



Control Number: 51023



Item Number: 753

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2021 APR 14 11:00:49

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  
ADMINISTRATIVE HEARINGS

**SAVE HUNTRESS LANE AREA ASSOCIATION'S  
RESPONSE TO THE OBJECTIONS TO THE FIRST REQUEST FOR INFORMATION**

Save Huntress Lane Area Association (“SHLAA”), an intervenor, submits this response to the objections filed with the Commission and served on SHLAA by Anaqua Springs HOA (“AS”) on April 14, 2021. By agreement of counsel for AS, this response is timely.

AS objects to questions regarding its witness Mr. Anderson based upon his recent testimony in a currently pending transmission line routing case.<sup>1</sup> Specifically, AS objects to “RFI numbers 1-1, 1-2, 1-3, 1-5, and 1-7 on the basis of relevance. Each of these RFIs pose questions regarding testimony and evidence in another, unrelated docket. Like any CCN proceeding, each docket has its own set of facts and contested issues, and testimony presented in one is not relevant in another, unrelated proceeding.”

AS in essence objects that testimony by its witness in the other pending *transmission line routing* case is “unrelated” and thus not relevant because that case involves “its own set” of circumstances. To the contrary, Mr. Anderson is being proffered as an expert witness on transmission line routing in this case, and therefore the positions he takes in his testimony in any other transmission line routing cases are relevant, because it provides the basis for making the comparison of his positions and thus the basis for making a determination of whether or not Mr. Anderson is being inconsistent. This testimony, in turn, goes to the credibility (or, more precisely, lack thereof) of Mr. Anderson’s testimony in this case. AS remains free to address in appropriate fashion (such as post-hearing briefing) the comparison and extent of the resulting inconsistency, but it is not entitled to exclude evidence that provides the basis for making the comparison regarding its key witness. The Administrative Law Judges will be able to give the appropriate weight to the testimony and credibility of Mr. Anderson in this transmission line docket in light of his testimony in the other transmission line case, as well as AS’s views regarding the comparison of the testimonies and extent of the resulting inconsistency.

<sup>1</sup> *Application of Rayburn Country Elec. Coop., Inc. to Amend its [CCN] for the New Hope 138-kV Transmission Line in Collin County*, Docket No. 50812 (pending).

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Questions 1 and 2 are foundation questions that set up the later discovery questions. They ask for an admission that Mr. Anderson submitted testimony Docket No. 50812 and for an admission as to which specific route he recommended in that docket.

Question 3 asks for an admission that, in the other case, the “tap option” into the existing transmission line (i.e., a substation) component of his recommended route is closer to an elementary school than the other existing transmission line “tap option.” Question 4 then asks for an admission that in this case Mr. Anderson stated: “When there are options to completely avoid a school, especially an elementary school, those options should be chosen.” Despite there being a “tap option” in the other docket that was further away from the elementary school, and thus an “[option] to completely avoid a school, especially an elementary school,” instead of choosing the “tap option” that would completely avoid an elementary school, Mr. Anderson recommended choosing a “tap option” closer to the elementary school. This is an inconsistency about schools which is relevant to Mr. Anderson’s credibility in this case.

Question 5 asks for an admission that, in the other case, Mr. Anderson did not state that the recreational areas at the elementary school should be included in what counts as parks and recreational areas for environmental assessment purposes. Question 6 then asks for an admission that in this case Mr. Anderson stated that, with respect to what counts as parks and recreational areas for environmental assessment purposes, “without a doubt it should include the school recreational areas.” Despite there being “no doubt” in his mind about “school recreational areas” counting as parks and recreational areas for environmental assessment purposes, he did not say that the count for parks and recreational areas should include the recreational areas for the elementary school located near the “tap option” he was recommending in that other case. This is an inconsistency about schools which is relevant to Mr. Anderson’s credibility in this case.

Question 7 asks for an admission that, in the other case, the northwest corner of the elementary school building is approximately 550 feet from the southwest end of a line segment that was part of his recommended route (as identified in Question 2). Question 8 then asks for an admission that in this case other prefiled testimony indicates that the western point of the McAndrew Elementary School building is approximately 549 feet from Segment 42a. Despite the similarity in distance between the line segments and the elementary schools in this docket and the other case, he opposes using Segment 42a in this case (i.e., Mr. Anderson’s Direct Testimony at pp. 28-30 and Cross-Rebuttal Testimony at p. 16) but was perfectly fine recommending the similarly-distanced line

segment near the elementary school in the other case. This is an inconsistency about schools which is relevant to Mr. Anderson's credibility in this case.

To put these responses in more specific context, attached hereto are the full map image and enlarged portions of them so as to see the exiting line "tap options" and their locational relationship to the elementary school asked about in that case, and relevant excerpts from the application environmental assessment, which are publicly available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2>, and thus subject to official notice pursuant to PUC Procedural Rule Section 22.222 for purposes of ruling on the relevance objections to these discovery requests.

WHEREFORE, PREMISES CONSIDERED, it is respectively requested that the AS relevance objections as to SHLAA's First Request for Information be overruled.

Respectfully submitted,

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**ATTORNEYS FOR SHLAA**

Certificate of Service: I certify I served the foregoing under SOAH Order No. 3 on Apr. 21, 2021.

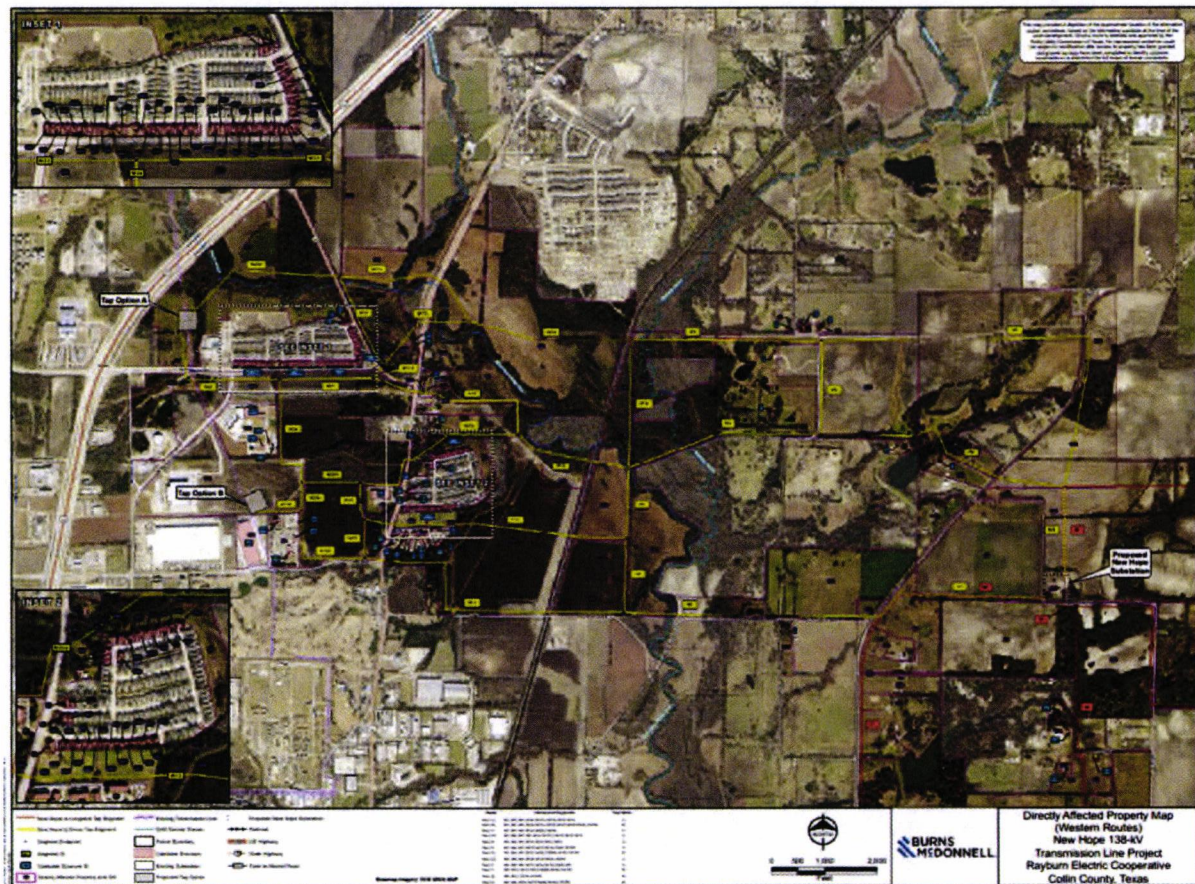
/s/ Thomas K Anson  
Thomas K. Anson

Item 1: [Application Att-10a\\_Directly Affected Property Map \(Western\).pdf](https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2), publicly available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2>.

This shows, among other things, the location of the site of Tap Option A, the location of the Naomi Press Elementary School, the location of the site of Tap Option B, and the locations of the line segments that would connect into those tap option sites. That attachment further shows that the site of Tap Option A is closer to the Naomi Press Elementary School than the site of Tap Option B, and the distance of in accordance with the distance scale on the map, the northwest corner of the Naomi Press Elementary School building is approximately 550 feet from the southwest end of Segment W22b (where Segment W22b touches the edge of the Tap Option A box on the map).

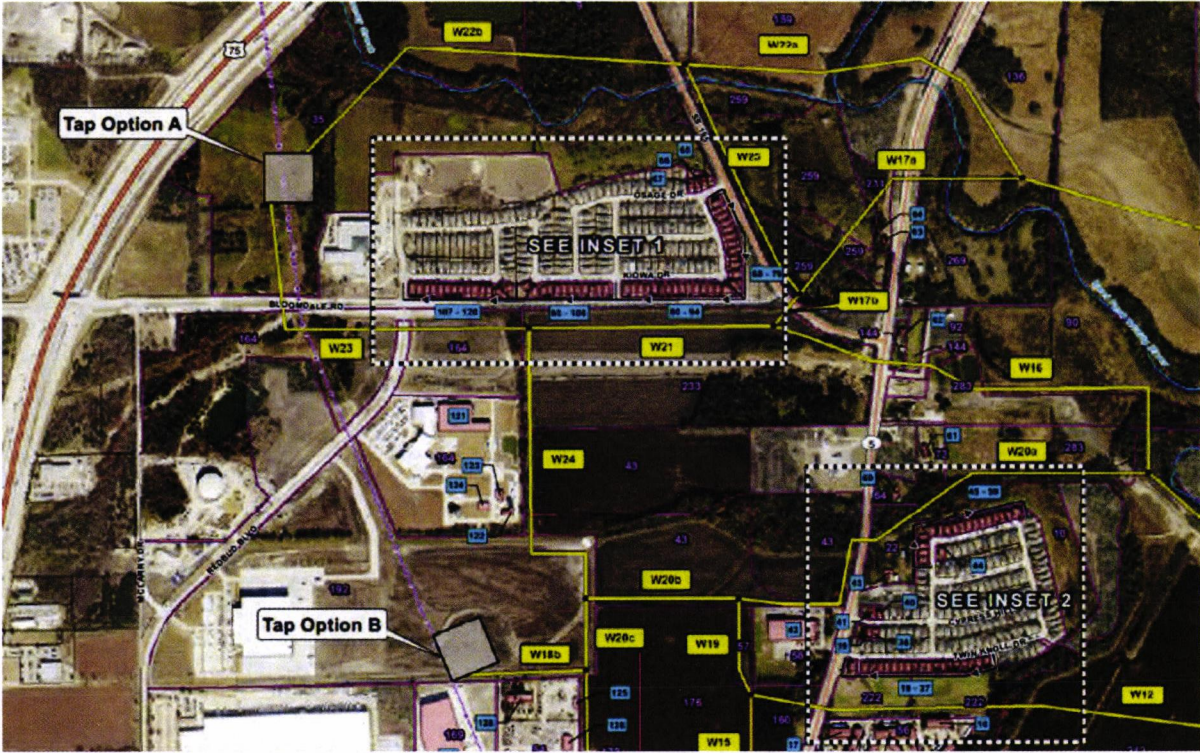
Full Version (but best viewed at

<https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2>)

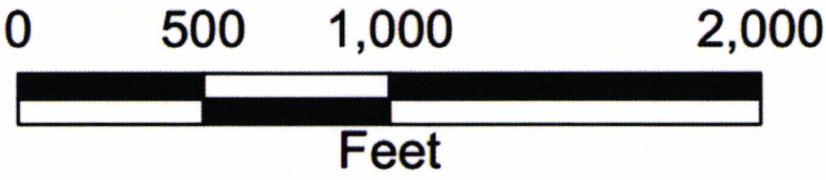
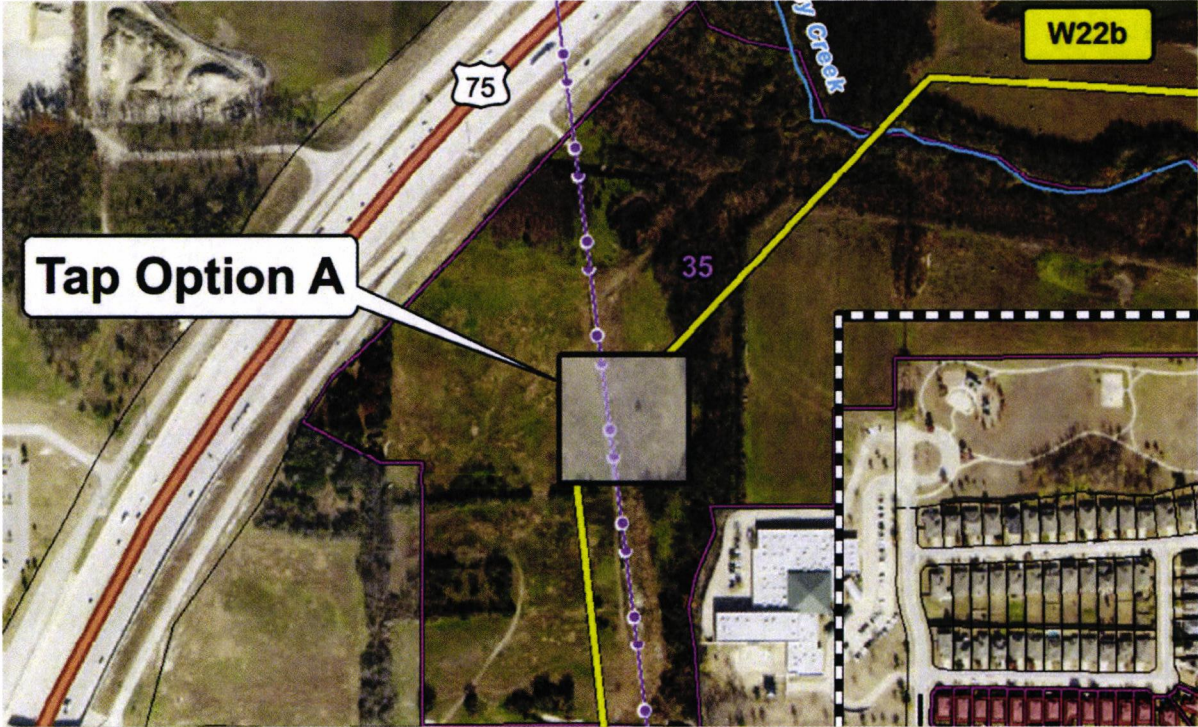




Excerpt showing locations of Tap Option A, the Naomi Press Elementary School building southeast of Tap Option A and its related property, and the Tap Option B further to the southeast of Tap Option A and the Naomi Press Elementary School.



Excerpt showing locations of Tap Option A, the Naomi Press Elementary School building southeast of Tap Option A, the Segment W22b into Tap Option A northwest of the Naomi Press Elementary School, and the distance scale on the map (but distance is best measured directly at <https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2>).





Item 2: [Application Att-1\\_REC MewHope\\_EA.pdf](https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2), publicly available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=50812&itemNumber=2>.

The Naomi Press Elementary School is identified on page 3-29 (pdf page 79) of the EA:

**Although the Study Area is served by three independent school districts (ISDs)—McKinney ISD, Melissa ISD, and Princeton ISD—only two operate facilities within the Study Area boundaries. The McKinney ISD operates two schools in the far western portion of the Study Area: the Naomi Press Elementary School, just east of US 75 and north of Bloomdale Road and the Faubion Middle School and associated athletic fields and facilities in the Study Area’s southwestern corner. The Princeton ISD operates two schools in the southeastern portion of the Study Area: the Leta Horn Smith Elementary School is located north of US 380 and south of Monte Carlo Boulevard, and the Southard Middle School is located south of Monte Carlo Boulevard and west of FM 75 (Texas Education Agency [TEA], 2019).**



The environmental criteria utilized in the EA which includes the definition used for parks/recreational areas:

No.	Environmental Criterion
20	Number of FAA-registered public/military airfields <sup>a</sup> within 10,000 ft of ROW centerline (with runway <3,200 ft)
21	Number of private airstrips within 10,000 ft of ROW centerline
22	Number of heliports within 5,000 ft of ROW centerline
23	Number of commercial AM radio transmitters within 10,000 ft of ROW centerline
24	Number of FM radio transmitters, microwave towers, and other electronic installations within 2,000 ft of ROW centerline
<b>Aesthetics</b>	
25	Estimated length of ROW within foreground visual zone <sup>f</sup> of U.S. and State highways
26	Estimated length of ROW within foreground visual zone <sup>f</sup> of FM/RM roads
27	Estimated length of ROW within foreground visual zone <sup>f</sup> of parks/recreational areas <sup>d</sup>
<b>Ecology</b>	
28	Length of ROW through upland woodland/brushland
29	Length of ROW through bottomland/riparian woodland/brushland
30	Length of ROW across potential wetlands <sup>e</sup>
31	Length of ROW across known occupied habitat of federally endangered or threatened species
32	Number of stream crossings
33	Length of ROW paralleling (within 100 ft) streams
34	Length of ROW across open water (ponds, lakes, etc.)
35	Length of ROW across 100-year floodplains
<b>Cultural Resources</b>	
36	Number of recorded cultural resource sites crossed by ROW
37	Number of additional recorded cultural resource sites within 1,000 ft of ROW centerline
38	Number of NRHP-listed or determined-eligible sites crossed by ROW
39	Number of additional NRHP-listed or determined-eligible sites within 1,000 ft of ROW centerline
40	Length of ROW crossing areas of high archeological/historical site potential

(a) Single-family and multifamily dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, schools, or other structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis  
 (b) Due to the potential inaccuracies of the aerial photography and data utilized, all habitable structures within 310 ft have been identified  
 (c) Property lines created by existing road, highway, or railroad ROW are not double-counted in the "Length of ROW parallel to property lines" criterion  
 (d) Defined as parks and recreational areas owned by a governmental body or an organized group, club, or church  
 (e) As listed in the Chart Supplement South Central U.S. (FAA, 2019a, formerly known as the Airport/Facility Directory South Central U.S.) and FAA (2019b)  
 (f) One-half mile, unobstructed  
 (g) As mapped by the USFWS NWI