



Control Number: 51023



Item Number: 749

Addendum StartPage: 0

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

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 ADMINISTRATIVE HEARINGS

2021 APR 15 10 00 24

SOAH ORDER NO. 11  
RULING ON OBJECTIONS TO TESTIMONY  
AND ADDRESSING HEARING PROCEDURES

This Order sets forth the rulings of the Administrative Law Judges (ALJs) on the objections to cross-rebuttal testimony filed by various parties, as detailed below. Where objections are overruled, the substance of the objections may be pursued through cross-examination of the testifying witness.

**Rulings on Objections to Rebuttal Testimony (Bexar Ranch)**

Objections were filed by Patrick Cleveland, Brad Jauer/BVJ Properties, LLC (Jauer), Anaqua Springs Homeowners' Association (Anaqua), Northside Independent School District (NISD), Rose Palace, Inc. and Strait Promotions, Inc. (Rose Palace/Strait) to the cross-rebuttal testimony filed by Mark Turnbough, Phd, Sarah A. Bitter, and/or Michael W. Bitter on behalf of Bexar Ranch, L.P. The ALJs rule as follows:

- Patrick Cleveland's objections are **OVERRULED**;
- Jauer's objections are **OVERRULED** *except* the objection to measurements cited by Dr. Turnbough on pages 13/14 of his testimony. The ALJs **RESERVE RULING** on that objection and will consider it if errata clarifying the source of measurements is not filed.
- Anaqua's objections are **OVERRULED** *except* to the extent that Anaqua joined in the Jauer objections (as discussed immediately above);
- NISD's objections are **OVERRULED**; and
- Rose Palace/Strait's objections are **OVERRULED**.

**Rulings on Objections to Rebuttal Testimony (Save Huntress Lane Area Association)**

Objections were filed by Rose Palace/Strait, Steve Cichowski, Mr. Cleveland, Jauer, and NISD to the cross-rebuttal testimony of Harold L. Hughes and Cynthia Grimes, David Clark, and Jerry Rumpf on behalf of Save Huntress Lane Area Association (SHLAA). Having considered the testimony and the objections and responses, the ALJs rule as follows:

- Rose Palace/Strait's objections are **OVERRULED**;
- Mr. Cichowski's objections are **OVERRULED** *except* the objection to statements of an unnamed Anaqua resident on page 38 of the Grimes/Clark/Rumpf testimony. If the Anaqua resident cannot be identified, Anaqua cannot respond to the claim that the resident is speaking on behalf of Anaqua and is thus a party opponent to SHLAA. The ALJs **RESERVE RULING** on that objection.
- Mr. Cleveland's objections are **OVERRULED**.
- Jauer's objections are **OVERRULED** *except* the objection to statements of an unnamed Anaqua resident on page 38 of the Grimes/Clark/Rumpf testimony. If the Anaqua resident cannot be identified, Anaqua cannot respond to the claim that the resident is speaking on behalf of Anaqua and thus a party opponent to SHLAA. The ALJs **RESERVE RULING** on that objection; and
- NISD's objections are **OVERRULED**.

**Hearing Procedures**

On April 12, 2021, the City of San Antonio, acting by and through the City Public Service Board (Applicant) filed a proposal for hearings procedures as directed by the ALJs' Order Nos. 6 and 8. The ALJs rule as follows:

- The ALJs will provide the Zoom videoconference information for the hearing on the merits in a separate order. Each party will be responsible for conveying the information to its testifying witnesses.
- The ALJs agree that the April 30, 2021 prehearing conference will proceed more efficiently if the deadline for parties to state their intent regarding cross-examination of witnesses is moved to April 28, 2021. It is **ORDERED** that parties shall file the list of witnesses they intend to cross-examine by **noon on April 28, 2021**.

- Applicant's proposal regarding the division of hearing time is acceptable to the ALJs but may be adjusted by the ALJs during the course of the hearing. Specifically, Applicant proposes that the estimated total of 42 hours of hearing time be divided as follows: (1) 12 hours for Applicant; (2) 5 hours for PUC Staff; and (3) a total of 25 hours for the intervenors.
  - Applicant proposes that the intervenors should coordinate among themselves as to the apportionment of the 25 hours, and, in the event they cannot agree, that no intervenor or formally aligned intervenor group should be permitted more than two hours of time in total.
  - If any intervenor has a different proposal for the allocation of time, they shall file it by **noon on April 28, 2021**.
- Applicant proposes that all parties use a ShareFile established by Applicant's counsel to upload their exhibit lists and intended exhibits. The ALJs agree that a single central location to access all exhibits will be helpful.
  - It is **ORDERED** that all parties shall **upload their exhibit lists and exhibits to the ShareFile by 3:00 p.m. on April 29, 2021**.
  - To guard against any technical issues with multiple parties accessing the documents, Applicant shall provide a jump drive to each ALJ with the contents of the ShareFile by **3:00 p.m. on April 30, 2021**. The jump drives shall be delivered to the Docketing Division of the State Office of Administrative Hearings (SOAH).
  - At the prehearing conference, the ALJs will discuss with the parties the time and method of providing exhibit copies to the court reporter and to SOAH for the appeal record.
- Any party intending to use confidential documents during the hearing on the merits should be prepared to state such intent and to discuss at the April 30, 2021 prehearing conference the appropriate procedures for handling those documents during the hearing.

**SIGNED April 16, 2021.**



HOLLY VANDROVEC  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



PRATIBHA J. SHENOY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS