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PUBLIC UTILITY BOARD  
REGULATORY SERVICES

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

**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 PROPOSED SCENIC LOOP 138-KV TRANSMISSION LINE** § **BEFORE THE STATE OFFICE** § **OF** § **ADMINISTRATIVE HEARINGS** §

**CLEARWATER RANCH POA'S AMENDED RESPONSE TO ANAQUA SPRINGS HOMEOWNERS' ASSOCIATION FIRST REQUEST FOR INFORMATION**

TO: Anaqua Springs Homeowners' Association, by and through its attorneys of record, Ann M. Coffin, Wendy K. L. Harvel, and C. Glenn Adkins, COFFIN RENNER LLP, 1011 West 31<sup>st</sup> Street, Austin, Texas 78705.

Pursuant to the orders in this docket, P.U.C. PROC. R. 22.144, and other applicable Commission rules, Clearwater Ranch POA and those Intervenors who have appointed Clearwater Ranch POA as their authorized representative ("Clearwater Ranch") hereby serves their Amended Responses to Anaqua Springs Homeowners' Association ("Anaqua") First Request for Information. The responses to these questions may be treated as though provided under oath.

Respectfully submitted,

BRAUN & GRESHAM, PLLC

P.O. Box 1148 (Mailing)  
Dripping Springs, Texas 78620  
14101 Hwy. 290 W., Bldg. 1100 (Physical)  
Austin, Texas 78737  
512-894-5426 (telephone)  
512-894-3405 (fax)

/s/Carly Barton  
Patrick L. Reznik  
State Bar No. 16806780  
[preznik@braungresham.com](mailto:preznik@braungresham.com)  
Carly Barton

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State Bar No. 24086063  
[cbarton@braungresham.com](mailto:cbarton@braungresham.com)

**ATTORNEYS FOR CLEARWATER RANCH  
POA**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 14, 2021 in accordance with Public Utility Commission Procedural Rule 22.74 and the Orders in the above-captioned proceedings.

/s/Carly Barton  
Carly Barton

## REQUESTS FOR INFORMATION

### **Anaqua Springs 1-1**

Please provide a list of all Clearwater Ranch witnesses who do not have a habitable structure within 300 feet of the proposed transmission line and are not crossed by the proposed line.

**Objection:** Clearwater Ranch objects to the relevance of this request as all Clearwater Ranch witnesses or their predecessors in title have been granted intervenor status by the ALJs in this docket and have therefore been recognized as being impacted by proposed alternative transmission line routes. Subject to and without waiving the foregoing objection, Clearwater Ranch offers the following.

**Response:** Although we do not have exact measurements, based on our knowledge and belief the following Clearwater Ranch witnesses do not have habitable structures within 300 feet of the proposed transmission line and are not crossed by the proposed line: Joe R. Acuna, L.W. Arbuthnot, Byron and Gina Eckhart, Max and Peggy Garoutte, Gume Garza, Carlos and Rosa Guzman, Gregory Hamon, Casey and Molly Keck, and Kurt and Brenda Orhmundt.

**Prepared by: Carly Barton**

**Sponsored by: Clearwater Ranch POA**

### **Anaqua Springs 1-2**

Please provide all documentation showing that the individuals who filed testimony on behalf of Clearwater Ranch POA have the authority to speak on behalf of the POA.

**Response:** See attached production with a resolution from the Clearwater Ranch POA Board. However, as members of the Clearwater Ranch POA, it is within their personal knowledge and awareness to know the position of their Board.

**Prepared by: Carly Barton**

**Sponsored by: Clearwater Ranch POA**

### **Anaqua Springs 1-3**

For the witnesses who testified regarding Segment 42a and Sarah McAndrew Elementary, please provide your understanding of the distance between Segment 42a and the closest areas where elementary school children play.

**Response:** The witnesses have not measured the exact distance between Segment 42a and the closest areas where elementary school children play. They were making general statements as to any concerns they had over Segment 42a and its proximity to Sarah McAndrew Elementary.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

#### **Anaqua Springs 1-4**

Please provide all documentation showing the habitable structures completed in Clearwater Ranch at the time of the open house in October 2019.

**Objection:** Clearwater Ranch objects to the relevance of this request as the number of habitable structures completed at the time of open house in 2019 does not have any tendency to make a fact more or less probable since the number of habitable structures at the time of the filing of the CCN is what is important to the transmission line routing case. Additionally, the request is overly broad and unduly burdensome.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

#### **Anaqua Springs 1-5**

For the Garouttes. Please provide any documentation that the routing of the transmission line would not permit your property to be included in the wildlife tax exemption program.

**Response:** Clearwater Ranch has no documents responsive to this request.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

#### **Anaqua Springs 1-6**

On Page 6, line 38, of Francis and Marianna VanWisse's testimony, they claim to have a well is within "the 100 ft boundary of the proposed construction line."

- How was the distanced measured?
- For what purposes is the well currently used?
- Is the well permitted or registered? If so, please provide copies of each permit and registration.
- Please provide the driller's logs for the well and any other documents that you have related to it.

**Response:** The distance was measured by the VanWisse's based on their observation skills and knowledge of their property. Their well is currently used for agricultural purposes and it is attached to their barn. The coordinates for the well are 29.67198, -98.70002. See the attached production

with a to-scale map of the Van Wisse property and the location of the well as it relates to the centerline of Segment 25.

**Objection:** Clearwater Ranch objects to the 3<sup>rd</sup> and 4<sup>th</sup> subpart of this request as the permitted or registered status of the well or the driller's log has no relevance to a transmission line routing case.

**Prepared by: Carly Barton**

**Sponsored by: Clearwater Ranch POA**

### **Anaqua Springs 1-7**

Please list each witness testifying for Clearwater Ranch who has either a habitable structure within 300 feet of the transmission line or is crossed by the transmission line, and please indicate whether each witness has one or both.

**Response:** Although we do not have exact measurements, based on our knowledge and belief the following Clearwater Ranch witnesses have habitable structures within 300 feet of the proposed transmission line and are crossed by the proposed line: Michael and Shawn Stevens, Mariana and Francis Van Wisse, and Carlos and Christina Garcia. The following Clearwater Ranch witnesses are crossed by a proposed transmission line: Jeffrey B. Audley and Darrell R. Cooper, Robert Garza, Samer and Elizabeth Ibrahim, Sven and Sofia Kuestermann, Alejandro Medina, Peter and Melanie Morawiec, Kurt and Adrianna Rohlmeier, and Michael and Rosalinda Sivilli. Russell and Brook Harris and Paolo Salvatore have habitable structures within 300 feet of the proposed transmission line.

**Prepared by: Carly Barton**

**Sponsored by: Clearwater Ranch POA**

### **Anaqua Springs 1-8**

Please provide all documentation showing registered wildlife tax exemptions or conservation easements in Clearwater Ranch, including the dates any such exemptions or easements were claimed or recorded.

**Objection:** Clearwater Ranch objects to this request as overly broad and unduly burdensome as it asking for all documents related to the property taxes of every landowner in Clearwater Ranch. This request is also vague and fails to define what is meant by "registered" and "exemption". Furthermore, any conservation easements in Clearwater Ranch would be filed in the Bexar County real property records and therefore equally available for Anaqua Springs to obtain. Similarly, information regarding the 1-d-1 open-space agricultural valuation for property taxes of properties in Clearwater Ranch is available to the public through the Bexar Central Appraisal District website.

Subject to and without waiving the foregoing objections, the following table outlines the properties that have a 1-d-1 open space valuation from the Bexar Central Appraisal District.

<b>Lot</b>	<b>Name</b>	<b>Address</b>	<b>Wildlife/Ag Valuation</b>
1A	Keck, Casey & Molly	24510 Clearwater Run	Agricultural
1	Van Wisse, Francis & Mariana	24608 Clearwater Run	Wildlife
2	Stevens, Michael & Shawn	24681 Clearwater Run	Wildlife
3	Rohlmeier, Kurt and Adriana	24706 Clearwater Run	Wildlife
4	Ibrahim, Samer & Elizabeth	24712 Clearwater Run	Owners raise bees on the property to establish agricultural use and are in the process for applying for an agricultural valuation.
5	Garoutte, Max & Meg	24717 Clearwater Run	Wildlife
6	Eckhart, Byron & Gina	24711 Clearwater Run	Agricultural
7	Ohrmundt, Kurt & Brenda	25010 Clearwater Creek	Wildlife
8	Garza, Gume	24623 Clearwater Run	Agricultural
9	Harris, Russell & Brook	24617 Clearwater Run	Agricultural
10	Medina, Alejandro	24611 Clearwater Run	Wildlife
11	Salvatore, Paolo (Clear Run LLC)	24603 Clearwater Run	Wildlife
12	Medina, Alejandro	25121 Clearwater Creek	Wildlife
14	Acuna, Joe (Villa Strangiato, LLC)	25115 Clearwater Creek	Wildlife
15 A	Medina, Alejandro	25102 Clearwater Creek	Wildlife

15B	Medina, Alejandro	25108 Clearwater Creek	Wildlife
16	Garza, Robert & Sophia (Laredo Sol Investments LLC)	25114 Clearwater Creek	Wildlife
17	Garcia, Carolos & Christina	25120 Clearwater Creek	Wildlife
18 A	Sivilli, Michael & Rosalinda	25126 Clearwater Creek	Wildlife
18B	Morawiec, Peter	25132 Clearwater Creek	Owners raise bees on the property to establish agricultural use and are in the process for applying for an agricultural valuation.
18 C	Kuestermann, Sven & Sofia	10811 Clearwater Meadow	None, property is currently for sale
19A	Under Contract (Arbutnot, LW)	10814 Clearwater Meadow	Wildlife
20	Hamon, Greg	24723 Clearwater Run	Wildlife
22	Guzman, Carlos & Rosie CRG Properties LLC	25127 Clearwater Creek	Wildlife
23	Guzman, Carlos & Rosie CRG Properties LLC	10705 Clearwater Meadow	Wildlife
24	Guzman, Carlos & Rosie CRG Properties LLC	10712 Clearwater Meadow	Wildlife

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

**Anaqua Springs 1-9**

Please provide all agreements between you and CPS.

**Response:** None related to this proceeding.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

**Anaqua Springs 1-10**

Please provide all communications regarding agreements or any agreements between or among you, Save Huntress Lane Area Association, Bexar Ranch and/or the Chadler and Putnam parties.



**Response:** None.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

**Anaqua Springs 1-11**

Admit or deny that no homeowners in Clearwater Ranch are directly impacted by any route using Substation 6 and running south on Segment 16.

**Response:** Clearwater Ranch can neither admit nor deny that they are not directly impacted by any route using Substation 6 and running south on Segment 16. The visibility of Substation 6 or Segment 16 from Clearwater Ranch is unknown at this point. The Commission requires notice for properties crossed by a line segment right-of-way or with a habitable structure within a specified distance; however, other properties may be directly impacted beyond the notice requirements, such as the transmission line's visibility.

**Prepared by: Carly Barton**  
**Sponsored by: Clearwater Ranch POA**

November 11, 2019

24510 Clearwater Run, San Antonio, TX 78255

#### **Minutes**

- Called meeting to order at 6:15pm
- Attendance - see attached sign in sheet
- Action Items:
  - o Prior meeting minutes approved
  - o Ratification of appointment of officers for 2019-2020 directors' terms approved
- **Discussion of CPS Transmission Project**
  - o Patrick Reznick, Attorney with Braun & Gresham, sister company to Plateau Wildlife Management, arrived at 6:30pm and provided slide show presentation on the protocol and timeline CPS must take regarding placing a new transmission line project. Also discussed the implications to Clearwater Ranch and what his company could do to represent us to try to prevent the lines from coming through the neighborhood.
  - o After Mr. Reznick left, discussion ensued regarding using his counsel and it was unanimous that those in attendance felt it was beneficial to utilize him.
  - o After discussing budget, the Board approved an amendment to the budget to reallocate funds to a [REDACTED] retainer for Mr. Reznick.
  - o Discussion about holding another meeting before Thanksgiving to have a property owner vote for a special assessment to be able to hire Mr. Reznick
- Meeting adjourned, motion passed at 8:00pm.

24510 Clearwater Run, SATX 78255

November 25, 2019

**Minutes:**

- Call meeting to order at 6:36pm
- Attendance – Keck, Ohrmundt, Harris, LW Arbuthnot, Eckahart, Stevens, Garcia. Proxy: Medina, VanWisse, Audley/Cooper, Garroute
- Officer's report – discussed previous meeting and Patrick Reznick's presentation.
- **Action Items:**
  - Prior meeting minutes approved.
  - Vote passed for a special assessment of funds for the legal assistance of Patrick Reznick to represent Clearwater Ranch POA against CPS Transmission Line.
- Meeting adjourned, motion passed, 8:00pm.

**CLEARWATER RANCH PROPERTY OWNERS' ASSOCIATION BOARD**  
**-RESOLUTION-**

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WHEREAS, in the Fall of 2019, members of the Clearwater Ranch neighborhood became aware of the proposed Scenic Loop 138 kV transmission line project by CPS Energy that had potential routes that cut through their neighborhood,

WHEREAS, the Clearwater Ranch Property Owners' Association Board met and determined the neighborhood would need to oppose such routes,

WHEREAS, Clearwater Ranch POA Board decided and voted to retain Braun & Gresham, PLLC to represent the association and its members in the transmission line routing case before the Public Utility Commission,

WHEREAS, the members voted and approved a special assessment to pay for the Clearwater Ranch POA and members' legal representation,

WHEREAS, the members who intervened in the PUC docket listed Clearwater Ranch POA as their authorized representative,

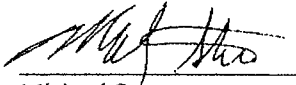
WHEREAS, Clearwater Ranch POA will be greatly impacted as whole by any proposed segment of the transmission line routes that impacts the Clearwater Ranch POA or its members, in addition to the concerns of the neighbors for their individual properties,

THEREFORE BE IT RESOLVED that the members of the Clearwater Ranch Property Owner's Association who filed direct testimony<sup>1</sup> in Docket No. 51023 have the authority to testify on behalf of the Clearwater Ranch Property Owner's Association on the *Application of the City of San Antonio Acting By and Through the City Public Service Board (CPA Energy) to Amend its Certificate of Convenience and Necessity for the Proposed Scenic Loop 138-kV Transmission Line in Bexar County*.

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<sup>1</sup> Michael and Shawn Stevens, Mariana and Francis Van Wisse, Carlos and Christina Garcia, Jeffrey B. Audley and Darrell R. Cooper, Robert Garza, Samer and Elizabeth Ibrahim, Sven and Sofia Kuestermann, Alejandro Medina, Peter and Melanie Morawiec, Kurt and Adrianna Rohlmeier, Michael and Rosalinda Sivilli, Russell and Brook Harris Paolo Salvatore, Joe R. Acuna, L.W. Arbuthnot, Byron and Gina Eckhart, Max and Peggy Garoutte, Gume Garza, Carlos and Rosa Guzman, Gregory Hamon, Casey and Molly Keck, and Kurt and Brenda Orhmundt.

Signed: April 1, 2021



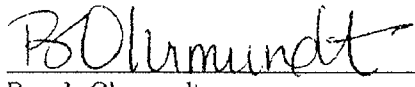
Michael Stevens  
President



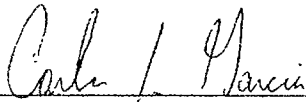
Byron Elkhart  
Vice President



Molly Keck  
Secretary



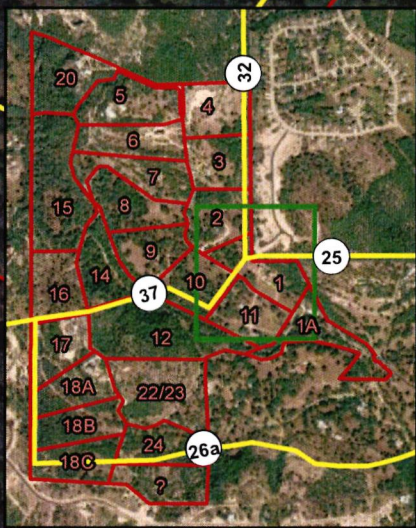
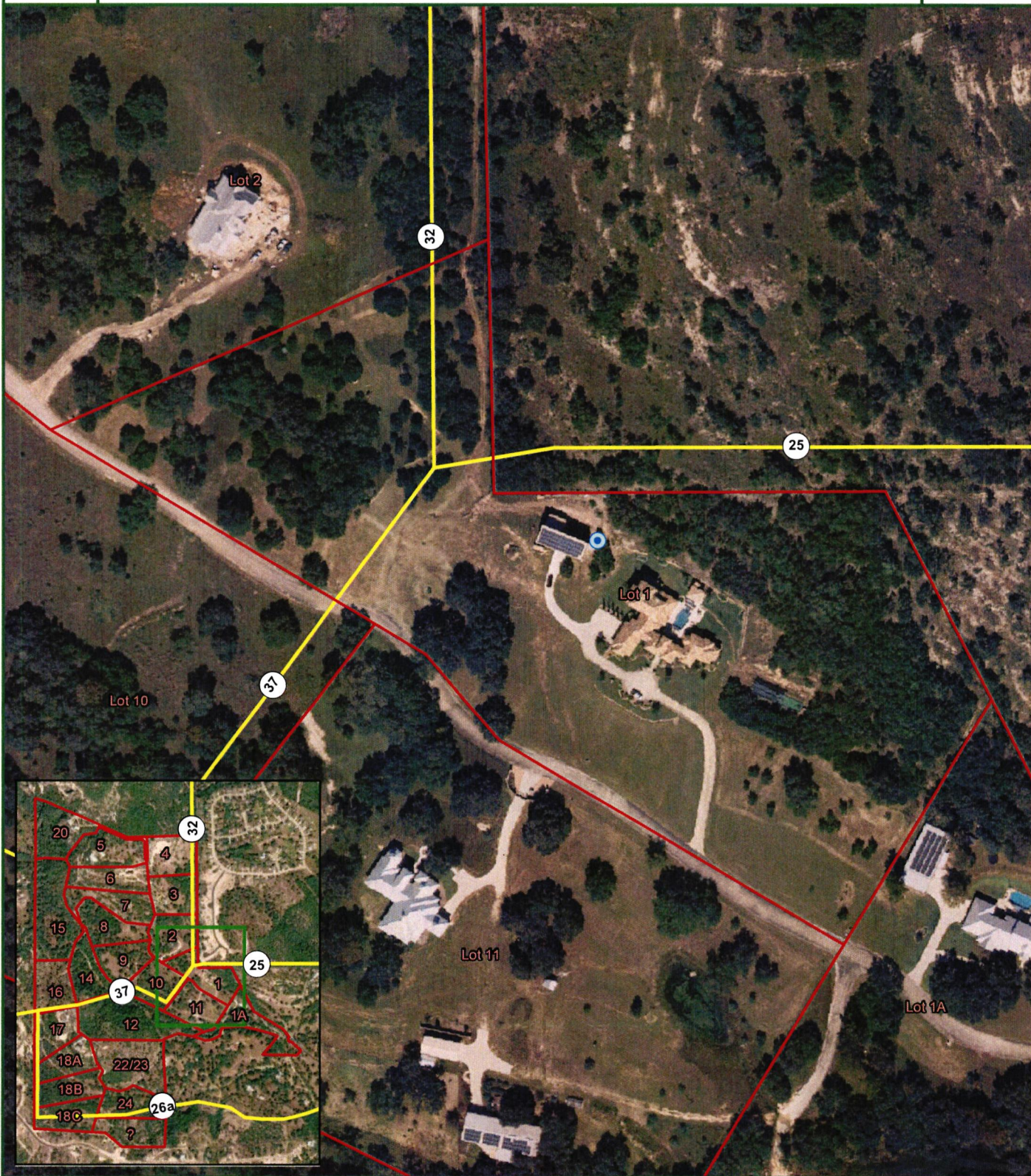
Brenda Ohrmundt  
Treasurer



Carlos Garcia  
Board Member



**VAN WISSE FRANCIS W & MARIANA - Lot 1**  
 +/- 11.4700 Acres - Bexar County



**Plateau**  
 Land & Wildlife  
 Management

Lot     Well  
 Route

