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APPLICATION OF THE CITY OF SAN § BEFORE THE STATE OFFICE
ANTONIO, ACTING BY AND §
THROUGH THE CITY PUBLIC §
SERVICE BOARD (CPS ENERGY) TO §
AMEND ITS CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY §
FOR THE SCENIC LOOP 138-KV §
TRANSMISSION LINE IN BEXAR §
COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

**INITIAL BRIEF ON BEHALF OF
NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

Northside Independent School District files this its Initial Post-Hearing Brief and would show as follows:

I. INTRODUCTION

Northside Independent School District (“NISD”) is a K-12 school district in the northern part of Bexar County. The City of San Antonio, acting through the City Public Service Board (“CPS”) is seeking approval for the construction a 138kV transmission line in northern Bexar County, consisting of several routes that impact NISD properties. NISD does not advocate for any particular routes, but as set forth below NISD does oppose the use of Segment 41 due to its direct impact on the NISD properties and its dual campus model. NISD is also concerned about Segment 42a’s impact on the school properties and infrastructure supporting the two school properties. Segments 33, 34, and 35 and the potential impact those Segments have are also a concern. The determination made by the ALJ’s and subsequently the Commission is, which proposed

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transmission line route is the best weighing the factors set forth in PURA §37.05(c) and 16 TAC §25.101(b)(3)(B). This determination is not made in a vacuum and requires the weighing of many factors in reaching a decision. The overall goal is to “the extent reasonable to moderate the impact on the affected community and landowners...”¹ Based on the evidence presented in this matter, NISD would respectfully request that the route recommended and ultimately selected by the Commission not include those segments impacting the NISD properties.

II. DISCUSSION

A. **Segment 41 negatively impacts NISD’s Middle School property and dual campus model**

In 2010 NISD voters approved a bond package to purchase property for an elementary school and a middle school.² As part of the dual campus model utilized by the District, NISD purchased the two pieces of property that will be directly impacted by the construction of a transmission line using proposed Segment 41.³ As set forth in the following Direct Testimony of Jacob Villarreal, NISD’s Executive Director of Construction and Engineering, the dual campus model provides many benefits to the taxpayers of the district, the community, and students:

Dual or combo sites are typically purchase to secure land to support school district growth. Typically, there is a real estate cost savings to the district in purchase through a single purchase. Shared infrastructure costs substantiate a cost savings, too. There are also benefits to students and parents as it allows the students at the elementary school to be familiar with the middle school they are attending. There are many benefits to the District, students, and the community. This model provides parents and students the ability to stay in the same area for both elementary and middle school. It allows for the sharing of facilities, which is a cost savings to the District and thus the taxpayers. There are savings in transportation, maintenance, and infrastructure. The proximity of the schools allows for the use of other resources to be used interchangeably, such as custodial support and campus security.⁴

¹ 16 Tex. Admin. Code § 25.101(b)(3)(B)

² See NISD Exhibit No. 1, Direct Testimony of Jacob Villarreal, and attachments thereto.

³ Id. at Page 5, Lines 1-3.

⁴ Id. at Lines 4-14.

After purchasing the properties, NISD planned the construction of the two schools as set forth in plan drawings included as Attachment 2 to Mr. Villarreal's Direct Testimony. NISD has constructed McAndrews Elementary School ("Elementary School"), and in doing so expended money for improvements to serve the Middle School facilities.⁵ Some of the work done in support of both the Elementary School and Middle School properties includes:

- Driveway constructed to accommodate both schools
- traffic studies and modifications to the public roadway done to support both schools
- the wastewater treatment plant designed and constructed service both schools
- agreements put on place with San Antonio Water Supply for both schools
- water quality ponds designed runoff from both school properties
- electric infrastructure was constructed to accommodate the Middle School
- the bus loop was designed and constructed to accommodate the future extension to serve the Middle School bus loop⁶

Segment 41 is proposed to be constructed across the Middle School Property having a direct impact on the construction of the middle school facilities. Unlike elementary schools, middle schools have many improvements and facilities in addition to just a school building. As set forth in Mr. Villarreal's testimony and Attachment 2 thereto, as part of the dual campus model, in addition to the constructed McAndrew Elementary School, NISD's improvements, include a middle school building, along a baseball field, football field, and other improvements.⁷ The location of Segment 41 does not run along the property line of the Middle School property, but

⁵ Id. at Page 6, Lines 6-17.

⁶ Id. at Page 6, Lines 6-17

⁷ Id. at Page 5, Lines 15-19, and Attachment 2 thereto.

rather it is shown to be south of the Middle School's northern property line.⁸ Segment 41 appears to go right over the top of the Middle School building site, or at least very near it.⁹ The location of Segment 41 and the accompanying 100 foot utility easement would have a direct impact on the Middle School property and the ability of NISD to construct the aforementioned facilities in the available space limited further by the location of the transmission line along Segment 41.

NISD is also a concern about exposure to electric and magnetic fields (EMF) if Segment 41 is constructed so close to the planned Middle School facilities. Based on the already limited space in which to develop the Middle School facilities, Segment 41 would necessarily be very near the planned location of the Middle School building and other facilities.¹⁰ Clearly, if the Middle School facilities must be constructed further from proposed Segment 41 to reduce exposure, it would negatively impact, and could even prevent building the school and some or all of the supporting facilities.

B. Segment 42a impacts the NISD properties and infrastructure supporting the Elementary and Middle School Properties.

NISD is concerned about the location of Segment 42a that runs on the neighboring property south of the Elementary and Middle School properties. Segment 42a is less than 300 feet from the outdoor play areas of the Elementary School. A portion of segment 42a is much closer to the property lines of the two school properties.¹¹ In developing the NISD properties, the District constructed a large water treatment facility to service both the Elementary School and Middle School properties. The plant is located on the southern property line near proposed Segment 42a. In addition, NISD has a wastewater drain field on the property where Segment 42a is proposed to

⁸ Id. at Page 8, Lines 3-17, and Attachments 1-3 thereto.

⁹ Id.

¹⁰ Id. at Page 8, Lines 3-11, and Attachments 1-3 thereto.

¹¹ NISD Exhibit No. 1, Page 9, Line 6-8, and Attachments 1-2 thereto.

be built. The drain field appear to be very near or directly under the location of Segment 42a.¹² NISD concerned about the impact the transmission line would have on the operation and maintenance of the water treatment plant and drain field.

NISD opposes the use of Segment 42a, however if a determination is made to construct the line using Segment 42a, NISD requests that CPS be instructed to construct the segment as far away from the school properties as possible. Mr. Lyssy, on behalf of CPS, testified that he knew of no constructability issues that would prevent CPS from constructing Segment 42a further away from the school properties.¹³ NISD would also request that CPS be instructed to take the appropriate steps to not interfere with the operations of the water treatment plant and the drain filed which is located on the same property as Segment 42a.

C. Concerns regarding Segments 33, 34 and 35

Segments 33 and 34 interconnect on NISD's Middle School property near the northeast corner of the Elementary School property. There area is the location of planned additional parking for the Middle School Property.¹⁴ Not only is NISD concerned about the impact of a transmission line on the development of its property, and the lines impact on the dual campus model, there are also health and safety concerns regarding these segments.¹⁵ While Segment 35 is not on NISD property, McAndrew Elementary School and its playground area is approximately 214 feet away from the centerline of Segment 35. Because of these concerns, NISD is concerned about the impact of constructing a transmission line utilizing these segments.

¹² NISD Exhibit No. 1, Page 8, Line 20-Page 9, Line 5. and Attachments 1-3 thereto.

¹³ See (Lyssy) Tr. 322: 21-323: 11.

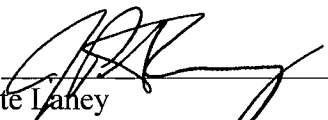
¹⁴ NISD Exhibit No. 1, Page 6, Line 22-Page 7, Line 20. and Attachments 1-3 thereto.

¹⁵ Id.

III. CONCLUSION

Northside Independent School District opposes Segment 41 due to the direct impact it has on the school properties. Segment 41 would have a devastating effect on NISD's ability to carry out its dual campus model and develop the properties to include the middle school facilities to go along with the already constructed McAndrews Elementary, the purpose for which the properties were purchased under the 2010 bond approved by the taxpayers. Northside is also concerned about the use of proposed Segment 42a, its proximity to the school, and its impact on the existing infrastructure in the path of Segment 42a. Therefore, in considering the impact on the community and NISD's property, NISD requests that Segment 41 not be included in your recommendation and in the Commission's final approval, and that your decisions take into consideration the concerns raised regarding the other segments impacting the NISD properties.

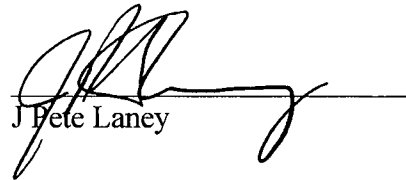
Respectfully Submitted,

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**ATTORNEY FOR NORTHSIDE
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CERTIFICATE OF SERVICE

I certify hereby that a true and correct copy of the foregoing has been filed with the Commission and served on all parties of record via PUC Interchange on this the 21st day of May 2021, pursuant to the Orders issued in this docket.


J. Pete Laney