

Control Number: 51023



Item Number: 764

Addendum StartPage: 0

SOAH DOCKET NO. 473-21-0247

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

**CPS ENERGY’S ERRATA TO THE  
REBUTTAL TESTIMONY OF SCOTT D. LYSSY, P.E.**

COMES NOW the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and files this Errata to the Rebuttal Testimony of Mr. Scott D. Lyssy, P.E. In preparing discovery responses for Brad Jauer’s & BVJ Properties, L.L.C.’s Fifth Request for Information to CPS Energy, filed on April 14, 2021, CPS Energy became aware that a clarification was required for previously filed discovery responses and Mr. Lyssy’s Rebuttal Testimony. Contemporaneous with this Errata to Mr. Lyssy’s Rebuttal Testimony, CPS Energy is also filing supplemental discovery responses as appropriate. The Errata pages attached hereto should be substituted entirely for the same pages in Mr. Lyssy’s previously filed Rebuttal Testimony.

In order to allow Mr. Jauer and Anaqua Springs Home Owners’ Association (HOA) sufficient time to prepare for the Hearing on the Merits regarding the subject of this Errata Testimony and the discovery responses being supplemented today, CPS Energy agrees not to object to Mr. Jauer and Anaqua Springs HOA from addressing any aspect related to the subject of the Errata filing and the discovery supplements when the CPS Energy witness panel is being questioned in relation to their rebuttal testimony.

764

Respectfully submitted,

*/s/ Kirk D. Rasmussen*

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**ATTORNEYS FOR CPS ENERGY**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with SOAH Order No. 3.

*/s/ Kirk D. Rasmussen*

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Kirk D. Rasmussen

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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

**Exhibit SDL-3R: Right of Way Proposed for Segment 54**

**Exhibit SDL-4R: Right of Way Example Along Road Curvature**

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 primarily locate the proposed poles for the Project 25 to 50 feet from the edge of the  
19 road right of way. Under any foreseeable expansion of Toutant Beauregard Road,  
20 Bexar County (the entity that maintains the roadway) will have more than sufficient  
21 right of way to expand the roadway without impacting the Project facilities. Regardless,  
22 Bexar County and CPS Energy have a long history of working cooperatively to relocate  
23 and modify facilities to accommodate roadway projects. Finally, to the extent any of  
24 Mr. Anderson's concerns were valid, the route Mr. Anderson recommends, Route  
25 W, parallels another major roadway, Scenic Loop Road, for a significant portion of  
26 its length, raising similar issues 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  
2 basis for why such grounding would be necessary just because a structure may  
3 ultimately be within a certain number of feet of the Project centerline. There are  
4 many instances throughout the CPS Energy system where facilities such as wells,  
5 homes, fences, signs, or commercial structures are safely constructed at the edge of  
6 CPS Energy's transmission right of way without any grounding concerns. Mr.  
7 Anderson's direct testimony about phantom grounding costs associated with Segment 54  
8 have no engineering basis and should 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 Project is 100 feet.  
14 Most measurements included in the Application, including within the Environmental Assessment that is  
15 Attachment 1 to the Application, are based on a right of way width of 100 feet. That was done to ensure  
16 CPS Energy would have sufficient space for each segment and route proposed in the Application to construct,  
17 operate, and maintain the transmission line facilities proposed for the Project. As can be seen on Sheet 8  
18 of Attachment 6 to the Application (original filing of 7/22/20), for approximately 1,300 feet  
19 along Segment 54, less than 100 feet of right of way is proposed on private property in order to  
20 maximize the distance to habitable structures and minimize the impact on the private  
21 properties in that area. Exhibit SDL-3R shows the centerline and right of way proposed in  
22 that area. Along that portion of Segment 54, road right of way will be utilized for  
23 the necessary clearances. In a couple of other instances, slightly less than a total width  
24 of 100 feet right of way is required on private property because of the curvature of  
25 the roadway between poles. Exhibit SDL-4R shows an example of such an occurrence  
26 in the area of the Anaqua Springs entranceway. Using less than a full 100 feet of right  
27 of way on private property between the proposed pole placement allows CPS Energy to  
28 span the area and leave as many existing trees with as little disruption to the entrance as  
29 possible.

30 That being said, in all other areas, if CPS Energy can, adjacent to roadways, utilize the roadway  
31 for clearance purposes and can thereby acquire less than 100 feet of right of way on private property  
32 (minimizing the impact on the landowner on whose property the line will be located), CPS Energy  
33 will explore whether that is reasonable to the extent such a modification can be made in accordance with  
34 an order from the Commission approving the CCN amendment. Because I believe in most instances  
35 it will be reasonable and acceptable to reduce the right of way adjacent to roadways, the cost estimates  
36 included in the Application are based on the cost to acquire 75 feet of right of way adjacent to roadways.

1 **Q. IF THE APPLICATION MEASUREMENTS ARE MOSTLY BASED ON 100**  
2 **FEET AND SOME OF THE COST ESTIMATES ARE BASED ON ACQUISITION**  
3 **OF 75 FEET OF RIGHT OF WAY, DOES THE APPLICATION UNDERSTATE**  
4 **THE COST 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 to  
6 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 of  
8 the right of way I reasonably anticipate CPS Energy will actually require for each  
9 segment of the Project.

10 **Q. DOES LESS RIGHT OF WAY ON PRIVATE PROPERTY REQUIRE CLOSE**  
11 **POLE SPACING AS 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  
21 100 feet of clearance on private property for most all of the segments.

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 not located in an area of the  
28 road right of way that will impact the proposed segments along the roadway.  
29 Neighborhood distribution level service facilities will generally be at least 25 feet from the  
30 pole centerline (if 75 feet of right of way is acquired on private property)

1 and 50 feet from the pole centerline as primarily proposed in the Application. I do not  
2 anticipate any reasonable Project interference with these types of neighborhood  
3 distribution utility 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 primarily located  
23 interior to the road right of way and there are existing electric distribution lines located  
24 within the road right of way on both sides of the road in the area of Segment 54 with  
25 poles approximately every 100 to 150 feet. If the Project is approved along a  
26 route utilizing Segment 54, it will likely be located interior to or in-line with the  
27 existing distribution poles with far fewer poles (anticipated to be



SCENIC LOOP 138 kV  
TRANSMISSION LINE AND  
SUBSTATION PROJECT

**Exhibit SDL-3R:  
Right of Way Proposed for  
Segment 54**

**Legend**

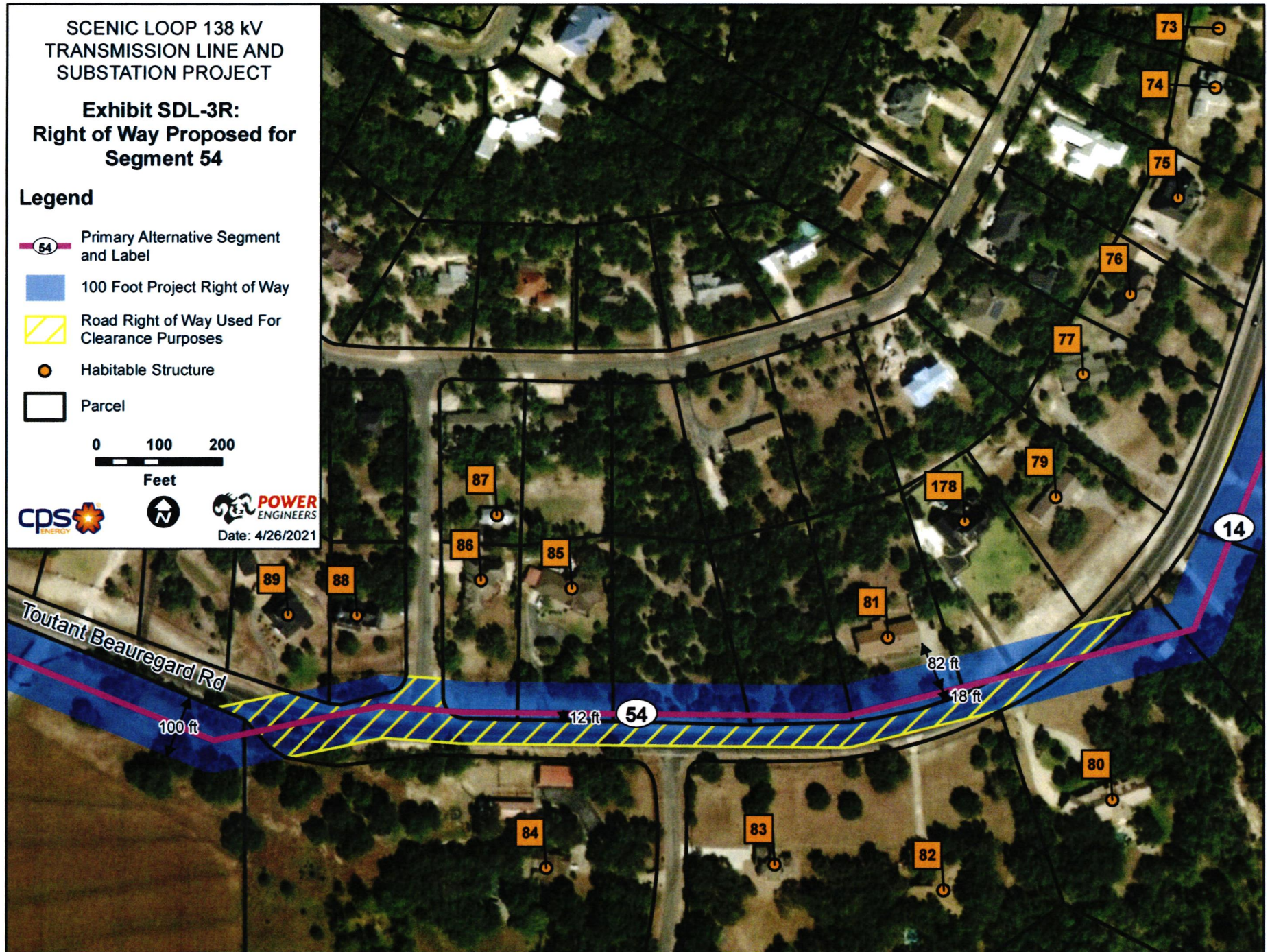
-  Primary Alternative Segment and Label
-  100 Foot Project Right of Way
-  Road Right of Way Used For Clearance Purposes
-  Habitable Structure
-  Parcel

0 100 200

Feet



Date: 4/26/2021



SCENIC LOOP 138 kV  
TRANSMISSION LINE AND  
SUBSTATION PROJECT  
**Exhibit SDL-4R:**  
**Right of Way Example Along  
Road Curvature**

**Legend**

-  Primary Alternative Segment and Label
-  100 Foot Project Right of Way
-  Road Right of Way Used For Clearance Purposes
-  Habitable Structure
-  River / Stream
-  Parcel



Date: 4/26/2021

