition to the use of Segment 38.

Because Segment 36 is not part of any route using Segment 38, selecting a route with Segment 36 along a portion of Toutant Beauregard Road by definition cannot include Segment 38, and vice-versa. So if Segment 38 is not used, but Segment 36 is used, Anaqua only has the one habitable structure affected, namely its entrance gatehouse.

As a result, SHLAA and Anaqua disagree over the use of Segment 36 along the front of the entrance to Anaqua (via Routes Z1, AA1, or new AA2).

Q. MR. CICHOWSKI AND MR. DWIVEDI SAY THEY HAVE CONCERNS ABOUT EMF AND ABOUT A TRANSMISSION LINE RUNNING IN FRONT OF THE ANAQUA ENTRANCE. HOW DO YOU RESPOND?

A. As we've testified, we share EMF concerns as well. As for a transmission line running in front of the Anaqua entrance, it is not a residence. In addition, if Routes Z1, AA1, or AA2 are selected, the only effect on them is having a transmission line running in front of the Anaqua entrance, since they live in the southern part of the subdivision away from Segment 36.

Southern routes such as W have 25 habitable structures, per CPS Energy's Table 4-1 Environmental – Amended, and cost around \$15 million more than the cost of Route Z1, per CPS Energy Amended Attachment 3 Cost Tables. Their position in support of using southern routes instead of Route Z1 means that in order to keep the line away from the commercial gatehouse at his subdivision's entrance they propose to have it routed along 25 habitable structures for an added \$15 million in cost.

Q. MR. CICHOWSKI IN HIS CAPACITY AS THE HOA PRESIDENT ALSO CLAIMS TO BE CONCERNED ABOUT USE OF ROUTE 54 (PART OF ROUTES Z1 AND AA1) BECAUSE OF THE HOMES FRONTING ON TOUTANT BEAUREGARD ROAD. HOW DO YOU RESPOND?

A. Segment 54 is far away from the Anaqua subdivision, and those homes are not part of the Anaqua subdivision. Mr. Cichowski states he is testifying on his own behalf and on behalf of the Anaqua Springs as one of its officials. He does not say he has authority to speak for anyone else. As noted earlier, only one Scenic Hills subdivision homeowner fronting Toutant Beauregard Road intervened, so Mr. Cichowski's claim of concern for the rest of those homeowners is belied not only by his lack of any

representative capacity but by the actual behavior (non-intervention) of those other homeowners.

Q. MR. CICHOWSKI EXPRESSES CONCERN ABOUT THE VISIBILITY OF A TRANSMISSION LINE ON TOUTANT BEAUREGARD ROAD. HOW DO YOU RESPOND?

A. The road along the northeastern entrance to Anaqua is like the rest of Toutant Beauregard Road, which is lined with electric distributions lines, as well as the nearby visible cell tower on Mr. Huber's property. It is not some rural scenic route through some pristine park-like area. Some of this can be seen in the very photographs provided by Mr. Cichowski as the Anaqua HOA President (see his Exhibit SC-3 pp. 5-6 and his Exhibit SC-4 p. 5).

Q. MR. CICHOWSKI AND THE ANAQUA WITNESS MR. MARK ANDERSON EXPRESS CONCERN ABOUT THE HOMES NEAR SUBSTATION SITE 7. HOW DO YOU RESPOND?

A. None of the Anaqua witnesses have authority to speak for any of those homeowners near Substation Site 7. Indeed, the homeowners closest to Substation Site 7 who are intervenors in this case are all members of SHLAA, as seen on the Intervenors Map of February 11, 2012 included in Attachment A to our direct testimony. It is SHLAA, and not Anaqua, who is the only authorized representative for those homeowners. As part of SHLAA, those homeowners support selection of Routes Z1 or AA1 which utilizes Substation Site 7, even though it has some impacts on the back portions of their properties. This is because they recognize Routes Z1 and AA1 are the most reasonable routing choices under the circumstances and they are willing to live with those impacts instead of the impacts on the SHLAA area from routes using line segments such as Segments 15 or 8.

In fact, both Substation Sites 6 and 7 are in the SHLAA area. They are not in the Anaqua area. Yet Anaqua's witness Mr. Anderson takes it upon himself to say which SHLAA members should favor which substation site, by saying he supports Substation Site 6 due to his perceived impacts on those living near the respective substations. The SHLAA members support use of Substation Site 7, not Substation Site 6.

Cynthia Grimes: For example, the property for the family with the horse stable boarding business along Segment 15 which I identified in my direct testimony backs up to Substation Site 6. They are members of SHLAA, and oppose the use of Substation Site 6 and line segments which utilize that substation. The following pictures are true and accurate depictions of their stable:





Q. THE TESTIMONY OF THE ANAQUA AND JAUER WITNESSES EXPRESS CONCERN ABOUT THE MCANDREW ELEMENTARY SCHOOL. HOW DO YOU RESPOND?

A. None of the witnesses supporting Anaqua or Jauer are NISD board members or part of the official management of NISD. This is evident from the NISD website regarding its board members and management personnel.

Some of the Anaqua residents have children which attend the school – just as some of the SHLAA members have children which attend the school. As we pointed out before, Routes Z1 and AA1 (as well as AA2) would utilize Segment 42a, which would run along adjoining land on the back side of the school property, not on or in front of the school property.

Anaqua witnesses also suggest that a line along Segment 42a would be an attractive nuisance for children attending the school. This ignores the fact that the school has a fence at the back of the school and concrete drainage infrastructure beyond that fence which would have to be overcome to get to the transmission monopoles on Segment 42a. Also, CPS Energy is not proposing to use lattice steel towers, which

obviously are easier to climb given the lattices, and instead proposes to use steel monopoles, which don't have those lattices.

Like the attempt to invoke the habitable structures along segments which are not along or on the Anaqua or Jauer properties, the Anaqua and Jauer witnesses invoke the school to propose that the transmission line not run in front of the entrance to the Anaqua or Jauer properties, even though Route Z1, Route AA1, or Route AA2 would be in the floodplain area on the backside of the school property and well away from the school building.

Q. THE TESTIMONY OF ANAQUA INCLUDES AN ANAQUA RESIDENT (LAUREN PANKRATZ, M.D.) WHO HAS A CHILD ATTENDING THE MCANDREW ELEMENTARY SCHOOL, AND WHO DESCRIBES SOME OF THE EMF REPORTS THAT SHE HAS READ AS PART OF HER CONCERN ABOUT AREA RESIDENTS AND SCHOOL PARENTS OVER EMF. HOW DO YOU RESPOND?

A. As we discussed in our direct testimony, SHLAA members also have a concern about EMF, and thus would not want transmission lines near their residences, just like others in the study area. In addition, SHLAA members include families with children attending the school, just like the Anaqua resident who is a doctor. So her testimony is consistent with the general reason why we all have EMF concerns, and those in SHLAA who send children to the same school or otherwise drive on Toutant Beauregard Road have the same concern as those in Anaqua or who otherwise have children attending the McAndrew elementary school.

Because of those concerns, SHLAA supports use of Segment 42a since it is in backside of the school in the lower down floodplain area, and causes the line to start paralleling Toutant Beauregard Road with Segment 36. This, along with ending the route at Substation Site 7, shortens the length along Toutant Beauregard Road for those in SHLAA and everywhere else in the study area to have less transmission line EMF potential exposure as they travel Toutant Beauregard Road.

Unlike the residents of Anaqua, with only the entrance gatehouse on Segment 36 and the two (or at most three) residences near Segment 38, the overwhelming number of the residents in Anaqua are not within 300 feet of a transmission line

segment. In contrast, a transmission line routed through the SHLAA area would involve well more than three habitable structures within 300 feet of the line.

As our direct testimony described, those routes involve from 6 to 36 habitable structures per our direct testimony Attachment C, and involve from 10 to 40 habitable structures with the four additionally identified habitable structures on Segments 26a and 15 added in. All of these 10 to 40 habitable structures are subject to the same EMF concerns that the Anaqua resident doctor describes. And there are SHLAA members who send their children to the McAndrew Elementary School, just as she and others in Anaqua do. So in our view, that doctor's testimony supports our position more than it does Anaqua's position.

Cynthia Grimes: In addition to those SHLAA members who send their children to the McAndrew Elementary School, there are a number of SHLAA members who home-school their children. Therefore, having a transmission line routed away from the elementary school and through the SHLAA area would not eliminate the EMF concern with regarding to school age children.

Q. THE TESTIMONY OF ANAQUA AND JAUER RAISE CERTAIN HISTORIC ASPECTS IN THE AREA AS PART OF THEIR POSITION OPPOSING A ROUTE ALONG TOUTANT BEAUREGARD ROAD. DO YOU HAVE A RESPONSE TO THAT TESTIMONY?

A. Yes. That testimony, such as that by their witness Mr. Anderson, echoes the testimony by the witness for Rose Palace. That Rose Palace testimony is addressed below, and as shown below the history information does not change the situation regarding why Routes Z1, AA1, or AA2 are the routes to be selected rather than any of the others.

San Antonio Rose Palace and Strait Promotions, Inc.

Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS AND ROUTES APPEAR TO AFFECT THE SAN ANTONIO ROSE PALACE AND ITS AFFLIATE STRAIT PROMOTIONS, INC.?

A. Strait Promotions, Inc. owns the large ranch property on the south of and along the west portion of Segment 54. It has no habitable structures within 300 feet of Segment 54. Segments 4 and 5 run along the southside of the San Antonio Rose Palace arena property. The arena is counted by CPS Energy as a habitable structure. Segment 2 is

to the east of but set back from Boerne Stage Road, and thus is not along but generally in the broader area to the east side of the arena property. Therefore, line segments with immediate effect on the arena are Segments 4 and 5.

Routes which utilize Toutant Beauregard and do not go further east than Substation Site 7, such as Routes Z1 and AA1, would only run in front of the entrance to the Rose Palace affiliate's large ranch along Segment 54. The Rose Palace arena, on the other hand, would not be affected by any such routes, since they would not have any routes proceed further to the east past Substation Site 7. The arena would be affected by routes which do proceed to the east past Substation Site 7, i.e., routes which utilize Segments 14, 5, and 4 and connect to Substation Sites 2 and 3.

Q. WHAT APPEARS TO BE THE PRIMARY CONCERN OF THE SAN ANTONIO ROSE PALACE AND ITS AFFLIATE STRAIT PROMOTIONS, INC.?

A. Mr. Jason Buntz, who is testifying for them, focused upon what he described as certain historical features of the area.

Q. WHAT DOES HE SAY ARE THE EFFECTS OF THOSE HISTORIC FEATURES ON THE ABILITY TO BUILD THE PROPOSED ELECTRIC TRANSMISSION LINE?

A. Nowhere in his testimony does Mr. Buntz contend any of those historic features are constraints which prevent the construction of a transmission line on Routes Z1 or AA1.

Indeed, at page 6 of his testimony, he says that the designation of a road or highway as a Historic Highway under a Texas informational program does not turn the road into one covered by the National Historic Preservation act, and thus does not prevent development along the route.

That is certainly true for Toutant Beauregard Road, as one of the roads designated under the state (not federal) program. This is because Toutant Beauregard Road has electric distribution lines up and down its length, a tall cell tower near the Jauer and Anaqua entrances, and development with active construction up and down its length. So there is nothing in that state informational program preventing construction of Routes Z1, AA1, or AA2 along Toutant Beauregard Road.

Q. DOES HE SAY THE ROSE PALACE IS HISTORIC?

A. No. The Rose Palace is a large structure suitable for sporting and other events, but not historic in appearance. Mr. Buntz agreed it was not a “historic site” *per se*. He just explained it was part of the community and there for a number of years. As our direct testimony we described, SHLAA members do patronize that arena, and a route no further east than Substation Site 7 keeps the route away from the Rose Palace.

Q. WHAT DOES MR. BUNTZ SAY IS HISTORIC ELSEWHERE IN THE STUDY AREA?

A. Mr. Buntz testifies about and has map exhibits showing the location of a historical marker at the intersection of Scenic Loop Road, Boerne Stage Road, and Toutant Beauregard Road. That marker has to do with the designation of three roads – Scenic Loop Road, Boerne Stage Road, and Toutant Beauregard Road – as a “Historic Corridor” under that state informational program. He also testified about and has map exhibits showing the location of various “historic districts.”

Q. WHAT IS THE POSITION OF MR. BUNTZ ON BEHALF OF THE ROSE PALACE?

A. He proposes that routes using Substation Site 6 such as Route R1 should be used so as to avoid the areas he identified as historic.

For example, he says that using Route R-1 would avoid the intersection of Scenic Loop, Boerne Stage Road, and Toutant Beauregard Road. He also says that Route R1 would avoid one the historic districts he identified, called the “Heidemann Ranch Historic District.”

Q. HOW DO YOU RESPOND REGARDING HIS POSITION ABOUT THE INTERSECTION OF SCENIC LOOP ROAD, BOERNE STAGE ROAD, AND TOUTANT BEAUREGARD ROAD?

A. There are several problems with his position.

The intersection is simply where the historical marker is located. As Mr. Butz said himself, the marker itself “is not the historic resource.” In any event, the historical marker is near the southeast corner of the Rose Palace, as shown on Mr. Buntz’s Exhibit 1. It is therefore well to the east of Substation Site 7, such that Routes Z1 and AA1 would not be near the marker.

The Historic Corridor includes Scenic Loop Road itself. It is not limited to the intersection of Scenic Loop, Boerne Stage Road, and Toutant Beauregard Road.

This is shown in the “Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor” legislative directive, which is available at https://texas.public.law/statutes/tex.gov't_code_section_442.024. As that says, the historic corridor includes four legs, one of which is Scenic Loop Road from Helotes to the intersection of Scenic Loop, Boerne Stage Road, and Toutant Beauregard Road. Mr. Buntz’s Exhibit 2 shows all of Scenic Loop Road as part of the Historic Corridor.

Most importantly, Substation Site 6 is on Scenic Loop Road. Mr. Buntz’s Exhibit 2 also shows Substation Site 6 is on the Scenic Loop Road as part of the Historic Corridor. Since the Historic Corridor includes Scenic Loop Road, and Scenic Loop Road is part of the SHLAA area, then the SHLAA area is also as historic as the areas that border the other roads that make up the Historic Corridor. It is inconsistent to insist on not using Substation Site 7 along Toutant Beauregard Road and instead use Substation Site 6 along Scenic Loop Road based on the existence of the Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor.

Indeed, as the first marker photograph below indicates, the only Historic Corridor original portions that still exist are along Scenic Loop Road. This means that the original portions of what became today’s Toutant Beauregard Road no longer exist.

There are no historical markers shown elsewhere on Mr. Buntz’s exhibits for the other areas he says are historic along Toutant Beauregard Road. Frankly, SHLAA includes established neighborhoods and their members have been driving through the area for years, yet they were not aware that there was anything officially historic about the area beyond the one marker near the southeast corner of the Rose Palace.

As we mentioned, there are distribution lines up and down Toutant Beauregard Road, the big cell tower near the road in the Jauer property vicinity, and development with ongoing construction up and down the road. Whatever historic nature there is about Toutant Beauregard Road has not prevented that electric and telecommunications infrastructure and that development with ongoing construction from occurring. Whatever historic nature there is about Toutant Beauregard Road is not visibly apparent when driving up and down the road.

Cynthia Grimes: Below are photographs which are true and correct depictions of the state informational program's historical marker and its area.

The first photograph is the 2013 historic marker where you can see the text, including the last two sentences about the creation of Scenic Loop in the 1920s and how portions of the original Scenic Driving Loop still exist through Helotes, Grey Forest, and Leon Springs:



The second and third photographs show the larger context of the marker's location along the side of a fence and amid distribution lines, as well as ongoing nearby construction activity:



Q. HOW DO YOU RESPOND REGARDING MR. BUNTZ’S POSITION ABOUT HISTORIC DISTRICTS?

A. One of the areas that Mr. Buntz identifies along Toutant Beauregard Road is the “Maverick-Altgelt Ranch Historic District.” Routes Z1 and AA1 do not utilize that far-northern portion of Toutant Beauregard Road, and therefore his concern about that ranch historic district is not affected by selection of one of Routes Z1 and AA1.

Another of the areas that he identifies along Toutant Beauregard Road is the much smaller “Heidemann Ranch Historic District.” Routes Z1, AA1, and AA2 would pass along that area, on Segment 36. However, the landowners on which that historic district is located, the Barrera interests, do not object to the use of Segment 36, as opposed to certain other line segments, as discussed below. The Rose Palace, located far away from Segment 36, does not have authority to object to routing a line along Segment 36 based on someone else’s historic property aspects.

Q. ARE THERE AREAS OF AGREEMENT BETWEEN THE ROSE PALACE AND SHLAA POSITIONS?

A. Yes. While Rose Palace proposes using Substation 6 and routes connecting to it like Route R1, which SHLAA opposes, it is clear that part of the Rose Palace position is that there not be a transmission line by the Rose Palace arena building itself. Routes Z1, AA1, and AA2 which would connect to Substation Site 7 to the west of the arena, would not put a transmission line by the Rose Palace building.

Mr. Patrick Cleveland

Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS AND ROUTES APPEAR TO BE OF CONCERN TO MR. PATRICK CLEVELAND?

A. His testimony says he opposes Routes G1, J1, AA1, and EE, which include Segment 49a, because it goes through High Country Ranch.

While he opposes routes which include Segment 49a, such as Route AA1, it appears that he does not oppose Route Z1 because, unlike Route AA1, it uses Segment 46b which would run along the northern property line of the Hill Country Ranch, rather than going through that ranch. He cites a number of other features regarding Route Z and its variant Z1 that he thinks are more favorable compared to Route AA1 (such as

shortest length), and disagrees with the Texas Parks and Wildlife Department on its original recommendation of Route AA (the variant of which is now Route AA1) instead of Route Z. As a result, while he says he is not advocating for Route Z1, he clearly favors Route Z1 over Route AA1, and does not oppose it outright.

Q. ARE THERE AREAS OF AGREEMENT BETWEEN MR. CLEVELAND'S POSITION AND THE SHLAA POSITION?

A. Yes. SHLAA supports selection of either Route Z1, Route AA1, or Route AA2, even though there are some impacts from those on SHLAA members as we have previously discussed. But we are sympathetic to Mr. Cleveland's concerns, and for that reason favor the selection of Route Z1 over Route AA1 and Route AA2.

Nevertheless, there are aspects of his testimony that are of concern to SHLAA, and therefore we do not agree with his testimony in several respects.

Q. PLEASE SUMMARIZE AND RESPOND TO THE PORTIONS OF THE TESTIMONY OF MR. CLEVELAND THAT ARE OF CONCERN TO SHLAA.

A. Mr. Cleveland proposed two new routes, both of which use Substation 7. One he calls Route FF, comprised going west to east of Segments 45, 52, 53, 39, 38, 37, 25, 21, and 54. The other he calls Route GG, comprised going west to east of Segments 44, 39, 38, 37, 25, 21, and 54. Both of his new routes would not utilize Toutant Beauregard until they reach Segment 54, and instead would run through the SHLAA area. As a result, SHLAA opposes those Routes FF and GG.

Mr. Cleveland relies on the current number of habitable structures to argue for routes which do not use Segment 49a. With the high level of active development in the study area, that number is changing rapidly, as the expert witness for SHLAA, Mr. Harold L. Hughes, Jr., testified to on direct. As Mr. Hughes indicated, due to that fact this is not a case in which habitable structures should be given great weight compared to cost and length which are much more stable in nature.

Mr. Cleveland does not agree with the donation of right-of-way by the developers known at the Pinson Interest/Crighton Development, asserting that the donation "artificially" favors Segment 49a. However, the donation of right-of-way is a fact. The right-of-way donation's cost reduction effect on the relevant routes for electric ratepayers is a fact. Because donating the right-of-way increases the chance

that the developer's land will be burdened by a transmission easement, the litigation efficiency from eliminating a developer's opposition to routes using the donated rights-of-way is a fact.

Mr. Cleveland proposes that the utility should have to spend more than \$5 million to use the routes which do not include Segment 49a, simply because CPS Energy is a large utility with a large amount of revenue and a large amount of new construction spending, such that \$5-plus million is a "small fraction." But the concern over cost is not the impact on the utility, because the utility passes its costs through to ratepayers. Instead, the concern over cost is due to the impact on ratepayers. Because of the recent Texas winter storm event and its effects on the costs borne by ratepayers, the issue of additional costs is even more important.

Mr. Cleveland notes that Route AA1 and other routes with Segment 49a would include Segment 42a, which he says CPS Energy indicated in discovery would be approximately 280 feet from an outdoor play area at the McAndrew Elementary School. What CPS Energy actually said was:

Patrick Cleveland Question No. 1-10:

Please admit or deny that the distance between Segment 42 and the outdoor areas accessible to children at Dr. Sara B. McAndrew Middle School is less than 323 feet.

Response No. 1-10:

The school referenced in this question is the Dr. Sara B. McAndrew Elementary School. Based on fencing and other indications of potential property use, the distance between proposed Segment 42 and the closest corner of an outdoor area on the elementary school property that POWER Engineers, Inc. believes may be accessible to children on a regular basis is approximately 335 feet to the area with playground structures and approximately 280 feet to the grass area with a baseball/kickball backstop in the southwest corner of the elementary school property.

So the actual playground is more than 300 feet from Segment 42a, and only the grassy edge of a sports field is what is within 280 feet of the segment. The grassy edge of a sports field would have a much more intermittent use than both the actual playground and the permanent school building. That is much different than the

situation with Segment 36, which would be within 300 feet of a permanent school building and the entrance to the school. And the grassy edge of a sports field is not a “habitable structure” as the Commission rules define it (and as we quoted it in our direct testimony).

Moreover, routes which Mr. Cleveland apparently prefers further south and which go through the SHLAA area would be within or near the recreational areas of the SHLAA area as well as families with home schooling. In contrast, Segment 42a would be in the back of the school on the portion of the adjoining land in the same floodplain area that prevents the school from building anything more on the backside of its property, and more than 300 feet from the school building. Segment 42a thus avoids use of Segment 41 which would go across the northern part of the school property where the school intends to build additional facilities, and avoids use of Segment 35 which runs in front of and within 300 feet of a part of the school building.

Stephen V. Rockwood, Paul M. Rockwood, and Charles A. Rockwood

Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS APPEAR TO BE OF CONCERN TO THE ROCKWOODS?

A. They, like Mr. Cleveland, own property in the High Country Ranch. Their similar testimonies and statement of position say they are specifically concerned about Segments 49, 46b, and 49a, as well as a variety of routes which include those segments. They do not list Segment 42a as a segment of such specific concern. They do list Route Z1 as a route of some concern, but do not list it as one of the routes which they directly oppose, and do not list Route Z1 as one of the routes they describe as “relatively close” to the McAndrew Elementary School.

Q. ARE THERE AREAS OF AGREEMENT BETWEEN THE ROCKWOOD AND SHLAA POSITIONS?

A. Yes. While the Rockwoods say they favor using Routes F1, N1, P, Q1, R1, and U1, all of which SHLAA opposes, they do not appear to directly oppose use of Route Z1, which SHLAA does support. Therefore, there is some consistency between SHLAA’s support of Route Z1 and the Rockwoods’ concern about but not outright opposition to Route Z1. As with Mr. Cleveland’s position, SHLAA can agree with selection of Route

Z1 so as to have the line run along the northern border of High country Ranch rather than through the middle of it.

NISD

Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS AND ROUTES APPEAR TO AFFECT THE NISD?

A. Segments 41, 35, and 42a are the segments which directly affect the NISD school property by being on or along it, and the routes which include those segments. The witness for the NISD, Mr. Jacob Villarreal, who is NISD's Executive Director of Construction and Engineering, also mentions Segments 33 and 34. Segment 33 only comes into play if there is a route coming in along the northern part of Toutant Beauregard Road, and Segment 34 is simply the link to bring a route using Segment 33 or Segment 41 over to Segment 35 on the east side of Toutant Beauregard Road. Thus, the main three Segments regarding the school are Segments 41, 35, and 42a.

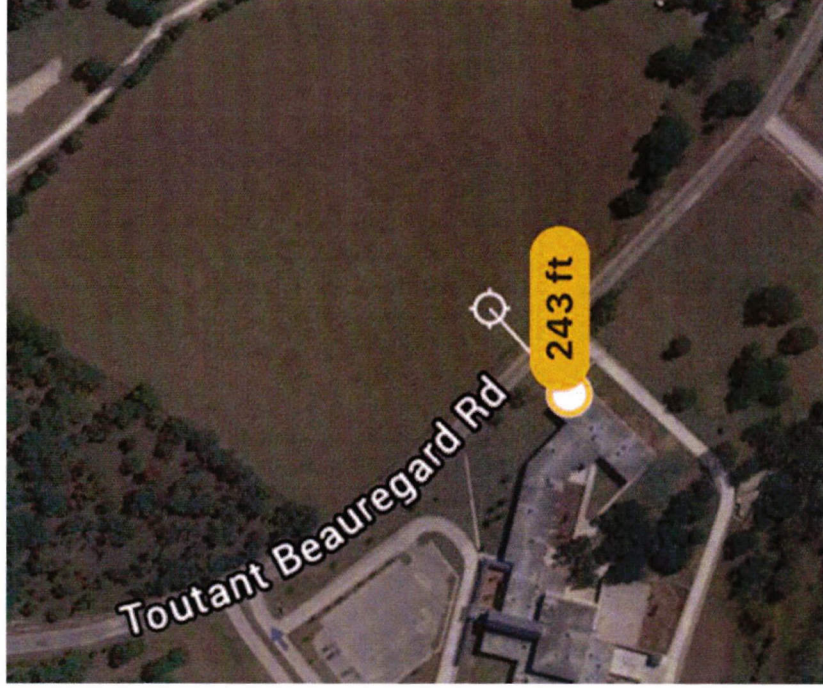
Q. HOW DO ROUTES Z1, AA1, AND AA2 AFFECT THE NISD?

A. Those three proposed routes all use Segment 42a, which goes behind the school in the floodplain so that no building activity by the school is affected and the permanent school building is beyond 300 feet from the segment.

That is in contrast to routes using Segment 41 across the northside of the school property, where NISD plans to build additional facilities, and routes using Segment 35 on a portion of Toutant Beauregard Road, on the other side of the road from the front side and entrance to the school.

As discussed above, the playground in the back of the school is also beyond 300 feet from Segment 42a, and only the grassy edge of a sports field is a little less than 300 feet from Segment 42a.

Cynthia Grimes: One can use Google Earth to see that the western point of the school building is approximately 549 feet from Segment 42a, and that the eastern point of the school building is approximately 243 feet from Segment 35:



Q. ARE THERE AREAS OF AGREEMENT BETWEEN THE NISD AND SHLAA POSITIONS?

A. Yes. Mr. Villarreal indicates that the NISD opposes construction of a line on any of the segments which affect it. We agree with NISD regarding Segments 41 and 35, since those would be on or along the front of the school property.

Specifically, the NISD testimony indicates great concern about Segment 41, because it would be on the school property where it plans to build a middle school, and great concern about Segment 35, since it would be along the entrance to the school and within 300 feet of the eastern portion of the elementary school building.

In contrast, the NISD testimony indicates that its concern regarding Segment 42a is because using that segment would not take into account the “outdoor recreation area of the school.” As a result, it appears that NISD ranks Segments 41 and 35 as the lines segments of most concern to it, and ranks Segment 42a as the lesser one of concern.

Because SHLAA members include families with children attending the elementary school, SHLAA supports Routes Z1 and AA1 because they use Segment 42a, rather than Segments 41 and 35. Therefore, the SHLAA position is consistent with the NISD position regarding not using Segments 41 and 35.

Q. WHAT IS THE SHLAA DISAGREEMENT WITH THE NISD DIRECT TESTIMONY?

A. We disagree with NISD regarding its opposition to Segment 42a, since Segment 42a would go behind the school, and thus would have very little impact on the school and the parents, children, teachers, and staff at the school.

Q. THE NISD TESTIMONY CLAIMS THAT A LINE NEAR THE SCHOOL WOULD BE AN ATTRACTIVE NUISANCE FOR CHILDREN ATTENDING THE SCHOOL. HOW DO YOU RESPOND?

A. Like the similar Anaqua and Jauer testimony, this ignores the fact that as to Segment 42a the school has a fence at the back of the school and concrete drainage infrastructure beyond that fence which would have to be overcome to get to the transmission monopoles on Segment 42a. And CPS Energy is not proposing to use lattice steel

towers, which obviously are easier to climb given the lattices; it instead proposes to use steel monopoles, which don't have those lattices.

Q. THE NISD TESTIMONY EXPRESSES EMF CONCERNS FROM HAVING A TRANSMISSION IN PROXIMITY TO THE SCHOOL. HOW DO YOU RESPOND?

A. As we've discussed in our testimony, SHLAA members also have EMF concerns, some SHLAA members have children that attend the elementary school, and some SHLAA members have children that are home-schooled, such that the EMF concern applies to all of them. Having a route using Segment 42a well behind the school minimizes the EMF concerns as to the school building and school entrance, and avoids the EMF concerns for the SHLAA members who have home-schooled children that are in proximity to more southern routes for the line.

Q. THE NISD TESTIMONY ALSO GENERALLY SAYS THAT SEGMENT 42A WOULD BE LESS THAN 300 FEET FROM PLAYGROUNDS AND OUTDOOR EDUCATION AREAS. HOW DO YOU RESPOND?

A. As the CPS Energy discovery response discussed above to Mr. Cleveland makes clear, the actual playground is beyond 300 feet from Segment 42a, it is only the edge of a sports field which is 280 feet from that line segment.

As we described in our direct testimony, SHLAA members include families with children who attend that school. Therefore, some of the NISD constituency includes SHLAA members. It is a disappointment to those SHLAA members that their school district would take a position that could result in the placement of high-voltage transmission lines on or along SHLAA member properties, with all the same concerns as other intervenors including NISD about EMF, aesthetic impacts, etc. In short, the school district appears to have taken sides in a dispute between different constituents, and the NISD position that there should be no transmission lines anywhere near the school should be discounted accordingly.

Ms. Brittany Sykes and Ms. Joan Arbuckle

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MS. BRITTANY SYKES AND JOAN ARBUCKLE?

- A. They filed testimony opposing the use of Segment 17. Ms. Sykes' property is along Segment 17 in the most northern portion of the Serene Hills subdivision, and Ms. Arbuckle's property is along Segment 17 a bit south of Ms. Sykes' property, as shown on the CPS Energy Intervenors Map Inset 2 of February 11, 2021, available on the CPS Energy Scenic Loop Project website at <https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/INTERVENOR%20INSET%202%20-%20FEB%2011.pdf>.

They note how their area has dozens of houses that they believe are planned to be built soon and which were not in the CPS Energy habitable structure count since they do not yet exist.

Q. ARE THERE AREAS OF AGREEMENT BETWEEN THE ROCKWOOD AND SHLAA POSITIONS?

- A. Yes. Segment 17 is not part of Routes Z1, AA1, or AA2 (nor TPWD's newly recommended Route DD). Therefore, they and the homes yet to be built near them are not affected by selection of Routes Z1, AA1, or AA2.

They do state that they support certain more southern routes. Ms. Sykes supports use of Routes N1, P, Q1, R1, and U1, and Ms. Arbuckle supports Routes N1, P, Q1, and R1, and use of Substation Site 6 to which they connect. All of those would adversely affect SHLAA members, and SHLAA opposes selection of any of those routes or Substation Site 6.

But their testimony indicates that their true opposition is to use of Segment 17. Segment 17 is not part of what SHLAA has requested for Commission approval. As a result, SHLAA's request for approval of Routes Z1, AA1, or AA2 does not conflict with their opposition to the use of Segment 17.

The soon-to-be-built homes along Segment 17 also show, as discussed in SHLAA's direct testimony, how the study area is generally one of active development. This further confirms that the number of habitable structures within 300 feet of a segment in the study area is not stable and therefore not a reliable factor for making a routing decision in this case.

Charlene Jean Alvarado Living Trust

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF THE CHARLENE JEAN ALVARADO LIVING TRUST?

A. The Charlene Jean Alvarado Living Trust property is located on Segment 5 next to Substation Site 3. Segment 5 and Substation Site 3 are not part of Routes Z1 or AA1. Therefore, their selection would have no effect on the Trust's property.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN THE TRUST AND SHLAA?

A. Ms. Rosemarie Alvarado on behalf of the Trust filed testimony that supports routes that do not utilize Segments 4 or 5 or Substation Site 3, and supports Routes R, P, Z, and AA. Routes Z1 and AA1 are amendment variants of Routes Z and AA. Segments 4 and 5 and Substation Site 3 are not part of Routes Z1 or AA1. Therefore, her position supporting Routes Z and AA is consistent with the position of SHLAA supporting Routes Z1 and AA1.

However, Route R (the amendment variant of which is Route R1) and Route P are southern routes which would run through or along SHLAA member property. SHLAA opposes Routes R1 and P. Accordingly, SHLAA and the Trust disagree on those two routes.

Because the Trust's true opposition is to Segment 5 and Substation Site 3, and the Trust supports Routes Z and AA, selection of Routes Z1, AA1, and AA2 (as a variant of Route AA1) would be consistent with the positions of both the Trust and SHLAA.

Paul Craig

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MR. PAUL CRAIG?

A. Mr. Craig is located in a portion of the Serene Hills subdivision that is north of where Segment 13 turns from the south to the east, and his property is not along any line segment. This can be seen from the CPS Energy Intervenors Map Inset 2 of February 11, 2021. His property is No. 1A-291, as the legend indicates on that map. In addition, in the Attachment 8 to the CPS Energy original application, it shows that his residence is not within 300 feet of the closest line segment, Segment 13, because it is not one of

the habitable structures identified in that list, and his property is not shown as having a habitable structure on CPS Energy's Figure 4-1 Inventory (amended).

Routes Z1 and AA1 do not include Segment 13, the line segment closest to (though not along) his property. Routes Z1 and AA1 do not include Substation Sites 1, 2, 3, and 5, the substation sites closest to (though not by) his property. Thus, if Route Z1 or Route AA1 was utilized, his property would not be affected.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MR. CRAIG AND SHLAA?

A. Mr. Craig filed testimony that opposes use of Segments 2, 5, 13, 14, 17, and 54, and Substation Sites 1, 2, 3, 5, and 7. He supports use of Segments 15 or 16 and Substation 6, even though he is located far away from Substation 7 and Segment 54.

SHLAA of course opposes the use of Segments 15 or 16 and Substation 6. However, his position regarding Segment 13 and Substation Sites 1, 2, 3, and 5 is consistent with the position of SHLAA, since none of those are part of Routes Z1 or AA1.

He says he supports use of Substation 6 and Segments 15 or 16 because they would be further way from the Serene Hills subdivision. However, Routes Z1 and AA1 do not go through or along the Serene Hills subdivision. They are instead to the south of it, by some distance.

He also says he supports use of Substation 6 and Segments 15 or 16 because they would be further way from the Scenic Hills subdivision. However, he is not located in the Scenic Hills subdivision, he is instead located in the Serene Hills subdivision to the north of the Scenic Hills subdivision. He does not state that he has any authority to speak for the Scenic Hills subdivision. Indeed, the Scenic Hills subdivision did not seek to become a party to this case.

In addition, only one landowner in that subdivision with property that is along Toutant Beauregard Road, on the other side of the road from Segment 54, one of segments in Routes Z1 and AA1, has intervened in this case (Mr. Steven Herrera, at No. 1A-125 on the CPS Energy Intervenors Map Inset 2 of February 11, 2021).

Therefore, Mr. Craig's opposition on behalf of Scenic Hills subdivision residents should not be a reason preventing the selection of Routes Z1 or AA1.

Yvette Reyna

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MS. YVETTE REYNA?

A. Ms. Yvette Reyna testifies that she is not a directly affected landowner. This is confirmed by the fact that she is not included in the CPS Energy original application Attachment 8, Landowner Notice List. Therefore, by her own statement none of the routes in this case directly affect her, including Routes Z1 and AA1.

She is located in the center of the most northern portion of the Serene Hills subdivision. The closest line segment to her is Segment 17. Routes Z1 and AA1 do not include Segment 17. Thus, if Route Z1 or Route AA1 was utilized, her property would be even further away from a transmission line than if Segment 17 were used.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MS. REYNA AND SHLAA?

A. Ms. Reyna, like Ms. Sykes, opposes use of Segment 17, and also opposes use of Substation Site 1. Routes Z1 and AA1 do not include Segment 17 or Substation Site 1. Therefore, her position opposing use of Segment 17 or Substation Site 1 is consistent with the position of SHLAA supporting Routes Z1 and AA1.

She goes on to say she supports all routes which use Substation 6. She does not say why. SHLAA opposes all routes which use Substation 6. Thus, SHLAA and Ms. Reyna disagree on that aspect. Because she is not a directly affected landowner, by her own admission, her support of routes using Substation Site 6 should not be given any weight.

Laura Biemer

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MS. BIEMER?

A. Ms. Laura Biemer appears to be located on the furthest north portion of the Serene Hills subdivision, near Segment 17, based upon CPS Energy's Intervenors Map Inset 2 of February 11, 2021. According to CPS Energy's Figure 4-1 Inventory (amended), she has no habitable structures within 300 feet of Segment 17 or any other segment. As is the case with the other intervenors along Segment 17, Routes Z1 and AA1 do not

include Segment 17. If Route Z1 or Route AA1 was utilized, her property would not be affected.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MS. BIEMER AND SHLAA?

A. Ms. Biemer testifies that she opposes the use of Segment 17 and the routes which include it. Routes Z1 and AA1 do not include Segment 17. Therefore, the position of SHLAA in support of Routes Z1 and AA1 is consistent with Ms. Biemer's opposition to the use of Segment 17 and the routes which include that segment.

However, she proposes that the Commission not only avoid using Segment 17 and the routes which include it, but that the Commission should utilize routes which connect to Substation Site 6, namely Routes N1, P, Q1, R1, and U1. Those are all routes which SHLAA opposes.

Her testimony then says that, in the alternative, if length and cost are the prevailing factors, then the Segment 17 routes which she identified not be used. Again, the SHLAA position is consistent with that alternative position, since the routes she identifies using Segment 17 do not include Routes Z1 and AA1.

Robert Bernsen

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MR. ROBERT BERNSEN?

A. Mr. Bernsen is located along Segment 17 in the southern portion of the Serene Hills subdivision, which is north of the Scenic Hills subdivision, as shown on the CPS Energy Intervenors Map Inset 2 of February 11, 2021. Routes Z1 and AA1 do not include Segment 17. Therefore, if Route Z1 or Route AA1 was utilized, his property would not be affected.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MR. BERNSEN AND SHLAA?

A. Mr. Bernsen testifies that he opposes the use of Segment 17 and the routes which include it. As is the case with the other intervenors along Segment 17, Routes Z1 and AA1 do not include Segment 17. Therefore, the position of SHLAA in support of Routes Z1 and AA1 is consistent with Mr. Bernsen's opposition to the use of Segment 17 and the routes which include it.

Like Ms. Sykes and Ms. Arbuckle, he notes the additional homes that are expected to be built soon along Segment 17. As discussed before, that supports why habitable structure counts should not be the predominant criterion in route selection given how rapidly the area is developing, including the SHLAA area and other areas in the CPS Energy study area.

Like many others, he expresses concern about EMF, both in general and as to the McAndrew Elementary School. He and his wife are retired, and do not state that they have children or even grandchildren attending that elementary school. As we've already discussed, SHLAA members share that EMF concern. Use of Routes Z1 and AA1 would not create EMF concerns for his home on Segment 17, and would not create EMF concerns for the habitable structures in the SHLAA area where more southern routes go through or along it. Therefore, his EMF concern in general and about the school simply echoes that of other intervenor testimony about general and school EMF aspects, but he and his wife have no actual stake in that issue.

In addition, as described in our direct and again in this cross-rebuttal testimony, SHLAA members have children who attend the school, as well as children who are home-schooled, and therefore a route using Segment 42a in the far back of the school area, such as in Routes Z1 and AA1, essentially eliminates the EMF concern about the school.

He also echoes the testimony of Mr. Herrera, who, in turn, echoes the testimony of the Rose Palace witness, about the historical nature of the area in general. That same general historical nature of the area applies to the SHLAA area given the presence of the historic Scenic Loop Road through the SHLAA area and along Substation Site 6. In addition, while he says his subdivision is "established" and thus somehow entitled to some historic value, the SHLAA area contains established neighborhoods too, as we noted in our direct testimony.

He also seems to think that a transmission line along Toutant Beauregard Road would somehow dramatically alter the historic nature of the area. As discussed above, Toutant Beauregard Road is not obviously historic from a visibility standpoint since there are electric distribution lines up and down it, there is the big cell phone tower on

Jauer's neighboring property near to and visible from the road, and there is development with ongoing construction up and down the road.

He proposes that the Commission not only avoid using Segment 17 and the routes which include it, but that the Commission should utilize routes which connect to Substation Site 6, namely Routes N1, P, Q1, R1, and U1. Those are all routes which go through or along the SHLAA area and which SHLAA opposes. As already noted, routes through or along the SHLAA area would impact 10 to 40 habitable structures by being within 300 feet of them, and would cost an additional \$5 million or more for ratepayers compared to Route Z1.

Steven Herrera

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MR. STEVEN HERRERA?

A. Mr. Steven Herrera testifies that his home is on Toutant Beauregard Road along Segment 54. Routes Z1 and AA1 include Segment 54. As can be seen on the CPS Energy Intervenors Map Inset 2 of February 11, 2021, Segment 54 will not be on his property, but on the other side of the road from his property and house.

Q. WHAT IS THE POSITION OF MR. STEVEN HERRERA?

A. Mr. Herrera opposes use of Substation Site 7 and Segment 54, and supports use of Substation Site 6 and Routes N1, P, Q1, R1, and U1.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MR. HERRERA AND SHLAA?

A. SHLAA opposes use of Substation Site 6 and Routes N1, P, Q1, R1, and U1. So there is disagreement between the positions of SHLAA and Mr. Herrera, and no apparent areas of agreement.

Q. MR. HERRERA EXPRESSES EMF EXPOSURE CONCERNS. HOW DO YOU RESPOND?

A. So too are the SHLAA members, as discussed in our direct testimony. As also discussed above in light of the additionally-identified habitable structures in the SHLAA area, the routes through the SHLAA area have from 10 to 40 habitable structures within 300 feet of the routes. So concern about EMF is as much if not more of a concern for SHLAA as it is for Mr. Herrera.

In addition, Mr. Herrera is the only landowner along the Segment 54 portion of Toutant Beauregard Road who has a habitable structure within 300 feet of Segment 54 that intervened in the case. The other intervenor along the Segment 54 portion of Toutant Beauregard Road that intervened is the Rose Palace's affiliated ranch, which has no habitable structure within 300 feet of Segment 54.

Q. MR. HERRERA SUPPORTS USE OF ROUTE R1 DUE TO WHAT HE SAYS IS ITS RELATIVELY SHORTER LENGTH COMPARED TO THE OTHER ROUTES HE SUPPORTS. HOW DO YOU RESPOND?

A. Route R1 is 4.76 miles. Route Z1 is 4.53, which is shorter in length than Route R1. Route AA1 is 4.82 miles, which is only slightly more than the length Route R1 (about 3 tenths of a mile). This is all shown in CPS Energy's Table 2-1 Amended Alternative Substation and Route Composition and Length, available at <https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/00%20Amendment%20Attachments.pdf>.

In addition, the CPS Energy Cost Estimates (Amended) show, available at https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/Scenic%20Loop%20Cost%20Estimates%2012232020_CCN%20Amendment.pdf, Route R1 costs \$5-plus million more than Routes Z1 or AA1.

Therefore, Mr. Herrera's "length" justification for use of Route R1 is contradicted by the CPS Energy data and outweighed by the cost consequences to ratepayers.

Q. MR. HERRERA ASKS THAT HABITABLE STRUCTURES BE GIVEN PREDOMINANT CONSIDERATION OVER LINE LENGTHS AND LINE COSTS. HOW DO YOU RESPOND?

A. As testified to by Mr. Hughes, the expert witness for SHLAA, and as borne out by other testimony submitted in this case, the area is one of rapid development such that habitable structures is not a stable criterion (i.e., homes are being built or are about to be built throughout large portions of the study area that are not part of the current habitable structure count), and more stable ones like cost and length should be the major focus for the routing decision in this case.

Q. MR. HERRERA CLAIMS THAT THE AREA AROUND THE PROPOSED SUBSTATION SITES EXCEPT FOR SUBSTATION SITE 6 HAVE SOME KIND OF HISTORICAL IMPORTANCE. HOW DO YOU RESPOND?

A. This is not correct. Substation Site 6 is on Scenic Loop Road. As discussed above, Scenic Loop Road is as historic (if not more due to still having some original road in existence) than the other roads that are part of the “Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor.” This makes Substation Site 6 also one that is in an area of historical importance. In other words, the “historic” nature of the areas along Scenic Loop Road, Boerne Stage Road, and Toutant Beauregard Road applies equally to them all, rather than just to Toutant Beauregard Road or Boerne Stage Road.

Some of what he says in support of his position is simply a reprise of what the Rose Palace witness says about things like the Heidemann Ranch Historic District and Maverick-Altgelt Ranch Historic District, which appears not to have been generally known about until that Rose Palace witness dug up that information out of the CPS Energy application. We discussed above why the testimony of that Rose Palace witness is essentially beside the point. Those same reasons apply to Mr. Herrera’s echoing of that testimony. As a result, Mr. Herrera is simply mistaken.

Q. IS THERE ANYTHING ELSE ABOUT THE POSITION OF MR. HERRERA THAT YOU WISH TO ADDRESS?

A. Yes. He also is not considering the visibility shielding effect for adjacent properties that Substation 7 provides, as described by CPS Energy and recounted in our direct testimony. That is because of the view screening of the substation facilities by the site’s trees and bushes and by its set back further from the road on which it is located, compared to the other proposed substation sites. Therefore, Substation Site 7 has less visibility impacts than the other proposed substation sites. In this regard, there are SHLAA members who have properties which are on the back side of Substation Site 7, but support Routes Z1 and AA1 which use Substation 7 because those are the most reasonable routing choices even though they have some impacts on SHLAA members, as we detailed in our direct testimony.

Betsy Omeis

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF MS. BETSY OMEIS?

A. Ms. Omeis testifies that she is in the vicinity of Segment 54. As shown on CPS Energy Intervenors Map Inset 2 of February 11, 2021, her property is not on Toutant Beauregard Road, but instead on an interior road within the Scenic Hills subdivision. Therefore, Segment 54 is not on her property. As shown on amended Figure 4-1 Inventory, her house is not within 300 feet of Segment 54. As a result, if Route Z1 or Route AA1 was utilized, her property and its house would not be directly affected.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN MS. OMEIS AND SHLAA?

A. She opposes use of Segment 54, as well as Segments 13, 14, and 17, and opposes use of Substation Sites 1, 2, 3, 4, and 7. She supports use of Substation Site 5 and Routes N1, P, Q1, R1, and U1. She repeats some of the habitable structure, length, and cost testimony of Mr. Herrera. For the reasons discussed above regarding Mr. Herrera's testimony, SHLAA opposes the routes and substation site which Ms. Omeis supports. So there is disagreement between the positions of SHLAA and Ms. Omeis, and no apparent areas of agreement.

SHLAA reiterates that the differences in the route lengths she supports versus those which SHLAA supports are either not significant (and Route Z1 is actually shorter than any other route in this case) or in any event outweighed by the multi-million dollar cost increase compared to Routes Z1 and AA1. In addition, even though her house is not within 300 feet of a line segment, she wants it to be within 300 feet of 10 to 40 habitable structures for the routes through or along the SHLAA area.

Toutant Ranch, Ltd., et al.

Q. HOW DO ROUTES Z1 AND AA1 AFFECT THE PROPERTY OF TOUTANT RANCH, LTD., ET AL?

A. Mr. Tom Dreiss filed testimony on behalf of Toutant Ranch, Ltd., ASR Parks, LLC, Pinson Interests Ltd LLP, and Crighton Development Co., who are developers of the properties they own in the CPS Energy study area. They worked with CPS Energy regarding right-of-way donations and concessions which are part of Routes Z1, AA1,

and now AA2. Those are part of the landowner-requested modifications to the location of the relevant segments across their properties. They support routing the transmission lines on Segments 41, 42a, 46, and 46a, and among those segments prefer use of Segment 41.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN TOUTANT RANCH AND SHLAA?

A. The segments they support, Segments 41, 42a, 46, and 46a, are not in the SHLAA area. As previously described, SHLAA supports use of Routes Z1, AA1, and AA2. Those include Segment 42a, which as previously described is behind the elementary school, rather than on the school property as with Segment 41 or along the front entrance to the school as with Segment 35. As a result, SHLAA does not favor use of Segment 41 over use of Segment 42a. But SHLAA's position is consistent with the developers' support of the use of Segment 42a on the back side of the elementary school. Therefore, there is general agreement between the Toutant Ranch and SHLAA positions.

Barrera Interests

Q. PLEASE IDENTIFY WHAT YOU CALL THE BARRERA INTERESTS?

A. The "Barrera Interests" are the Barrera family members who are: Roy R. Barrera, Sr., Roy J. Barrera, Roy R. Barrera, Jr., Roy Barrera III, and Carmen Barrera Ramirez.

Q. WHAT CPS ENERGY PROPOSED LINE SEGMENTS AND ROUTES APPEAR TO AFFECT THE BARRERA INTERESTS?

A. The majority of those Barrera family property interests are shown in green on the CPS Energy February 11, 2021 overall Intervenor map. In addition, the orange-colored *pro se* intervenor properties along Segment 36 nestled in the green area on that map and along the northside of Segment 29 are other Barrera family members. Along Toutant Beauregard Road, the line segments affecting their interests are Segments 33, 34, 35 and 36. Interior to their properties are Segments 28, 29, 30, and 31.

As they state, they oppose Segments 28, 29, 30, 31, and 35, and the meeting point of Segments 31, 35, and 36. The Barrera interests did not say they oppose Segment 36 itself. They also say that they only oppose the meeting point of Segment 36 with Segments 31 and 35, and do not say they oppose the use of the meeting point

of Segment 36 with Segment 42a, which would come behind the school and avoid the use of Segment 35 which they oppose.

Q. HOW DO ROUTES Z1, AA1, AND AA2 AFFECT THE BARRERA INTERESTS?

A. Routes Z1, AA1, and AA2 would utilize Segment 42a, behind the back of the elementary school, and only use the portion of Toutant Beauregard Road which Segment 36 would parallel. Segment 36 runs along the other side of the road from the undeveloped portion and pasture-looking area of the Barrera interest properties, and not within 300 feet of any Barrera interest habitable structures. Routes Z1, AA1, and AA2 would not run along Segment 35, which passes near a number of the Barrera interest habitable structures, nor would they utilize the segments interior to the Barrera interest properties. As a result, Routes Z1, AA1, and AA2, due to the use of Segment 42a instead of Segments 41-34-35, would have minimal impact on the Barrera interests compared to other routes which utilize Segments 41-34-35 or utilize Segments 28, 29, 30, and 31.

Q. WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN THE BARRERA INTERESTS AND SHLAA?

A. The position of SHLAA is consistent with the position of the Barrera interests: utilize routes with Segment 42a so as to avoid not only the north and front of the McAndrews Elementary School but also the habitable structures and interior property portions of the Barrera interests. Because the Barrera interests do not oppose use of Segments 42a and 36, there is no disagreement between the positions of the Barrera interests and SHLAA.

Community Values

Q. DO YOU HAVE A RESPONSE TO THE TESTIMONY OF THOSE OPPOSING USE OF ROUTES Z1 AND AA1 WITH REGARD TO COMMUNITY VALUES?

A. Yes. The community values that various other intervenors expressed are the same or similar to those which we expressed in our direct testimony. We did not learn of any community values that were unique to any particular landowner or unique to any particular portion of the study area, in contrast to what seems to be the general community values that everyone in the CPS Energy study area holds. For example, we

all value natural beauty, including flora and fauna; those who have children attending the McAndrews Elementary School do not want to have the line on school's northern property or its front entrance; and we all do not want there to be adverse aesthetic and environmental impacts, etc.

The closest thing to something "unique" is the primates sanctuary. But it appears that there are not any intervenors who champion routes which would affect that location. And Routes Z1 and AA1 avoid the primates sanctuary.

As a result, there does not appear to be anything in the nature of "community values" that any intervenor has brought forward in direct testimony which should have any bearing on route selection. As a result, cost and length should still take precedence in selecting the route for the transmission line. In other words, SHLAA has seen nothing that causes it to change position, other than favoring Route Z1 over Routes AA1 and AA2, because Route Z1 goes along the northern border rather than through the middle of the High Country Ranch.

Developer Right-of-Way Donations

Q. SOME INTERVENORS WHO SUPPORT ANAQUA HAVE CLAIMED THAT DEVELOPER RIGHT-OF-WAY DONATIONS IN EXCHANGE FOR ROUTE ADJUSTMENT ACCOMMODATIONS ACROSS THE DEVELOPER'S PROPERTY ARE IMPROPER. DO YOU HAVE A REACTION TO THAT KIND OF ASSERTION?

A. David Clark: A resident in the Anaqua subdivision approached the developer for the Canyons and inquired if that developer would be willing to do something similar with regard to a possible route modification across a western portion of Canyons. The Canyons developer did not agree to any route modification. If it is somehow improper for a developer such as Toutant Ranch to do what is being complained about by the other intervenors, then Anaqua had no business trying to get the Canyons developer to do something similar. Moreover, if a developer is able to seek segment modifications on its property which benefit its development efforts, and the Canyons developer did not agree to do what the Anaqua subdivision person asked, it appears any such Anaqua requested modification would be detrimental to the Canyons developer's development efforts, and thus detrimental to the Canyons itself.

Q. PLEASE SUMMARIZE YOUR CROSS-REBUTTAL TESTIMONY.

A. Routes Z1 and AA1 remain the best routes for selection in this case. Route AA2 which is proposed by one intervenor is a limited variant of Route AA1, and it is an additional route that is one of the best routes for selection in this case.

Among those three, Route Z1 appears to be the “best of the best” routes. This is because route Z1:

- Runs along the north border rather than through the middle of High Country Ranch, which reduces the effect on Mr. Cleveland and the Rockwoods.
- Uses Segment 42a, well behind the school, not on or in front of the school.
- Does not go in front of the Barrera Interest’s properties on 35.
- Utilizes donated right-of-way which helps reduce the cost to ratepayers and reduces the controversy in the case since the donating parties are agreeing to the use of the routes with the donated right-of-way.
- Does not affect Anaqua except for its entrance with the commercial gatehouse at that entrance, as opposed to the 10 to 40 habitable structures on the routes which would run through or along the SHLAA area.
- Uses a shorter length along Toutant Beauregard Road (from Segment 36 to Substation Site 7).
- Uses the more visibility-shielded Substation Site 7.
- Does not go further east to the Rose Palace arena or to the historical marker located at the intersection of Scenic Loop Road, Boerne Stage Road, and Toutant Beauregard Road.
- Is reasonably similar to the routes which TPWD says have the least natural resources impacts, but without the use of Segments 41 and 35 which have such adverse effects on NISD and the Barrera Interests.
- Avoids numerous testifying intervenors such as:
 - SHLAA and its members, which include over 30 individual members, the Canyons subdivision with over 700 landowners, and the Altair subdivision with over a dozen landowners;
 - Jay A. Gutierrez, Amy L. Gutierrez, and the Gutierrez Management Trust who are within Canyons, but felt it was important enough to file their own specific

testimony about the impacts of Segment 57 on them and their habitable structure within 300 feet of that line segment;

- Bexar Ranch, L.P;
 - Guajalote Ranch, Inc.;
 - the Clearwater POA along with its pro se intervenor homeowners;
 - Ms. Sykes regarding Segment 17;
 - Ms. Arbuckle regarding Segment 17;
 - Ms. Biemer regarding Segment 17;
 - Mr. Bernsen regarding Segment 17;
 - Ms. Yvette Reyna regarding Segment 17;
 - Lisa Chandler, Clinton R. Chandler, and Chip and Pamela Putnam on Segment 40;
 - Those in the southern portion of Anaqua near Segment 38 including the two (or three) with residential habitable structures within 300 feet of that segment;
 - Mr. Peter M. Eick and his Serenity Geophysical Consultants, LLC on Segment 16;
 - Robert and Rachel Freeman on Segment 40;
 - Ms. Lucia Zeevaert near Substation Sites 2 and 5; and
 - Primarily Primates Inc. on Segment 13 and near Substation Site 1.
- Is the shortest route in length through the relatively compact CPS Energy study area.
 - Is the second cheapest route for which ratepayers would have to pay.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.