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

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

REBUTTAL TESTIMONY

OF

SCOTT D. LYSSY, P.E. #103637

ON BEHALF OF

APPLICANT  
CPS ENERGY

April 7, 2021

**SOAH DOCKET NO. 473-21-0247  
PUC DOCKET NO. 51023  
REBUTTAL TESTIMONY OF SCOTT D. LYSSY, P.E.**

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**EXHIBITS**

Exhibit SDL-1R: Site 7 Preliminary Station Layout  
Exhibit SDL-2R: Cost Estimates for Route AA2

**SOAH DOCKET NO. 473-21-0247**  
**PUC DOCKET NO. 51023**  
**REBUTTAL TESTIMONY AND EXHIBIT OF SCOTT D. LYSSY, P.E.**

**I. INTRODUCTION**

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**Q. PLEASE STATE YOUR NAME AND OCCUPATION.**

A. My name is Scott D. Lyssy, P.E. I am employed by the City of San Antonio (City), acting by and through the City Public Service Board (CPS Energy) as the Manager of Civil Engineering.

**Q. ARE YOU THE SAME SCOTT D. LYSSY THAT PROVIDED DIRECT TESTIMONY IN THIS DOCKET?**

A. Yes, I am.

**Q. WHAT WILL YOU BE ADDRESSING IN YOUR REBUTTAL TESTIMONY?**

A. The purpose of my rebuttal testimony is to provide information in response to concerns raised in the testimonies filed by various intervenors and the Staff of the Public Utility Commission of Texas (Commission or PUC).

**Q. WERE YOUR REBUTTAL TESTIMONY AND EXHIBITS PREPARED BY YOU OR BY KNOWLEDGEABLE PERSONS UPON WHOSE EXPERTISE, JUDGMENT AND OPINIONS YOU RELY IN PERFORMING YOUR DUTIES?**

A. Yes, they were.

**Q. IS THE INFORMATION CONTAINED IN YOUR REBUTTAL TESTIMONY AND EXHIBITS TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?**

A. Yes, it is.

**Q. HAVE YOU HAD THE OPPORTUNITY TO REVIEW THE TESTIMONY AND STATEMENTS OF POSITION FILED BY THE INTERVENORS IN THIS DOCKET, AND IF SO, DO YOU HAVE ANY GENERAL REMARKS?**

A. Yes, I do. While the intervenors express a variety of concerns, I remain confident that all segments and routes proposed by CPS Energy in this proceeding are viable and can be

1 designed, constructed, operated, and maintained in a safe and reliable manner. I am further  
2 confident that the cost estimates for the routes presented in the application as filed on July  
3 22, 2020, and as amended on December 22, 2020 (collectively the “Application”), are  
4 reasonable and appropriate for the Commission’s consideration of the costs for the  
5 proposed Scenic Loop 138 kV Transmission Line Project (Project) and comparison of the  
6 routes one to another.

7 **II. CONSTRUCTION ACTIVITIES**

8 **Q. MS. SARAH BITTER FOR BEXAR RANCH, L.P. (BEXAR RANCH) EXPRESSES**  
9 **CONCERNS REGARDING THE SAFETY OF TRANSMISSION LINE**  
10 **CONSTRUCTION OVER DIFFICULT TERRAIN. HOW DO YOU RESPOND?**

11 A. CPS Energy is experienced at safely constructing and operating transmission lines in many  
12 different areas, including across residential, agricultural, recreational, commercial, and  
13 rural properties. I agree that some terrain in the Project area is very hilly and rugged. I  
14 personally reviewed all of the route segments proposed in this proceeding and determined  
15 that they can be safely and reliably designed, constructed, operated, and maintained. CPS  
16 Energy will work with landowners whose property is crossed by an approved route to  
17 obtain access and rights necessary to safely construct, operate, and maintain its facilities in  
18 a manner that reasonably minimizes the impact to the property.

19 **Q. SEVERAL INTERVENORS, INCLUDING MS. BITTER, WITNESSES FOR THE**  
20 **SAVE HUNTRESS LANE AREA ASSOCIATION (SHLAA), MR. STEVE**  
21 **CICHOWSKI FOR THE ANAQUA SPRINGS HOME OWNERS’ ASSOCIATION**  
22 **(AS HOA), MR. AND MS. FREEMAN, MR. ROY R. BARRERA, SR., AND MS.**  
23 **CARMEN BARRERA RAMIREZ DESCRIBE CPS ENERGY’S CLEARING**  
24 **ACTIVITIES AS “CLEAR CUTTING” A 100 FOOT SWATH OF TREES. HOW**  
25 **DO YOU RESPOND?**

26 A. I agree that in many areas of the Project, CPS Energy will generally need to acquire 100  
27 feet of right of way to safely construct, operate, and maintain the Project. In some areas  
28 more or less than 100 feet may be appropriate. However, CPS Energy does not intend to  
29 “clear cut” all vegetation within the right of way acquired. Rather, CPS Energy will attempt

1 to work with landowners crossed by a route approved for the Project to minimize the impact  
2 to existing trees and vegetation and to maintain the existing flora of the area.

3 **Q. MS. BITTER FOR BEXAR RANCH AND MR. JERRY RUMPF FOR SHLAA**  
4 **EXPRESS CONCERNS REGARDING CONSTRUCTION AND OPERATION OF**  
5 **THE PROJECT IN THE VICINITY OF WATER FEATURES, STREAMS, PONDS,**  
6 **OR DAMS. DO YOU SHARE THEIR CONCERNS?**

7 A. I do not. CPS Energy is experienced at safely constructing and operating transmission lines  
8 in proximity to rivers and streams, ponds, lakes, water features, and the associated dams.  
9 During the design and engineering stage of the Project (following approval of a specific  
10 route by the Commission), CPS Energy will undergo a detailed survey and engineering  
11 review of the route. All rivers and streams, ponds, lakes, water features, and dams will be  
12 avoided or crossed safely to avoid any notable or long term impact to the aquatic resource.  
13 CPS Energy will obtain and comply with all applicable storm water pollution protection  
14 plan (SWPPP) requirements for the Project. Construction activities near aquatic resources  
15 will be undertaken in a manner so as to minimize erosion and silt flowing into the aquatic  
16 resource. Native vegetation will be maintained to the extent possible to minimize erosion.

17 **Q. MS. BITTER FOR BEXAR RANCH AND MR. RUMPF FOR SHLAA EXPRESS**  
18 **CONCERNS REGARDING CONSTRUCTION AND OPERATION OF THE**  
19 **PROJECT ON ROADWAYS. WHAT IS YOUR RESPONSE?**

20 A. During the detailed survey and design phase, following the approval of a specific route for  
21 the Project, CPS Energy will evaluate the ability of existing roads to handle the impact of  
22 construction vehicles. CPS Energy works with landowners to address any necessary  
23 improvements or alternative access rights prior to the start of construction. These activities  
24 are common for a utility like CPS Energy, which has significant experience evaluating  
25 potential impacts from construction of transmission facilities and addressing the necessary  
26 improvements with landowners. Appropriate access rights and necessary improvements  
27 will be negotiated with the landowners as part of the easement acquisition process.

1 To the extent any unforeseen damage to roadways does occur during construction  
2 of the Project, CPS Energy will work with the landowner or other appropriate entity to  
3 repair damage caused by its equipment.

4 **Q. DR. SUNIL DWIVEDI STATES THAT THE PROPOSED TRANSMISSION LINE**  
5 **POLES WILL BE SOMETHING FUN TO CLIMB ON, MR. JACOB**  
6 **VILLARREAL FOR THE NORTHWEST INDEPENDENT SCHOOL DISTRICT**  
7 **(NISD) DESCRIBES THE PROPOSED POLES AS AN “ATTRACTIVE**  
8 **NUISANCE” FOR SCHOOL CHILDREN, AND MR. CICHOWSKI STATES**  
9 **THAT “CHILDREN WOULD LIKELY BE TEMPTED TO EXPLORE THE**  
10 **TRANSMISSION LINE TOWERS.” HOW DO YOU RESPOND TO THOSE**  
11 **CONCERNS?**

12 A. As with other transmission lines throughout its system, CPS Energy will design the  
13 transmission line and substation facilities proposed for the Project in accordance with all  
14 applicable industry design and safety standards. The characteristics of the mono-pole  
15 structures that will be utilized in this Project do not lend themselves to any practical means  
16 of climbing. In my experience, neither children nor adults will be able to climb the poles  
17 proposed for the Project.

18 **Q. DR. DWIVEDI FURTHER DISCUSSES HIS CONCERNS REGARDING THE**  
19 **NOISE AND DANGERS ASSOCIATED WITH CPS ENERGY’S**  
20 **CONSTRUCTION ACTIVITIES. HOW DO YOU RESPOND?**

21 A. CPS Energy manages its construction activities as a prudent utility operator. The area  
22 southeast of Dr. Dwivedi’s property is undergoing active development separate from the  
23 proposed transmission line and will contain active homebuilding, road building, utility  
24 trenching, and construction activities for many years to come. The CPS Energy Project will  
25 be very short term in comparison to the activities already taking place in the area. The  
26 impact to a particular landowner from construction related to the Project will be relatively  
27 brief and transitory compared to longer term home or commercial building construction or  
28 even roadway or underground utility trenching and construction.

1 Further, I am not aware of any particular danger to children or other members of  
2 the public from the construction associated with this Project. I am not aware of any  
3 incidents in which a child or other member of the public was injured as a result of the  
4 construction of a CPS Energy transmission line.

5 **Q. MR. CICHOWSKI DISCUSSES THE TOWERS THAT HE BELIEVES WILL BE**  
6 **CONSTRUCTED IN THE AREA OF THE AS HOA ENTRANCE GATE. WHAT**  
7 **TYPE OF FACILITIES IS CPS ENERGY PROPOSING FOR THE PROJECT?**

8 A. As stated in response to Question 4 of the Application, CPS Energy proposes single mono-  
9 poles, not lattice towers, for the Project.

10 **Q. WITNESSES FOR BEXAR RANCH AND MR. PATRICK CLEVELAND, MR.**  
11 **STEPHEN ROCKWOOD, AND MR. PAUL ROCKWOOD (TESTIFYING ABOUT**  
12 **THE HIGH COUNTRY RANCH) DISCUSS ENVIRONMENTALLY SENSITIVE**  
13 **AREAS ON THOSE PROPERTIES. HOW WILL CPS ENERGY ADDRESS**  
14 **THOSE CONCERNS?**

15 A. Following the Commission's approval of a route for the Project, CPS Energy will  
16 undertake a cultural and natural resources assessment of the entire approved route and  
17 begin detailed survey and engineering design of the transmission line, which includes a  
18 detailed examination of boundary locations, ground and soil conditions, waterbody  
19 crossings and other potential constraints. CPS Energy will obtain all necessary permits,  
20 develop a SWPPP, and prepare a Notice of Intent to be submitted to the Texas Commission  
21 on Environmental Quality.

### 22 **III. PARALLELING ROADWAYS**

23 **Q. MR. MARK ANDERSON, TESTIFYING ON BEHALF OF AS HOA AND BRAD**  
24 **JAUER AND BVJ PROPERTIES, L.L.C. (JAUER), DESCRIBES A**  
25 **"THEORETICAL FALL RADIUS" OF 100 FEET FOR THE PROJECT. HOW DO**  
26 **YOU RESPOND TO MR. ANDERSON'S FALL RADIUS TESTIMONY?**

27 A. Mr. Anderson's direct testimony on page 18 regarding a 100 foot theoretical fall radius is  
28 not consistent with transmission line engineering. First, the steel poles proposed for the



1 Project will be constructed to withstand significant ice and wind loading (as established in  
2 the National Electrical Safety Code (NESC)) beyond that ever reasonably anticipated to be  
3 experienced in CPS Energy's service territory. I cannot envision a scenario in which the  
4 steel mono-poles on concrete foundations would fall over and I am not aware of any  
5 instances where that has happened in CPS Energy's service area. In the event of tornado-  
6 like wind force, the construction of the poles for the Project will be designed to withstand  
7 the wind to a much higher degree than the existing homes and structures in the area. Thus,  
8 other structures in the area would be expected to fail long before the transmission line.

9 Second, because of the tension of the conductor (the "wires") on the poles proposed  
10 for the Project, if the transmission line were to fail, the poles would be expected to most  
11 likely fail within or 45 degrees to the right of way. Mr. Anderson's theoretical fall radius  
12 testimony is not based on a reasonable theory of transmission line engineering.

13 **Q. MR. ANDERSON FURTHER TESTIFIES ABOUT THE RELOCATION RISK OF**  
14 **CONSTRUCTING AND OPERATING THE PROPOSED PROJECT ALONG**  
15 **TOUTANT BEAUREGARD ROAD. ARE MR. ANDERSON'S CONCERNS**  
16 **VALID?**

17 A. No. As I describe in detail later in this rebuttal testimony, CPS Energy is proposing to  
18 locate the proposed poles for the Project 25 to 50 feet from the edge of the road right of  
19 way. Under any foreseeable expansion of Toutant Beauregard Road, Bexar County (the  
20 entity that maintains the roadway) will have more than sufficient right of way to expand  
21 the roadway without impacting the Project facilities. Regardless, Bexar County and CPS  
22 Energy have a long history of working cooperatively to relocate and modify facilities to  
23 accommodate roadway projects. Finally, to the extent any of Mr. Anderson's concerns  
24 were valid, the route Mr. Anderson recommends, Route W, parallels another major  
25 roadway, Scenic Loop Road, for a significant portion of its length, raising similar issues  
26 for that route.

27 **Q. MR. ANDERSON TESTIFIES THAT GROUNDING WILL BE NECESSARY TO**  
28 **PROTECT HOMES ALONG SEGMENT 54. DO YOU AGREE?**

29 A. No, I do not. No grounding of any structures outside of the right of way proposed by this

1 Project is even remotely anticipated. Mr. Anderson does not present any engineering basis  
2 for why such grounding would be necessary just because a structure may ultimately be  
3 within a certain number of feet of the Project centerline. There are many instances  
4 throughout the CPS Energy system where facilities such as wells, homes, fences, signs, or  
5 commercial structures are safely constructed at the edge of CPS Energy's transmission  
6 right of way without any grounding concerns. Mr. Anderson's direct testimony about  
7 phantom grounding costs associated with Segment 54 have no engineering basis and should  
8 not be considered.

9 **Q. MR. ANDERSON RAISES QUESTIONS IN HIS TESTIMONY ABOUT**  
10 **WHETHER THE RIGHT OF WAY WIDTH WILL BE 100 FEET OR 75 FEET IN**  
11 **AREAS ADJACENT TO ROADWAYS. WHAT RIGHT OF WAY IS CPS ENERGY**  
12 **PROPOSING IN THIS CASE?**

13 A. As stated in response to Question 6 of the Application, the right of way proposed for the  
14 Project is 100 feet. All measurements included in the Application, including within the  
15 Environmental Assessment that is Attachment I to the Application, are based on a right of  
16 way width of 100 feet. That was done to ensure CPS Energy would have sufficient space  
17 for each segment and route proposed in the Application to construct, operate, and maintain  
18 the transmission line facilities proposed for the Project. That being said, if CPS Energy  
19 can, adjacent to roadways, utilize the roadway for clearance purposes and can thereby  
20 utilize a narrower than proposed right of way (minimizing the impact on the landowner on  
21 whose property the line will be located), CPS Energy will explore whether that is  
22 reasonable to the extent such a modification can be made in accordance with an order from  
23 the Commission approving the CCN amendment. Because I believe in most instances it  
24 will be reasonable and acceptable to reduce the right of way adjacent to roadways, the cost  
25 estimates included in the Application are based on the cost to acquire 75 feet of right of  
26 way adjacent to roadways.

1 **Q. IF THE APPLICATION MEASUREMENTS ARE BASED ON 100 FEET AND**  
2 **SOME OF THE COST ESTIMATES ARE BASED ON ACQUISITION OF 75 FEET**  
3 **OF RIGHT OF WAY, DOES THE APPLICATION UNDERSTATE THE COST**  
4 **FOR ROUTES WITH SEGMENTS ADJACENT TO ROADWAYS?**

5 A. No, it does not. In fact, because the Commission order will very likely require CPS Energy  
6 to work with landowners crossed by an approved route for the Project to minimize the  
7 impact of the Project, it is reasonable and appropriate for the Application to reflect the cost  
8 of the right of way I reasonably anticipate CPS Energy will actually require for each  
9 segment of the Project.

10 **Q. DOES A NARROWER RIGHT OF WAY REQUIRE CLOSE POLE SPACING AS**  
11 **MR. ANDERSON ASSERTS IN HIS DIRECT TESTIMONY?**

12 A. Not necessarily. As I have examined each segment for the Project for preliminary structure  
13 spotting, the 75 feet of right of way would likely assume the pole line is centered 25 feet  
14 from the edge of the road right of way and utilize the roadway for the additional 25 feet of  
15 clearances for the Project. Thus, the pole placement would still utilize 100 feet of  
16 transmission line clearances (75 feet on private property and 25 feet of clearances in the  
17 road right of way). CPS Energy could utilize this strategy because it would not have  
18 concerns regarding Bexar County constructing structures in the roadway that would impact  
19 the transmission line clearances. As I stated previously, however, if CPS Energy had a  
20 particular concern, in consultation with Bexar County, the Application currently proposes  
21 the full 100 feet of clearance on private property.

22 **Q. ARE THE GAS, WATER, AND ELECTRIC DISTRIBUTION FACILITIES**  
23 **LOCATED WITHIN THE ROAD RIGHT OF WAY OF TOUTANT**  
24 **BEAUREGARD ROAD A CONCERN, AS DISCUSSED BY MR. JAUER AND MR.**  
25 **CICHOWSKI IN HIS PERSONAL TESTIMONY?**

26 A. No. All of the facilities of which I am aware, including natural gas distribution lines, water  
27 lines, communication lines, and electric distribution lines are located in or very close to the  
28 road right of way. Thus, all of these neighborhood distribution level service facilities will  
29 be at least 25 feet from the pole centerline if a narrower 75 foot right of way is explored

1 and 50 feet from the pole centerline as proposed in the Application. I do not anticipate any  
2 reasonable Project interference with these types of neighborhood distribution utility  
3 facilities.

4 **Q. IN HIS PERSONAL TESTIMONY, MR. CICHOWSKI DISCUSSES TWO BEXAR**  
5 **COUNTY BRIDGE PROJECTS THAT MAY BE UNDERTAKEN ALONG**  
6 **TOUTANT BEAUREGARD ROAD IN THE FUTURE. ARE YOU FAMILIAR**  
7 **WITH THESE PROJECTS?**

8 A. From my review of publicly available information on the Bexar County website, I am  
9 generally familiar with the projects Mr. Cichowski discusses in his testimony. These are  
10 the types of projects that Bexar County undertakes regularly within its road rights of way.  
11 I do not anticipate any impact to the transmission line facility alignment along Toutant  
12 Beauregard Road because of these current Bexar County projects or any similar future  
13 projects. These projects regularly occur throughout Bexar County and in proximity to CPS  
14 Energy's transmission line facilities. CPS Energy and Bexar County have a long history of  
15 working cooperatively with respect to adjacent projects. In this instance, the centerline  
16 alignments proposed by CPS Energy along Toutant Beauregard are sufficiently distant  
17 from the edge of the road right of way that I do not anticipate any cross impacts between  
18 the projects.

19 **Q. MR. ANDERSON STATES THAT SEGMENT 54 IS MORE DANGEROUS TO**  
20 **THE COMMUNITY DUE TO AN INCREASED RISK OF VEHICLE**  
21 **COLLISIONS. DO YOU AGREE?**

22 A. No. As stated above, the transmission line pole centerline will be located at least 25 feet  
23 from the edge of the road right of way (if a narrower right of way can be utilized in that  
24 area) and up to 50 feet from the edge of the road right of way on one side of the road. There  
25 are existing electric distribution lines located *within* the road right of way on *both* sides of  
26 the road in the area of Segment 54 with poles approximately every 100 to 150 feet. If the  
27 Project is approved along a route utilizing Segment 54, it will be located at least 25 to 50  
28 feet further interior of the existing distribution poles with far fewer poles (anticipated to be

1 spaced 400 to 500 feet apart). Accordingly, the Project will not increase the risk to the  
2 community as Mr. Anderson alleges.

3 **Q. MR. CICHOWSKI DISCUSSES THE CROSSINGS OF TOUTANT**  
4 **BEAUREGARD ROAD. DO YOU HAVE ANY CONCERNS WITH THE NUMBER**  
5 **OF ROAD CROSSINGS?**

6 A. No. The routes identified along Toutant Beauregard Road include a reasonable number of  
7 road crossings to avoid or maximize the distance from existing features such as habitable  
8 structures, a National Register of Historic Places property, and the McAndrew Elementary  
9 School. The number of road crossings identified in this Project are reasonable considering  
10 the constraints in the area.

11 **Q. SEVERAL INTERVENORS, INCLUDING THE CLEARWATER RANCH**  
12 **WITNESSES, MS. ROSEMARIE ALVARADO FOR THE CHARLENE JEAN**  
13 **ALVARADO LIVING TRUST (ALVARADO TRUST), THE SHLAA WITNESSES,**  
14 **AND MR. AND MS. FREEMAN, EXPRESS CONCERNS ABOUT CROSSING**  
15 **UNDER THE PROPOSED TRANSMISSION LINES TO ACCESS THEIR**  
16 **PROPERTIES. WILL THAT BE A CONCERN?**

17 A. No. Private property access across the transmission line easement and the ability to drive  
18 underneath the transmission line will not be restricted by the rights necessary for CPS  
19 Energy to construct and operate the proposed transmission line facilities. Landowners will  
20 be able to freely drive or walk across the easement to access their property. People  
21 unknowingly cross under these types of transmission lines daily in thousands of locations  
22 across Texas.

23 During the design phase of the Project, CPS Energy will take into consideration  
24 existing access paths located on private property in determining structure locations when  
25 practical. If necessary, CPS Energy will make adjustments and locate its structures so that  
26 access paths are not blocked.

1 **IV. PROPOSED SUBSTATION SITE 7**

2 **Q. BY ADDRESSING QUESTIONS SPECIFIC TO SUBSTATION SITE 7 ARE YOU**  
3 **EXPRESSING ANY KIND OF PREFERENCE FOR THAT SITE?**

4 A. No. All seven of the substation sites proposed in the Application can be constructed,  
5 owned, and operated in a safe and reliable manner by CPS Energy.

6 **Q. ON PAGES 23-25 OF HIS DIRECT TESTIMONY, MR. ANDERSON DISCUSSES**  
7 **SUBSTATION SITE 7. ARE HIS MEASUREMENTS AND CONCLUSIONS**  
8 **ACCURATE?**

9 A. No. Although Mr. Anderson acknowledges on line 1 of page 25 of his direct testimony that  
10 CPS Energy is proposing a “3-Unit Substation,” Mr. Anderson’s testimony addresses a  
11 four-unit substation that is approximately four acres. In fact, as shown on Exhibit SDL-1R  
12 to my testimony, CPS Energy is proposing a three unit substation that will utilize an  
13 approximate 330 foot x 330 foot area, for a total surface area of approximately 2.5 acres.  
14 Within this area is the total area CPS Energy will require for the substation equipment and  
15 all necessary retaining ponds and facilities. Because Substation Site 7 is approximately  
16 seven acres in size, CPS Energy will have sufficient area within the property to construct,  
17 operate, and maintain the necessary substation facilities without having to “clear cut” the  
18 remaining 4.5 acres of the site as Mr. Anderson alleges.

19 **V. COST ESTIMATES**

20 **Q. IN HIS PERSONAL TESTIMONY, MR. CICHOWSKI ASSERTS THAT THE**  
21 **EXISTENCE OF WATER AND NATURAL GAS DISTRIBUTION FACILITIES**  
22 **ALONG TOUTANT BEAUREGARD ROAD MAKE CPS ENERGY’S COST**  
23 **ESTIMATES UNRELIABLE. HOW DO YOU RESPOND?**

24 A. The neighborhood distribution water, electric, communication, and gas facilities *within*  
25 road rights of way are common throughout the study area and are located along Toutant  
26 Beauregard Road as well as Scenic Loop Road and other roadways. As I discussed  
27 previously, the pole centerline proposed for this Project is proposed to be 50 feet off of the  
28 road right of way and, even if moved 25 feet closer, would still be 25 feet from the edge of  
29 the road right of way. Prior to engineering and any construction activities, CPS Energy will

1 perform detailed underground utility surveys, but it is not expected that any such facilities  
2 will result in a significant impact to the Project proposed away from the edge of the road  
3 right of way.

4 **Q. THE SHLAA WITNESSES DISCUSS FENCING WITHIN PRIVATE LAND AS A  
5 POTENTIAL COST CONCERN. HOW DO YOU RESPOND?**

6 A. Fencing is not unique to the SHLAA properties—it exists throughout the study area.  
7 Regardless, my cost estimates include amounts reasonable and necessary for construction  
8 activities associated with impacts to existing fencing, including construction of gates as  
9 appropriate.

10 **Q. MR. JAUER CLAIMS THAT CPS ENERGY'S COST ESTIMATES ARE NOT  
11 ACCURATE BECAUSE CATHODIC PROTECTION COSTS HAVE NOT BEEN  
12 INCLUDED FOR THE CPS ENERGY NATURAL GAS DISTRIBUTION  
13 FACILITIES WITHIN THE TOUTANT BEAUREGARD ROAD RIGHT OF WAY.  
14 HOW DO YOU RESPOND?**

15 A. No cathodic protection is required for this Project. Even though the valves that Mr. Jauer  
16 can see above ground are made of steel, the underground low pressure pipelines along  
17 Toutant Beauregard Road (and throughout the study area) are made of plastic and are not  
18 subject to potential induced voltage from electric transmission lines.

19 **VI. OTHER CONCERNS**

20 **Q. THE SHLAA WITNESSES DISCUSS ROADS WITHIN THEIR  
21 NEIGHBORHOODS THAT ARE PRONE TO FLOODING. IS THIS A CONCERN  
22 FOR CPS ENERGY?**

23 A. No. There are roads throughout CPS Energy's service territory that flood from time to time.  
24 CPS Energy maintenance crews are familiar with such conditions and can reasonably  
25 address any concerns such flooding might cause to the reasonable access of the facilities.

26 **Q. SEVERAL LANDOWNERS, INCLUDING THE CLEARWATER RANCH  
27 WITNESSES AND MR. AND MS. FREEMAN EXPRESS CONCERNS**

1           **REGARDING THIRD PARTY ACCESS ON THEIR PROPERTY. HOW DO YOU**  
2           **RESPOND?**

3    A.    CPS Energy will provide notice to directly affected landowners prior to beginning  
4           construction of the Project. The notification will generally describe the scope of the Project  
5           and provide the landowner with specific project contacts, including the appropriate CPS  
6           Energy representative for landowner issues. In addition, a CPS Energy representative will  
7           be available prior to, during, and after construction, to address a landowner's concerns  
8           related to the Project. Following construction and energization of the transmission line,  
9           CPS Energy will rarely need to access the right of way or transmission line facilities. When  
10          access to the right of way is required, CPS Energy will attempt to contact the landowner  
11          prior to accessing the property unless emergency conditions do not provide for such  
12          contact.

13   **Q.    THE SHLAA WITNESSES DISCUSS THEIR CONCERNS REGARDING THE**  
14   **LIMITATION ON THEIR PROPERTY RIGHTS IF A TRANSMISSION LINE**  
15   **EASEMENT IS GRANTED. HOW DO YOU RESPOND?**

16   A.    Any landowner whose property is required for the safe and reliable operation of the line,  
17          dependent on the route approved by the Commission, will be compensated for the  
18          acquisition of the easement required by CPS Energy. This one-time payment is to  
19          compensate the landowner for the property restrictions discussed by the SHLAA witnesses.  
20          Although some restrictions will exist on the use of the property within the limited right of  
21          way area itself, the property owner remains the fee owner of the land and can continue to  
22          use the right of way area for recreational activities, horseback riding, hunting, farming and  
23          cultivation, and a variety of other activities.

24                           **VII.   ADDITIONAL ROUTE ALTERNATIVES**

25   **Q.    HAVE ANY OTHER ADDITIONAL ROUTES BEEN PROPOSED (COMPRISED**  
26   **OF SEGMENTS INCLUDED IN THE APPLICATION) THAT WERE NOT**  
27   **INCLUDED IN CPS ENERGY'S APPLICATION?**

28   A.    Yes. Mr. Brian Andrews, on behalf of Lisa Chandler, Clinton R. Chandler, and Chip and  
29          Pamela Putnam, proposed a route in his direct testimony that he labeled as Route AA2.



1 Route AA2 is comprised of route segments included in the Application and is a viable,  
2 constructible route for the Project. I prepared cost estimates in discovery for Mr. Andrews  
3 regarding Route AA2, which he utilized in presentation of his direct testimony. The  
4 estimated cost information I prepared for Mr. Andrews for Route AA2 is attached as  
5 Exhibit SDL-2R to my testimony.

6 **VIII. CONCLUSION**

7 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

8 A. Yes, it does.



EXHIBIT SDL-1R

SITE 7 - PRELIMINARY STATION LAYOUT





**CPS Energy CCN Application  
(Revised 2/9/2021)  
Estimated Costs for Route AA2**

Route	Total Length (miles)	Sub Site	**Estimated Total Cost	ROW & Land Acquisition	Engineering & Design (Utility)	Engineering & Design (Contract)	Procurement of Material & Equipment	Construction of Facilities (Utility)	Construction of Facilities (Contract)	Other
AA2	4.89	7	<b>\$39,048,155</b>	\$3,795,532	\$624,360	\$1,650,275	\$11,647,242	\$3,055,360	\$9,988,470	\$7,533,561