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# **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

1-0247
23
BEFORE THE STATE OFFICE

**OF** 

**ADMINISTRATIVE HEARINGS** 

# PAUL CRAIG'S INITIAL POST-HEARING BRIEF

Intervenor Pro Se Paul Craig (referenced herein as "Craig" or "I") submits this Initial Post-Hearing Brief in accordance with the ALJ's request during the Hearing on the Merits.

### I. INTRODUCTION

Craig submits this Initial Post-Hearing Brief in opposition to the use of Segments 13, 14, 54, and/or 17, and in opposition to the use of Substations 1 and 7, and any and all routes that use one or more of these stated segments and substations. Craig contends that any route utilizing these segments is not a route that best complies with the factors provided in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B).

# II. ROUTE: ISSUE NO. 4

Which proposed transmission line route is the best alternative weighing the factors in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B)?

For the reasons explained herein, Segments 13, 14, 54, and 17, and Substations 1 and 7, should not be included as part of the best route that should be recommended to the PUC.

#### A. Community Values

The direct testimony of John Poole references the questionnaires received at CPS's public meeting, stating that "The two criteria that ranked highest were maximizing distance from residences and visibility of structures" (Poole, Direct Testimony, page 23). However, a closer examination of the actual numbers shows that an



overwhelming majority of votes for the item that was ranked as being the most important was given to "Impact to residences," with 58% of the vote, while the concern regarding "Visibility of structures," while coming in second place, only received 6% of the vote. The third-place item of concern was tied between "Proximity to schools, places of worship, cemeteries," and "Impact to endangered species and their habitat," both of which only received 2% of the votes. (CPS Exhibit 1, Attachment 1, pages 6-2 - 6-3). Thus, it is clear that based on the actual feedback collected from the community affected, the greatest majority have concerns about the impact to their residences, to the places they live with their families and their children. So a route that can be chosen which minimizes impact to the greatest number of residences would be optimal from this perspective.

There is also some information about substation sites that needs to be highlighted as well. In the initial public meetings, CPS reported that Substation 1 did receive the most positive comments. However, as shown in the evidence, this was before the deletion of former Segment 12. "Segment 12 was originally proposed to cross the Bandera Pass Easement in which the Army holds a third party beneficiary interest. However, based on official comment received from both the Army and Air Force following the open house meeting, it was deleted from further consideration and Substation Site 1 was relocated further south" (CPS Exhibit 1, Attachment 1, page 6-7 and Figure 6-17). Because of this change, all three routes proposed in the application that use Substation 1 now utilize Segments 14 and 54, and two of the three routes also utilize Segments 13 and 17. It stands to reason that because of the change, the overwhelming majority concern of "Impact to residences" would now conflict with any initial favoring of Substation 1 that was based on the inclusion of former Segment 12, and thus Substation 1 should no longer be considered in light of these clear community values, coupled with the principle of prudent avoidance, covered below in section B.

### B. Prudent Avoidance/Habitable Structures

Prudent Avoidance has been defined in this hearing as well as by 16 TAC § 25.101(a)(6) as "The limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort." This ties in to the community values shown above, because a route that minimizes impact to homes and other habitable structures is one that also follows the principle of prudent avoidance. The routes that affect the highest number of habitable structures are route A (72 habitable structures) and B1 (64 habitable structures). Both of these routes start at Substation 1 and use segments 13, 14, 54, and 17, which affect the majority of the structures along those routes. They do this by encircling on three sides the Serene and Scenic Hills Neighborhood, which is home to

many families with young children, including my own. The lots in this neighborhood average about 1 acre. By following the property boundaries of these small lots, the transmission lines would subject those who live in these homes to the constant exposure to the electric and magnetic fields generated. And while I do feel for the owners of large parcels and ranches that might be affected by these transmission lines, I also feel that it's fairly indisputable that the electromagnetic fields from a transmission line on the boundary of all these small acre-sized lots would have a much greater and more widespread impact than those from a transmission line that might disrupt the scenery and views of much larger parcels of land.

Similarly, route C1, which also utilizes segments 14 and 54 (beginning at Substation 1), has the 6<sup>th</sup> highest number of habitable structures affected, with 49 structures. And while the route that CPS believes is the best option to meet these guidelines, route Z1 (utilizing among others segment 54), does affect a lower number, 31 structures, there are several other routes that would affect even less than this, including route P with only 17 structures, which is also the route recommended by Commission Staff witness John Poole, a disinterested expert representing the public interest (Poole, Direct Testimony, page 21).

## III. SERENE AND SCENIC HILLS SUBDIVISION

As a former president of our neighborhood HOA, Serene and Scenic Hills, I would like to write briefly on behalf of my neighborhood as well. Serene and Scenic Hills is nearly 50 years old, and our residents are made up of families, retirees and many military veterans. Our residents are in walking groups, jogging groups, bicycling groups, we enjoy backyard BBQs, playing outside, enjoying the nature all around us. We don't have a guard at our gate... in fact, we don't even have a gate, but welcome anyone to our community, including many nonprofit organizations that host their community-wide cycling and running events through our streets each year. Our neighborhood is unique to this area; not only do we enjoy the wildlife that often roams freely around our homes and yards, but our neighborhood also includes Primarily Primates, the nation's first primate animal rescue in North America.

PUC Docket 51023 shows that at least 71 residents of our neighborhood alone, including at least 15 showing Toutant Beauregard addresses, filed either a Request to Intervene, or Comments as a Protestor in this case. The segments that would affect our neighborhood the most, segments 13, 14, 54 and 17, are a huge concern to all of us. Many of those initial intervenors were not able to continue to participate in the hearing by direct testimony or otherwise for whatever reason (I myself found the process to be quite intimidating!), but the segments mentioned

above would still impact all of us greatly.

In my own case, let me reiterate my own testimony that "The lack of high voltage transmission lines close by was a large factor in the purchase of our home in this area almost 7 years ago, as the health and safety of our family is of paramount importance. There are many studies showing correlation of continual exposure to strong electro-magnetic fields to various terminal illnesses, including childhood Leukemia, as well as a variety of other health issues." (Craig, Exhibit 1). The constant electromagnetic fields that these transmission lines would produce would be extremely worrisome, and the potential harm to our growing and developing children is a frightening prospect. I will close by echoing my previous "ask that your decision protect all the children and families of Serene and Scenic Hills and our neighboring communities by not bringing risky and/or dangerous high voltage transmission lines and power substations too close to where they sleep, learn, and play" (Craig, Exhibit 1).

## IV. CONCLUSION

In conclusion, Craig believes that it is clear that any routes utilizing segments 13, 14, 54, and/or 17, and by extension Substations 1 and 7, are not routes that best comply with the factors provided in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B). The evidence supports this conclusion, and Craig respectfully asks the ALJs to recommend a route to the Commission that does not utilize these segments or substations.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Paul Craig

Paul Craig

Intervenor Pro Se

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