



Control Number: 51023



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APPLICATION OF THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD (CPS ENERGY) TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE SCENIC LOOP 138-KV TRANSMISSION LINE IN BEXAR COUNTY, TEXAS	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**NORTHSIDE INDEPENDENT SCHOOL DISTRICT’S OBJECTIONS  
MOTION TO STRIKE MARK TURNBOUOG, PhD’S REBUTTAL TESTIMONY**

COMES NOW, Northside Independent School District and files the following objections and moves to strike the rebuttal testimony of Mark Turnbough, PhD offered on behalf of Bexar Ranch, L.P.<sup>1</sup> and would show the following:

NISD objects to the following testimony on Page 13 Lines 14-15.

*The McAndrew Elementary School site is not atypical of tracts dedicated for or donated to governmental entities in which new housing subdivisions are being developed.*

NISD objects to the foregoing statement on the grounds that it is speculation, assumes facts not in evidence, not rebuttal testimony, and not relevant.

NISD objects to the following testimony on Page 13 Lines 16-18.

*It is not uncommon for developers to provide land for schools that is less useful for the primary intended purpose (building houses) of the subdivision. In this instance, the school property is adjacent to a drainage easement, a wastewater treatment plant, and a floodplain.*

NISD objects to the foregoing statement on the grounds that it not relevant, assumes facts not in evidence, and an improper rebuttal testimony.

<sup>1</sup> Interchange Item No. 668

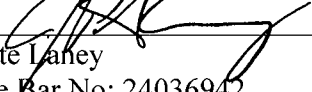
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NISD objects to the following testimony on Page 13 Lines 19-Page 14 Line 13.

*By way of comparison, I looked at locations of other schools within the Northside Independent School District (NISD) using the NISD website and selected Google Earth images. See Exhibit Rebuttal MT-1 for photographs and maps for each of the schools referenced below. For each school shown, there is an aerial photograph, a ground level photograph, and a map showing the location of the school in a given neighborhood. The schools I looked at include Jerry D. Allen Elementary, Braun Station Elementary, R.R. Cable Elementary, Jimmy Elrod Elementary, Galm Elementary, Hatchett Elementary, Mary Hull Elementary, and Raba Elementary. Inspection of the aerial and ground photography for each school listed indicates that there is placement of electric transmission lines near each of the school properties at distances comparable to the distance of proposed Route Z-1 to McAndrew Elementary. In one case, R.R. Cable Elementary, there are not only multiple electric transmission lines in relative proximity to the school property, there is also a substation. Five of the schools listed also have local distribution lines located on school property. The point worth emphasizing with regard to Mr. Anderson's commentary about the relative proximity of proposed Route Z-1 to McAndrew Elementary is that the proposed alignment of Route Z-1 seems to follow that of several schools within the NISD. Exhibit Rebuttal MT-1 is a true and accurate depiction of each elementary school.*

NISD objects to the foregoing statements on the grounds that are not relevant to this proceeding, speculative, lacks the proper foundation, and the testimony and exhibits are not admissible under Tex. R. Evid. 901. Mr. Turnbough seeks to introduce evidence of the existence or construction of utilities without any distinction as to whether or not the utilities were the subject of the jurisdiction of the PUC and subject to the required routing criteria.

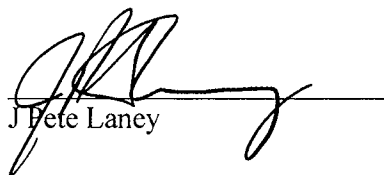
Respectfully Submitted,

By:   
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**ATTORNEY FOR NORTHSIDE  
INDEPENDENT SCHOOL DISTRICT**

**CERTIFICATE OF SERVICE**

I certify hereby that a true and correct copy of the foregoing has been filed with the Commission and served on all parties of record via PUC Interchange on this the 29<sup>th</sup> day of March 2021, pursuant to the Orders issued in this docket.

  
J. Pete Laney