



Control Number: 51023



Item Number: 678

Addendum StartPage: 0

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

RECEIVED
2021 MAR 22 PM 4:34

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

§
§
§
§
§
§

BEFORE THE STATE OFFICE OF PUBLIC UTILITIES
AND REGULATORY AFFAIRS
OF
ADMINISTRATIVE HEARINGS

CROSS-REBUTTAL TESTIMONY

OF

MARK D. ANDERSON

ON BEHALF OF

**ANAQUA SPRINGS HOMEOWNERS' ASSOCIATION,
BRAD JAUER AND BVJ PROPERTIES, L.L.C.**

March 22, 2021

**INDEX TO THE CROSS-REBUTTAL TESTIMONY OF
MARK D. ANDERSON, WITNESS FOR
ANAQUA SPRINGS HOMEOWNERS ASSOCIATION,
BRAD JAUER AND BVJ PROPERTIES, L.L.C.**

I.	POSITION AND QUALIFICATIONS	3
II.	MR. TURNBOUGH’S TESTIMONY.....	4
III.	MR. HUGHES’S TESTIMONY	7
IV.	MR. ANDREWS’S TESTIMONY	12
V.	CONCLUSION.....	16

1 **CROSS-REBUTTAL TESTIMONY OF MARK D. ANDERSON**

2 **I. POSITION AND QUALIFICATIONS**

3 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

4 A. My name is Mark D. Anderson. My business address is 14995 Boulder Pointe
5 Road, Eden Prairie, MN 55347.

6 **Q. ARE YOU THE SAME MARK D. ANDERSON WHO FILED DIRECT**
7 **TESTIMONY IN THIS PROCEEDING?**

8 A. Yes, I am.

9 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

10 A. I am testifying on behalf of Anaqua Springs Homeowners Association (“Anaqua
11 Springs HOA”), Brad Jauer and BVJ Properties.

12 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

13 A. I am self-employed.

14 **Q. HAVE YOU PREPARED ANY EXHIBITS, SCHEDULES, OR STUDIES IN**
15 **CONNECTION WITH YOUR REBUTTAL TESTIMONY?**

16 A. No.

17 **Q. WERE THESE DOCUMENTS PREPARED BY YOU OR BY SOMEONE**
18 **UNDER YOUR DIRECT SUPERVISION?**

19 A. Yes.

20 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS**
21 **PROCEEDING?**

22 A. The purpose is to rebut the direct testimony of certain witnesses for other
23 intervenors, specifically, Mark Turnbough, Harold Hughes, and Brian Andrews.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

II. MR. TURNBOUGH'S TESTIMONY

Q. LET'S START WITH MR. TURNBOUGH'S TESTIMONY. WHAT ARE SOME OF YOUR CONCERNS WITH HIS ANALYSIS?

A. He begins his analysis, which is simply a review of the data presented by CPS, by stating that Route Z1 should be selected because of "predominantly rural land uses," environmental resources, aesthetics, and cultural resources that characterize the study area. I disagree with his premise. At some time in the past, this area may have been predominantly rural, but it has become a suburb of San Antonio. There are multiple subdivisions in the study area, and several still being built out. Regarding Route Z1 specifically, it travels along Toutant Beauregard road, which is lined with at least five residential subdivisions and another under development where Segment 20 of Route Z1 is sited, and it runs along an elementary school with a middle school slated for development next door. There are 31 homes within 300 feet of Route Z1.

Q. ARE THERE ANY OTHER OF HIS INITIAL ASSUMPTIONS WITH WHICH YOU DISAGREE?

A. Yes. Mr. Turnbough is concerned with the rural nature of Bexar Ranch being spoiled by a transmission line. Transmission lines run throughout rural areas. Particularly in Texas, with the investment in wind energy, transmission lines run from wind farms in west Texas, across rural parts of the state, and into urban centers to provide electricity where it is needed. Furthermore, based on the testimony of other Bexar Ranch witnesses, the property is a working ranch with cattle, ATV trails, fencing, and other man-made structures.

1 **Q. MR. TURNBOUGH ALSO TESTIFIES ABOUT HIS CONCERNS**
2 **REGARDING FRAGMENTATION. DO YOU SHARE HIS CONCERNS**
3 **ABOUT FRAGMENTATION?**

4 A. I am not an environmental expert. However, I do understand the concerns regarding
5 fragmentation. Transmission lines, in the paths of their easements, fragment the
6 land during construction. However, the Public Utility Commission requires
7 transmission line builders to reseed the land with native plants taking into
8 consideration landowner preferences. After construction is complete, although
9 there is always a cleared area, some regreening occurs. Mr. Turnbough discusses
10 how the segments on Bexar Ranch would serve to fragment the land, but it is
11 important to remember that if a route is selected that goes through Bexar Ranch,
12 only one of the three segments will be on Bexar Ranch. It is also important to note
13 that the middle portion of Segment 43 follows a two-track road that already
14 fragments the land. Bexar Ranch will not have three transmission lines across it.
15 Notably, in at least one instance, Mr. Turnbough combines all three *unconnected*
16 Bexar Ranch Segments together to make his point. (See page 23, lines 9 to 13).
17 This type of expert testimony has no value and should be ignored.

18 **Q. CAN YOU EXPLAIN WHY YOU DISAGREE WITH MR. TURNBOUGH**
19 **ABOUT HIS CHOICE OF BEST ROUTE?**

20 A. Yes. First, based on his testimony, most notably at page 18, line 7, it appears Mr.
21 Turnbough fully evaluated only Route Z1 and Route AA-1 “of the 31 alternative
22 routes.” An opinion of the “best route” cannot be derived from an analysis of less
23 than 10% of the routes under consideration. Moreover, as explained thoroughly in

1 my direct testimony, Route Z1 and any route that runs along Toutant Beauregard
2 has several significant negative factors that Mr. Turnbough did not address. One is
3 the relatively high habitable structure count. Because subdivisions line Toutant
4 Beauregard, a transmission line routed along that road will necessarily impact
5 numerous habitable structures. Additionally, Sara McAndrew Elementary School
6 is on Toutant Beauregard and is within 300 feet of the school's recreational areas
7 and outdoor learning facilities. When there are options to completely avoid a
8 school, especially an elementary school, those options should be chosen.

9 **Q. IS THERE ANY OTHER PART OF HIS ANALYSIS THAT CONCERNS**
10 **YOU?**

11 A. His lack of analysis of community values and prudent avoidance. His analysis is
12 silent on many routing criteria, including the proximity to parks and recreation
13 areas. The main one in the study area is the public elementary school grounds and
14 its outdoor recreation areas that should have been included in the Environmental
15 Assessment ("EA") but were omitted. He also ignores the community values
16 expressed by the majority of the individuals who participated in the landowner
17 surveys. As outlined in my direct testimony, those surveys overwhelmingly noted
18 that the two most important criteria were avoiding impacts to homes and avoiding
19 impacts to schools and places of worship. Mr. Turnbough does not address those
20 issues at all.

21 **Q. WHAT ABOUT HIS ANALYSIS OF CULTURAL RESOURCES?**

22 A. Mr. Turnbough discusses the cultural resources of unfragmented land, namely
23 Bexar Ranch. He is not testifying on behalf of any other party. That land is, of

1 course, private. While it may be a resource to the family who owns it, I do not
2 consider it to be a cultural resource in the sense that it is a resource that can be
3 enjoyed by the public, such as the Alamo and the other Spanish Missions found
4 around San Antonio, as well as the Old Spanish Trail that connected the Spanish
5 Missions throughout the West. Jason Buntz testifies about the Old Spanish Trail
6 and the Scenic Loop-Boerne Stage-Toutant Beauregard Historic Corridor that
7 follow it and was established by the Texas Legislature and codified in statute in
8 Texas Government Code § 442.024. Notably, Route Z1, which Mr. Turnbough
9 supports, travels along this statutorily designated public cultural asset. It should be
10 given significant consideration in the evaluation of the Application.

11 **III. MR. HUGHES'S TESTIMONY**

12 **Q. LET'S TURN TO MR. HUGHES'S TESTIMONY. WHAT DID YOU FIRST**
13 **NOTE ABOUT MR. HUGHES' POSITION?**

14 A. Mr. Hughes is testifying on behalf of Save Huntress Lane Area Association. He
15 refers to CPS's intervenor map to show where his clients are located. It is
16 immediately apparent from looking at that map that the clients he purports to testify
17 on behalf of do not share a common interest. For example, the Altair subdivision
18 is impacted by none of the routes running west out of Substation 6. So, it is not
19 impacted by Segments 15, 26a, 38, or 43. The people in the northern part of the
20 Save Huntress Lane group are impacted by Substation site 7 and the routes that
21 utilize Segments 15, 26a, 38, and 43. In fact, based on my review of the map, the
22 only way to route this project in a manner that does not impact any of Mr. Hughes'
23 clients, would be to use Substation 1, 2, or 3 and route the line along Toutant
24 Beauregard. Those substation sites are not ideal because they are essentially

1 redundant to Substation Site 7 in that they add length, cost, and impacted
2 landowners while still fronting on the proposed site for Substation 7.

3 **Q. HOW DOES MR. HUGHES CONDUCT HIS ANALYSIS?**

4 A. Mr. Hughes takes the numbers provided in the application and reorders the charts
5 in an attempt to show where his preferred route falls within the criteria.

6 **Q. IS THERE A PROBLEM WITH THAT ANALYSIS?**

7 A. To begin with, I do not consider it analysis. It is simply a review and reordering of
8 information already provided in the Application.

9 **Q. CAN YOU PROVIDE AN EXAMPLE?**

10 A. Yes. On page 13 of his testimony, he notes the criteria POWER used to assess the
11 aesthetic impacts of the alternative routes. But he does not evaluate whether those
12 criteria are correct. For example, he states that there is no right-of-way within the
13 foreground visual zone of parks and recreation areas on any route. And it is correct
14 that POWER's EA includes that data point. But the data point is incorrect. It does
15 not include the parks and recreational areas at Sara McAndrew Elementary School.
16 It also does not include any of the private parkland. Whether the criterion should
17 include private parkland is not within my field of expertise. But, without a doubt
18 it should include the school recreational areas.

19 **Q. WHAT ABOUT HIS DISCUSSION ON COSTS?**

20 A. On page 20 of Mr. Hughes' testimony, he provides a chart showing the lowest cost,
21 average cost, and highest cost. But his "average" skews the distribution of lowest
22 to highest cost routes. The chart does not show that of the 31 filed routes, 12 are

1 above average, while 19 are all below average, based on Mr. Hughes' calculations.
2 He does no analysis on whether the costs estimated by CPS are complete.

3 **Q. WHAT ELSE CONCERNS YOU ABOUT HIS TESTIMONY?**

4 A. On pages 20 and 21 of his testimony, he lists his opinion of what he considers to be
5 the four most important factors. Habitable structures within 300 feet of the line
6 comes in last on his list at number four. This is more than ironic since it was the
7 post-open house construction of a habitable structure on one of his client's
8 properties that prompted the relocation of Segments 26a after the route adequacy
9 hearing, and it is the additional habitable structures continuing to be built on his
10 client's property that he claims make it "difficult to pin down the number of
11 habitable structures" on page 23 of his testimony. In addition, the line's proximity
12 to the elementary school does not factor into his top factors. Thus, Mr. Hughes
13 completely ignores the community values clearly expressed through landowner
14 questionnaires that the line should be routed to minimize impacts to homes and
15 schools. I agree that the study area is relatively small. However, his assertion that
16 the study area is fairly homogenous on line 10 of page 21 is incorrect and renders
17 his selection criteria to be incomplete.

18 **Q. HOW DOES MR. HUGHES JUSTIFY THE RELATIVE LACK OF**
19 **WEIGHT HE PLACED ON HABITABLE STRUCTURES?**

20 A. As indicated previously, he notes that the area is developing rapidly, and it is
21 difficult to pin down the number of habitable structures. This is not surprising
22 because a member of his client organization is responsible for the construction of a
23 home directly within the right-of-way of segment 26. And it completely discounts

1 the vast difference in the routes. This is not a case where the range of habitable
2 structures falls within just a few per route. To the contrary, the routes with the
3 lowest number of habitable structures have approximately 6 and they run along his
4 client's properties, whereas the routes that he recommends have 31 and the routes
5 with the most have approximately 70. So, it is no surprise that Mr. Hughes attempts
6 to support his clients by burying this reality by relying on an average of all routes
7 (i.e., 35 habitable structures). The routes that impact his client's properties still
8 have over 500% fewer habitable structures than either the routes Mr. Hughes
9 supports or his "average" of all routes, which skews the actual data points.

10 **Q. HOW DO YOU RESPOND TO MR. HUGHES' SUPPORT FOR**
11 **SUBSTATION SITE 7?**

12 A. Beginning on page 14 of his testimony, Mr. Hughes takes CPS at its word that
13 vegetation on Substation Site 7 can be maintained to provide shielding. I testify at
14 length in my direct testimony about why I believe that is not accurate. Additionally,
15 Mr. Hughes does not evaluate the potential problems associated with Substation
16 Site 7 due to a substantial portion in the widest area of it being in a flood plain.
17 While I have no doubt CPS will testify that it can engineer around the issue of
18 having a substation adjacent to a flood plain on a parcel that is steeply sloping
19 towards Leon Creek watershed, doing so will add to the projected cost of any route
20 using that substation. And costs for flood mitigation are not included in the
21 estimated costs for Substation Site 7, as best I can tell.

1 **Q. AND WHAT ABOUT HIS DISCUSSION WITH RESPECT TO CULTURAL**
2 **RESOURCES?**

3 A. Here again, Mr. Hughes relies on what is in the Application and does not perform
4 any investigation on his own. Nevertheless, he concludes on page 19 that “none of
5 the proposed routes pose any or very minimal potential impacts to cultural
6 resources.” This is simply not the case, as discussed above and in my direct
7 testimony. Moreover, Mr. Buntz also addresses these issues in his testimony with
8 respect to the lack of due diligence found in the review of cultural resources in the
9 Application.

10 **Q. DO YOU TAKE ISSUE WITH MR. HUGHES’ DISCUSSION ON GOLDEN-**
11 **CHEEKED WARBLER HABITAT?**

12 A. Yes. Mr. Hughes is correct that there is a difference among the routes with respect
13 to the amount of modeled warbler habitat. His chart on page 17 of his testimony
14 shows that Route W has the least area with only 2.95 acres while Route P has the
15 most at 25.11. But his testimony indicates that the more northern routes perform
16 better than the more southern routes. While he may be correct that overall the
17 northern routes perform better, it completely discounts that Route W, a southern
18 route performs best in this category. He does not discuss that Route W has such a
19 low acreage of habitat presumably because it impacts some of the members of one
20 of his clients.

1 **Q. DO YOU HAVE AN OVERALL IMPRESSION OF MR. HUGHES’**
2 **TESTIMONY?**

3 A. I find Mr. Hughes’ casual dismissal of “prudent avoidance” on page 23 of his
4 testimony inconsistent with the evidence in this case. Prudent avoidance is
5 important to consider given the high number of habitable structures on Toutant
6 Beauregard and the numerous transmission line crossings. Additionally, close
7 proximity to Toutant Beauregard Road and its traffic flow, and Sara McAndrew
8 Elementary School are important to consider under the Commission’s policy on
9 prudent avoidance.

10 **IV. MR. ANDREWS’S TESTIMONY**

11 **Q. LET’S TURN NOW TO BRIAN ANDREWS’S TESTIMONY. CAN YOU**
12 **RESPOND TO HIS ANALYSIS OF WHAT THE COMMISSION HAS**
13 **DONE IN OTHER CASES?**

14 A. I am not an attorney. But in any transmission line case, the Commission should
15 balance the routing factors based on the facts in each individual case. However, at
16 the outset of his testimony, on pages 9 and 10, Mr. Andrews responds to the
17 question “Should greater weight be placed on certain factors versus others?” In his
18 response, Mr. Andrews appears to suggest that the holdings of certain prior cases
19 provide the legal justification for giving “great weight” to “certain factors versus
20 others” in the present case. Mr. Andrews also testifies on pages 11 and 12 that
21 “unique circumstances not readily captured in routing factors [can] modify the
22 selection of a transmission line route,” citing as an example, the selection of a more
23 expensive route to avoid Palo Duro Canyon, a unique feature in Texas. Relative to
24 his latter conclusion regarding the asserted establishment of a basis for

1 consideration of “unique circumstances,” he goes even further to tie it to a set of
2 facts in the present case. However, like me, Mr. Andrews is not an attorney, so I do
3 not believe he is qualified to determine which factors should be given greater
4 weight than others based on decisions in previous dockets. Based on my
5 experience, I believe the different routing factors should be balanced based on the
6 facts in each individual case unless and until the Commission or the Legislature
7 enacts a rule or law that stipulates otherwise.

8 **Q. WHAT ARE THE SET OF FACTS IN THE PRESENT CASE THAT MR.**
9 **ANDREWS CONSIDERS TO BE “UNIQUE CIRCUMSTANCES” IN THIS**
10 **CASE?**

11 A. He claims that the fact there is active development in the study area coupled with a
12 developer that agreed to donate some easement and discount other easement at 20
13 percent is a unique circumstance and presents a “routing opportunity.”

14 **Q. DO YOU AGREE THAT THE DEVELOPER OFFERING THE EASEMENT**
15 **IS A UNIQUE CIRCUMSTANCE AND A ROUTING OPPORTUNITY?**

16 A. No. It is not unusual for landowners to offer to donate an easement or reduce the
17 price to have input on where to locate a transmission line on their property to offset
18 increased costs. It is not unique. What is unique in this case is that the landowner
19 agreed to waive certain additional damages and then also agreed to support the
20 segments running over his property. While I do not believe there is anything wrong
21 with a landowner negotiating with a utility, and such negotiations are contemplated
22 by the Commission, this transaction should not be viewed favorably.

1 **Q. WHY SHOULD IT NOT BE VIEWED FAVORABLY?**

2 A. Because the utility, with the power of eminent domain has prohibited a landowner
3 from fully and actively participating in this case. It is clear from Tom Dreiss's
4 testimony that he did not want the line to run across his land. But he is now barred
5 from testifying in any manner against the routes on his property. He cannot offer
6 other land in settlement, and he cannot negotiate with other parties. Limiting
7 participation of a landowner party should not be viewed favorably because the
8 utility is then in the position of an advocate for routes that use those Segments.

9 **Q. DID MR. ANDREWS DO ANY INDEPENDENT INVESTIGATION OF**
10 **CPS'S APPLICATION?**

11 A. Not from what I can tell. He again simply reviews the data from CPS's application
12 without analyzing it. He assumes there are no parks and recreational areas. He
13 assumes there is no pipeline. He does not mention the community values of
14 avoiding homes and the school. He did not evaluate Substation 7 as being in a flood
15 plain.

16 **Q. HOW DO YOU RESPOND TO MR. ANDREWS'S DISCUSSION ON THE**
17 **COST OF ROUTES P, Q, AND R1?**

18 A. Mr. Andrews admits that those routes have many fewer habitable structures than
19 Route Z1. He notes that they are more expensive than Z1 and then states that the
20 increased cost cannot be justified.

1 **Q. WHY DOES HE SAY THE HIGHER COSTS OF P, Q, AND R1 CANNOT**
2 **BE JUSTIFIED?**

3 A. He does not provide a reason. But presumably, he thinks it is not worth the cost to
4 avoid over 20 habitable structures notwithstanding the Commission's policy on
5 prudent avoidance.

6 **Q. HOW DO YOU RESPOND TO THAT?**

7 A. First of all, I do not believe the cost estimates for Route Z1 are accurate. Based on
8 my direct testimony, there are numerous engineering issues with Z1 that can
9 probably be overcome but only at a cost. And those costs are not included in CPS's
10 Application. Furthermore, it is difficult to put a cost on avoiding the relatively large
11 number of homes on Toutant Beauregard Road and related vehicle traffic. But the
12 Commission recognizes it is worth spending some amount of money. In this case,
13 it is a large number of habitable structures avoided. And this is also in line with
14 open house input on community values that expressed a strong desire to avoid
15 homes and the school. Mr. Andrews does not even mention the landowner surveys
16 as an expression of community values.

17 **Q. MR. ANDREWS EXPRESSES CONCERNS ABOUT THE AMOUNT OF**
18 **GOLDEN-CHEEKED WARBLER HABITAT ON ROUTES P, BB AND R1.**
19 **HOW DO YOU RESPOND?**

20 A. Mr. Andrews jumps from a comparison of P, Q1, and R1 in terms of cost on page
21 26 of his testimony, then removes Q1 and replaces it with BB to discuss warbler
22 habitat. Mr. Andrews' analysis is incomplete. He ignores Route Q1, which is one
23 of the routes similar to Routes P and R1. Route Q1 has only 5.52 acres of modeled

1 moderate high- or high-quality habitat as opposed to Z1 that has 11.12 acres. He
2 also ignores the routes with the least amount of habitat, Routes O and W, which are
3 tied at 2.95 acres.

4 **Q. MR. ANDREWS PROPOSES USING SEGMENT 42A. DO YOU HAVE**
5 **CONCERNS ABOUT THAT?**

6 A. Yes. Those concerns are addressed in my direct testimony. But you can see from
7 the number of landowners who filed statements of position that the community
8 values strongly oppose putting the line on Segment 42a. It is 280 feet from school
9 athletic fields. Parents are concerned about injuries to their children who become
10 curious about the lines. And they have expressed concerns about electromagnetic
11 fields near the school. When there is an alternative, those concerns and expressed
12 community values should be taken under consideration, especially given the policy
13 of prudent avoidance. Mr. Andrews seems overly impressed by the donated ROW,
14 but this is only to offset increased construction cost and comes at a great price,
15 namely proximity to the school and restricting the rights of the landowner to fully
16 participate in this proceeding.

17 **V. CONCLUSION**

18 **Q. BASED ON YOUR ANALYSIS OF THESE WITNESSES' TESTIMONIES**
19 **AND ON YOUR OWN EXPERTISE, HAVE YOU REACHED ANY FINAL**
20 **CONCLUSIONS ABOUT THE CCN APPLICATION?**

21 A. Yes. This case has been particularly interesting to me because based on my own
22 experience in this field for 16 years, my analysis of the Application, and reviewing
23 other witnesses' analyses, it is apparent to me that CPS or POWER omitted or
24 overlooked several critical items from their analysis including:

- 1 1. A natural gas pipeline and a water pipeline that run the length of Toutant
2 Beauregard.
- 3 2. An important historical site for the State of Texas that has been recognized
4 by the state legislature.
- 5 3. The important community values expressed for avoiding homes and
6 schools, particularly when there is only one public school in the entire study
7 area and 16 of the 31 filed routes use a segment that is on the border or
8 inside of school property.
- 9 4. The impact of imminent construction along Toutant Beauregard to allow for
10 flood control.
- 11 5. Choosing a best meets route with a substation site in a flood plain and the
12 potential for contamination of the Leon Creek watershed.
- 13 6. The increased danger of accidents by routing the transmission line along a
14 sharply curved road.
- 15 7. The increased danger of routing a transmission line close to a large number
16 of habitable structures, when alternatives are available.
- 17 8. Habitable structures plainly visible on the map that were missed.
- 18 9. The school as being a parks and recreation area.

19 **Q. WHAT DO THESE ERRORS AND OMISSIONS SHOW YOU?**

- 20 A. They show me that CPS and POWER lacked adequate due diligence in preparing
21 the Application and EA. I am certain that engineers can design and develop a
22 transmission line that can overcome engineering constraints seen on Route Z1 or
23 any route that utilizes Toutant Beauregard. However, those engineering constraints

1 come at a cost. Given the large number of omissions to overcome, in my opinion
2 the cost estimates for Route Z1 and the routes that utilize Toutant are artificially
3 low.

4 **Q. DO YOU DRAW ANY CONCLUSIONS REGARDING THE LACK OF DUE**
5 **DILIGENCE?**

6 A. I conclude that the casual nature of the limited due diligence that was performed
7 should be cause for concern that the cost estimates for the routes that use the
8 northern segments and Toutant Beauregard Road and Substation Site 7 are
9 artificially low. I also conclude that the failure of the three experts, as discussed
10 above, to provide any additional due diligence of their own, reflects poorly on their
11 testimonies, which should all be weighed accordingly.

12 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

13 A. Yes, it does.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

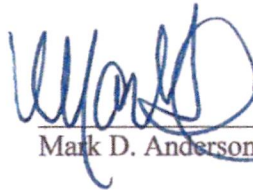
§
§
§

AFFIDAVIT OF MARK D. ANDERSON

BEFORE ME, the undersigned authority, on this day personally appeared Mark D. Anderson, who having been placed under oath by me did depose as follows:

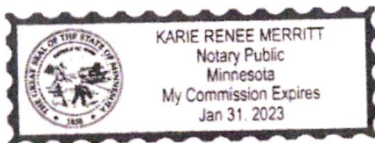
1. "My name is Mark D. Anderson. I am of sound mind and capable of making this affidavit. The facts stated herein are true and correct based on my personal knowledge.
2. I have prepared the foregoing cross-rebuttal testimony and the information contained in this document is true and correct to the best of my knowledge."

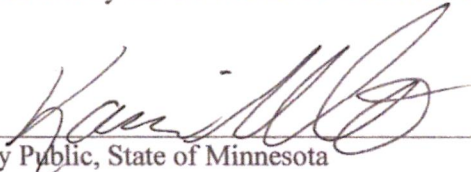
Further affiant sayeth not.



Mark D. Anderson

SUBSCRIBED AND SWORN TO BEFORE ME by the said Mark D. Anderson on this 22 day of March, 2021.





Notary Public, State of Minnesota

My commission expires: 1/31/2023