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

STATE OFFICE OF PUBLIC UTILITY COMMISSION
ADMINISTRATIVE HEARINGS

FIRST SUPPLEMENTAL RESPONSE
TO THE BRAD JAUER AND BVJ PROPERTIES, L.L.C.
FIRST RFI TO SAVE HUNTRESS LANE AREA ASSOCIATION

Save Huntress Lane Area Association (“SHLAA”), an intervenor, submits this First Supplemental Response to the First Request for Information (“RFI”) from Brad Jauer and BVJ Properties, L.L.C. (“Jauer”). Attached hereto and incorporated herein by reference are the written supplemental responses thereto. To the extent that any of the RFI instructions or definitions seek or purport to impose obligations or conditions or to expand the scope of permissible discovery beyond that which is established by the Commission’s procedural rules or any orders entered in this docket, the supplemental responses will comply with what is required under those rules or orders. Such responses are also made without waiver of the right to contest the admissibility of any such matters upon hearing. It is hereby stipulated that the supplemental responses may be treated by all parties as if they were filed under oath.

Respectfully submitted,

By: /s/ Thomas K Anson
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ATTORNEYS FOR SHLAA

Certificate of Service: I certify I served the foregoing under SOAH Order No. 3 on Mar. 25, 2021.

/s/ Thomas K Anson
Thomas K. Anson

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JAUER-1-4 How many of the 31 individual landowner members of SHLAA are impacted by “Routes FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, and CC” as referenced in the Grimes, Clark, and Rumpf testimony in the middle of page 5? Please list the individual landowner members by name and the routes that directly impact each of them individually?

Response: All. Please see the SHLAA motion to intervene for names, available at http://interchange.puc.texas.gov/Documents/51023_26_1080019.PDF.

Supplemental Response:

SHLAA understands “directly impact” to be broader than the required notice requirements in its Procedural Rule 22.52((a)(3), because visibility, aesthetic, environmental, or other impacts can extend far beyond the location of a transmission line right-of-way on a landowner’s property and the 300 feet distance from the centerline of a 138 kV transmission line to a habitable structure, and provide a basis for standing in Commission electric transmission line certification cases.

On that understanding of “directly impact,” and without waiving its rights now or in the future regarding the scope of SHLAA’s discovery responsibilities, SHLAA provides the following table based both on the information CPS Energy original and amended application and the additional habitable structure information identified in the SHLAA testimony:

First Name(s)	Last Name (plus other info)	Routes
Doug & Debbie	Boazman *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Dick & Lana	Breakie * (150SW-guesthouse)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Matt	Bruhn *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Lisa & Jeff	Cannon * (143-SFR)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Richard & Debbie	Castillo* (142-SFR, & 142E-stable)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Sally	Cody	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Jerome	Cohen *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Tara & Jerod	Collette	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Tom & Earline	Darm * (137-SFR)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Randy & Rachel	Davila	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Griselda & Fernando	Fernandez	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Toya & Grant	Galloway * (146E-work building)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Leonard	Gonzalez	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Cynthia & Rob	Grimes *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Jesse & Sandra	Harvey *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Bill	Hill *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Chad & Christi	Hivnor *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Adrian & Jacqueline	Jimenez *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Dennis	Karasek *	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Harold & Ruth	Krimsky * (139-SFR)	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC
Nathan & Karen	Lutz	FI, K, L, N1, O, P, Q1, R1, S, T1, UI, V, W, BB, CC

Patrick & Amy	McGrath *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Rachael & Paul	Macias *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Raymond & Leah	Mackrell	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Jayne	Meals *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Stephen & Annie	Millett *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Jo & Jeanie	Nitsch-Weber *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Adolph and Jeri	Nesloney * (146-SFR, & 146SE-work building)	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Jerry & Jill	Nunneley	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Anita & Danny	Ramirez * (147-SFR)	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Manuel	Rangel	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Byron & Karen	Swartzendruber * (149-SFR)	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Stan & Joyce	Thompson *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Tommy & Linda	Triesch *	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC
Liz and Joe	Vied * (141-SFR)	Fl, K, L, N1, O, P, Q1, R1, S, T1, Ul, V, W, BB, CC

Note that many of the individual landowner members are couples; consistent with the approach in CPS Energy original Application Attachment 8 landowner notice list, SHLAA has included landowning couples on a single row in the above table rather than listing each individual on separate table row.

Without waiving its position that “directly impact” is broader than the Commission’s required notice requirements for a transmission line, and without waiving its rights now or in the future regarding the scope of SHLAA’s discovery responsibilities, the individual landowner members of SHLAA whose names are listed above and who received the required notice as listed in the CPS original Application Attachment 8, available at <https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/Attachment%208%20-%20Landowner%20Notice%20List.pdf>, are identified with an asterisk after their last name.

Additional information is also provided regarding habitable structures in the above table. The habitable structure number from the CPS original Application Attachment 8 is provided after the asterisk. Those habitable structures were identified by CPS Energy as single family residences, as denoted above by “SFR.” Four additional habitable structures were identified by SHLAA in its testimony, as described in the original response to Jauer Question No. 1-7. Those are reflected in the above table as follows:

The guest house along Segment 26a to the southwest of Habitable Structure 150 is denoted as 150SW-guesthouse.

The work building along Segment 15 to the southeast of Habitable Structure 146 is denoted 146SE-work building.

The work building along Segment 15 to the east of Habitable Structure 146 is denoted 146E-work building.

The horse stable business building along Segment 15 to the east of Habitable Structure 142 is denoted 142E-stable.

In sum:

- all 35 of the 35 individual landowner members of SHLAA are directly impacted, including due to visibility, aesthetic, environmental, or other impacts, by Routes FI, K, L, N1, O, P, Q1, R1, S, T1, U1, V, W, BB, and CC;
- 25 of the 35 individual landowner members of SHLAA were given notice by CPS Energy because their property is crossed by a proposed right-of-way or they have a habitable structure that CPS Energy identified within 300 feet of the centerline of the transmission line;
- 7 of the 35 individual landowner members of SHLAA were given notice by CPS Energy at least because they have one or more habitable structures that CPS Energy identified within 300 feet of the centerline of the transmission line;
- 18 of the 35 individual landowner members of SHLAA were given notice by CPS Energy because their property is crossed by a proposed right-of-way; and
- 10 of the 35 individual landowner members of SHLAA have one or more habitable structures that both CPS Energy and SHLAA identified within 300 feet of the centerline of the transmission line;
- 12 habitable structures have been identified by both CPS Energy and SHLAA as being within 300 feet of the centerline of the transmission line.

Prepared By: Counsel
Sponsoring Witness: Cynthia Grimes

JAUER-1-7. How many of the 31 individual landowner members of SHLAA have habitable structures that are within 300 feet of a segment proposed by CPS Energy? Please list the landowner members by name and specify their Tract IDs, the type of each habitable structure involved (e.g., house), and the segment that is within 300 feet of each of their habitable structures(s)?

Response:

Please see CPS Energy's Attachment 8, Landowner Notice List, to its original application (which is available at

<https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/Attachment%208%20-%20Landowner%20Notice%20List.pdf>). This provides the name, tract identification numbers, type of habitable structure, and line segment for the individual members who are identified by name and address in the SHLAA motion to intervene (available at http://interchange.puc.texas.gov/Documents/51023_26_1080019.PDF).

In addition, as to the four additional habitable structures identified in Attachment E to the direct testimony of Cynthia Grimes, David Clark, and Jerry Rumpf:

There is a guest house along Segment 26a to the southwest of Habitable Structure 150.

There is a work building along Segment 15 to the southeast of Habitable Structure 146.

There is a work building along Segment 15 to the east of Habitable Structure 146.

There is a horse stable business building along Segment 15 to the east of Habitable Structure 142.

Supplemental Response:

The prior response referenced the publicly available information by which to determine the number of the 35 individual landowner members of SHLAA that the CPS original Application Attachment 8 showed having habitable structures within 300 feet of a proposed line segment by CPS Energy, as well as the name, tract numbers, etc. requested by the question above. The referenced Attachment 8 as amended does not contain the type of habitable structure; that is instead shown in the CPS amended Attachment 2, Appendix C, available at

<https://www.cpsenergy.com/content/dam/corporate/en/Documents/Infrastructure/ScenicLoop/00%20Amendment%20Attachments.pdf>. It was meant to be referenced in the original response, and is reference in this supplemental response for completeness.

Without waiving its position that SHLAA does not have to cull out specific requested information from publicly available information in the possession of Jauer, and without waiving its rights now or in the future regarding the scope of SHLAA's discovery responsibilities:

- 10 of the 35 individual landowner members of SHLAA have a habitable structure within 300 feet of the centerline of the transmission line, as more particularly identified in the supplemental response to Jauer Question No. 1-4;
- The habitable structures identified by CPS Energy in its original and amended application were listed by it as single family residences, as discussed in the supplemental response to Jauer Question 1-4, and the four additional habitable structures identified in SHLAA

testimony are as described above in the original response to this question and as more particularly identified in the supplemental response to Jauer Question No. 1-4.

Prepared By: Counsel
Sponsoring Witness: Cynthia Grimes

JAUER-1-8 Are the 5 additional water wells (referenced on page 7) that are identified as being "within 200 feet of a line segment that CPS Energy did not previously identify" permitted or registered? If so, please provide copies of each permit and registration. In addition, please provide the driller's logs for each of these wells and any other document that you have related to the well(s). Finally, please specify how each of these wells is currently being used.

Response: Water well drillers are the ones responsible for water well permitting and registration, including drilling logs. That information is publicly available on the relevant regulatory agency website(s). See for example <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=aed10178f0434f2781daff19eb326fe2>. Because there is no municipal water supply system to the individual SHLAA members, all of the 5 additional water wells are currently in use for water supply to the property owners.

Supplemental Response:

Without waiving its rights now or in the future regarding the scope of SHLAA's discovery responsibilities, and in an effort to accommodate the request from Jauer, to the extent the request for permit or registration information is to identify the exact location of the well, the 5 additional water well locations were identified and provided to CPSE Energy and in the testimony based upon the physical location of each well, visually apparent on the land surface, which is a factual matter that does not depend upon any well registration or driller log information. The representative location of each well was placed on the map provided in Attachment E to the SHLAA direct testimony of Ms. Grimes, et al., given the scale of the CPS Energy map information utilized in the CPS Energy application.

The water wells are used by each homeowner for domestic purposes. A domestic use well for an individual landowner is exempt from production restriction regulations under the Trinity Glen Rose Groundwater Conservation District authorization legislation and rules, available respectively at <https://capitol.texas.gov/tlodocs/77R/billtext/html/HB02005F.htm> and https://docs.wixstatic.com/ugd/4383d6_554a79f7cdef4e5c937428924ac337c3.pdf.

Registration information on wells within that district is publicly information available to Jauer under the Public Information Act. In addition, any registration information that pertains to the 5 wells may not be readily accessible by the landowners depending on such matters as the whether the property has changed hands, where older files are potentially kept, etc. Nevertheless, and without waiving its rights now or in the future regarding the scope of SHLAA's discovery responsibilities, and in an effort to accommodate the request from Jauer, SHLAA is in the process of determining if it may be able to access such information, and SHLAA will supplement to the extent necessary.

Prepared By: Counsel
Sponsoring Witness: Cynthia Grimes

JAUER-1-14 Admit or deny that there is an agricultural tax exemption on Tract ID F-021. Please provide any and all documents relating to an agricultural tax exemption on Tract ID F-021.

Response: Admitted. The Canyons POA, which includes Tract ID F-021, does not monitor property tax exemptions for the properties of those within the Canyons POA. Information that is publicly available should be on the Bexar County appraisal district's website. See <https://bcad.org/>.

Supplemental Response:

The Canyons Property Owners Association ("Canyons"), as a member of the SHLAA, does not have direct and ready possession of this specific information. This is because such information is not necessary for Canyon's conduct of its property owners association matters. In light of the admission, any document production is not necessary, even if Canyons had direct and ready possession of such information. In addition, any documents relating to an agricultural tax exemption are publicly available to Jauer from the Bexar County Appraisal District where they are on file. Without waiving its rights now or in the future regarding the scope of SHLAA's discovery responsibilities, Canyons on behalf of SHLAA, and in an effort to accommodate the request from Jauer, is in the process of determining if it may be able to access such information, and SHLAA will supplement to the extent necessary.

Prepared By: Counsel
Sponsoring Witness: David Clark.