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REGISTRATION DIVISION
PUBLIC UTILITY COMMISSION

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

**THE SAN ANTONIO ROSE PALACE, INC. AND STRAIT PROMOTIONS, INC.’S
INITIAL POST-HEARING BRIEF**

TO THE HONORABLE ADMINSTRATIVE LAW JUDGES:

Intervenors The San Antonio Rose Palace, Inc. and Strait Promotions, Inc. (collectively, “**Rose Palace**”) file this Initial Post-hearing Brief and respectfully show the following:

I. STATEMENT OF CASE

In a case like this – with over 100 intervenors, nearly 50 proposed routes, 48 evaluation criteria proposed by the City of San Antonio, City Public Service Board (“**CPS Energy**”), dozens of actively-participating attorneys, many participating *pro se* landowners, and the untold number of impacts the proposed transmission line may have – it is easy not to see the forest for the trees. As the positions of so many witnesses, landowners, and other participants in this case show, however, there are only a handful of routes that should be under serious consideration. Further, there are only a few criteria that most of the parties agreed were important in deciding where to route CPS Energy’s Scenic Loop transmission line: length, cost, impacts on habitable structures, and impact to cultural, aesthetic, and historical values of the community and landowners. Thus, weighing this discrete universe of criteria and routes, the decision of the Public Utility Commission of Texas (“**Commission**”) is clear – a southern route served by Substation 6 is least impactful and

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best meets the criteria of the Public Utility Regulatory Act (“PURA”) and the Commission’s rules.¹ Rose Palace supports Route R1, Route P, or Route W.

II. INTRODUCTION

Rose Palace owns two properties in the study area, the San Antonio Rose Palace, located at the northwest corner of the intersection of Scenic Loop, Boerne Stage Road and Toutant-Beauregard Road, and the Straight Promotions Property, adjacent to Toutant Beauregard Road and which would be crossed by Segment 54. The San Antonio Rose Palace traces its history to the 1970s and has long served the community with its equine facilities and events, that include a 100,000 square-foot equestrian center, two covered arenas, over 200 horse stalls, and seating for 4,500 spectators.² The San Antonio Rose Palace holds events that bring the community together and has even accommodated additional events during the 2020-2021 pandemic.³ Although all landowners in this case likely oppose routes that have an impact on their properties, the San Antonio Rose Palace in particular plays an important community role in this region, and therefore Rose Palace supports a route and substation that are in the southern portion of the study area. Rose Palace opposes any substation that would adversely affect the San Antonio Rose Palace, particularly Substation 1 and Substation 2. Further, Rose Palace opposes alternative routes that cross or are adjacent to either of its properties.

The evidence in the administrative record in this case clearly supports a Scenic Loop transmission line utilizing a southern route that uses Substation 6. Although the study area includes seven substation sites and 31 alternative routes, Rose Palace focuses primarily on the seven routes shown on CPS Energy’s Focus Routes map (the “**Focus Routes**”).⁴ Secondly, Rose Palace addresses the other five substations and alternative routes comparing certain Focus Routes. The three Focus Routes that interconnect with Substation 6 are Routes P, R1, and W (the “**Southern Focus Routes**”). The four Focus Routes that interconnect with Substation 7 are Routes Z1, AA1, AA2, and D (the “**Northern Focus Routes**”). A portion of the Focus Routes map is shown below.⁵

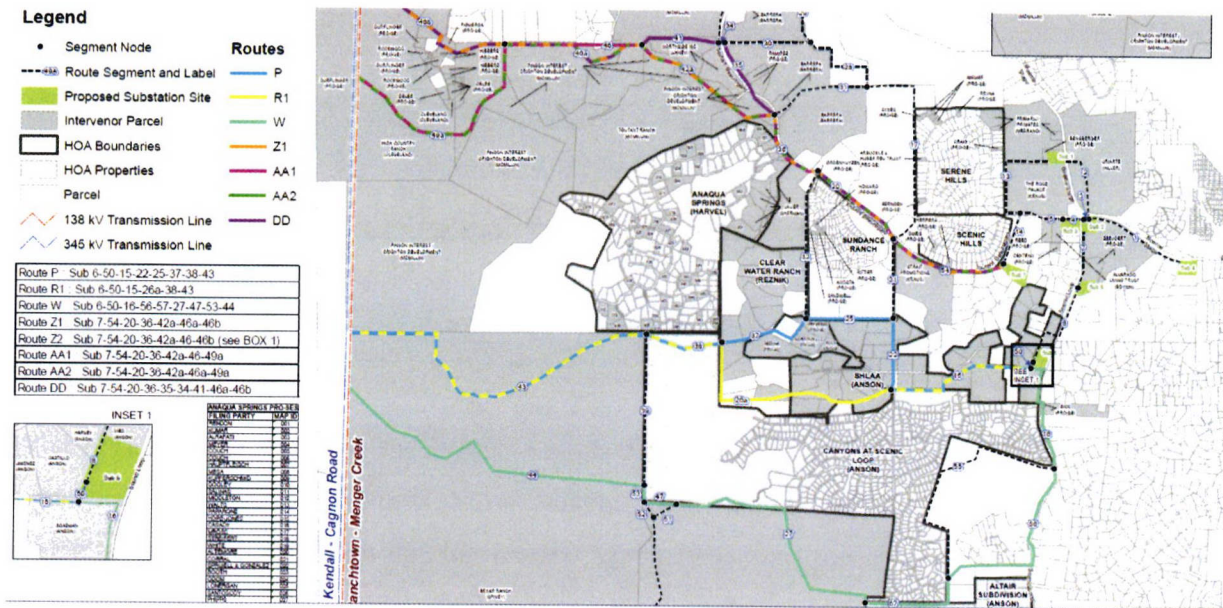
¹ PURA § 37.056(c); 16 Tex. Admin. Code (“TAC”) § 25.101(b)(3)(B).

² Rose Palace Exh. 1, Pages 15-16

³ *Id.* at 16

⁴ CPS Energy Exhibit #16

⁵ *Id.*



CPS Energy’s experts, POWER Engineers Inc. (“POWER”), used 48 criteria that attempt to quantify a particular impact for each proposed line segment and route. Although a purely quantitative 48-criteria comparison of 30+ routes is conceivable, a distillation of those 48 criteria with the PURA § 37.056(c) criteria provides a more manageable method of evaluation. In fact many expert witnesses who provided testimony in this case specifically chose small subset of those criteria as the most critical factors in evaluating the routes.

For example, in determining that Route P, one of the Southern Focus Routes, best meets the PURA criteria and Commission rules, Commission Staff relied on the following:⁶

- (1) Route P is the 14th least expensive route at \$43,408,742.18,
- (2) Route P is tied for fourth-least number of habitable structures within 300 feet of its centerline with 17,
- (3) Route P is the ninth shortest route at 4.89 miles, and
- (4) Route P is 12th best proposed alternative route utilizing existing compatible right-of-way and property lines at 71% of its total length.⁷

In light of the Commission’s policy of prudent avoidance and consideration of the PURA factors, Commission Staff was correct to have chosen a Southern Focus Route. Route P, along with Route R1 which shares most route segments in common with Route P, best meets the requirements of

⁶ Staff Ex. 1 at 35
⁷ Staff Ex. 1 at 43

PURA and the Commission's Substantive Rules. Among the Focus Routes in particular, Rose Palace also believes Route W would be a better route than a Northern Focus Route.

III. EVALUATION OF ROUTING CRITERIA

Of POWER's 48 criteria, the Proposal for Decision should be based on an analysis of the following:⁸

A. Cost of Line and Length of Line

The cost and length of the lines favor the choice of a Southern Focus Route, due to cost uncertainties with routes using Toutant Beauregard Road and Substation 7 as well as the negligible difference in lengths between Routes P or R compared with the Northern Focus Routes.

By comparing the cost and length of each of the alternative routes, specifically by using the Scenic Loop Route Cost and Data Summary table, it appears these criteria are closely related and can thus be evaluated together.⁹ These two criteria were highlighted as some of the most important criteria by many expert witnesses in this case, including those that favor a Northern Focus Route.¹⁰

CPS Energy's estimated cost for the transmission line and substation facilities range from \$37.64 million to \$56.12 million.¹¹ The length of the alternative routes ranges from 4.46 miles to 6.91 miles.¹²

⁸ PURA § 37.056(c)(A)-(D) and 16 TAC § 25.101(b)(3)(B).

⁹ CPS Energy Exh. 17.

¹⁰ *See, e.g.*: Direct Testimony of Mark Turnbough, Bexar Ranch Exh. 1, p. 17 (referring to these criteria as among the criteria on which his "comparative analysis focuses"; Direct Testimony of Howard Hughes, SHLAA Exh. (name these two criteria among his four "Key Criteria").

¹¹ CPS Energy Exh. 17.

¹² *Id.*

Route P, a Southern Focus Route, ranks very well in terms of cost and length. It is the ninth shortest route at 4.89 miles, less than a half a mile longer than the shortest route, Route Z2.¹³ Further, Route P is over two miles shorter than the longest route, Route L.¹⁴

In terms of cost, Route P ranks similarly well. It is the fourteenth least expensive route at approximately \$43.41 million.¹⁵ This amount is less than \$6 million from the least-costly route and well over \$10 million less expensive than Route S which CPS Energy estimated would cost \$55.33 million.¹⁶

Based solely on CPS Energy's cost estimates detailed on its Route Cost and Data Summary, Route Z1, the route that CPS Energy believes best meets the requirements of PURA and Commission's Rules, appears somewhat less expensive than Route P. However, as clarified by the testimony at hearing, any route (including Route Z1 and all Northern Focus Routes) that uses the site for Substation 7 and the adjacent section of Toutant Beauregard may face significant additional costs that CPS did not account for.

Due to its low elevation and proximity to the 100-year floodplain, Substation 7 may require additional construction costs to mitigate future flooding issues.¹⁷ It does not appear that any other substation site poses the same potential flooding issues as does the site for Substation 7.

As to Segment 54, which includes the portion of Toutant Beauregard adjacent to Substation 7 and is utilized by all Northern Focus Routes, CPS Energy's cost estimations have been unclear.¹⁸

Overall, the evidence in the record does not support CPS Energy's contention that cost estimates for a Northern Focus Route are lower than the actual costs of construction. On the contrary, the record is clear that the uncertainty that applies to the Northern Focus Route does not exist for the Southern Focus Routes, as those routes do not use Segment 54 or a substation site that may be prone to flooding. In terms length, Route P ranks favorably, even against a Northern Focus

¹³ *Id.*; Staff Exh. 1.

¹⁴ CPS Energy Exh. 17.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Transcript, 411-437.

¹⁸ Transcript, 854-856.

Route that may shorter by a fraction of a mile. In terms of cost, the flooding and Segment-54 issues indicate that it is possible Route P may actually cost very close to the least expensive of the Northern Focus Routes. Further, there is clear value in the more certain costs associated with Route P and other routes that do not use Substation 7 or Segment 45.

B. Habitable Structures

The habitable structures criterion strongly favors choosing one of the Southern Focus Routes, particularly Route P or Route R1. The centerline for Route A passes within 300 feet of 72 habitable structures. In clear contrast, the centerline for Route P passes within 300 feet of 17 habitable structures.¹⁹ The habitable-structure number for the Northern Focus Routes ranges between 30 and 33.

The evaluation of Route R1 is even more favorable, as its centerline would only pass within 300 feet of 13 habitable structures, which is higher only than the alternative routes for which the habitable structure number is twelve.²⁰

Ultimately, all alternative routes will affect some homeowners by passing within 300 feet of their homes which is the definition of a habitable structure. This is an unfortunate reality due to the growing requirement for electricity in this part of San Antonio. No alternative route avoids this reality, but the massive difference among certain routes with regard to this criterion speaks for itself – and speaks loudly. A Southern Focus Route, particularly Route P or Route R1, would have a drastically lower impact on habitable structures.

C. Cultural, Aesthetic, and Historical Values

The cultural, aesthetic, and historical value criteria strongly favors choosing one of the three Southern Focus Routes. The Heidemann Ranch, the San Antonio Rose Palace itself, and the Scenic Loop – Boerne Stage – Toutant Beauregard Historic Corridor (the “**SBT Historic Corridor**”) would be adversely affected by the operation of transmission lines on Toutant Beauregard on any of the four Northern Focus Routes.²¹ On the contrary, the SBT Historic

¹⁹ CPS Energy Exh. 17.

²⁰ Id.

²¹ Rose Palace Exh. 1, pages 5-6.

Corridor would be minimally impacted by Substation 6 – and would not at all be impacted by any of the transmission lines themselves for the Southern Focus Routes. The White Ranch, located entirely outside the study area, would not be adversely affected by any of the Southern Focus Routes.

In contrast, the adverse effects on historic values to the area would be significantly less for any of the three Southern Focus Routes. The entire path of the transmission line on any of the three Southern Focus Routes would not cross any historic resource. The only potential impact on an National Register of Historic Places (“NRHP”) for any of the Focus Routes would be limited to that impact caused solely by the substation itself. Both sites for Substation 6 and Substation 7 are adjacent to a section of the SBT Historic Corridor – so the substation impact on this factor is *di minimis*. Although Substation 6 would be located adjacent to Scenic Loop, all of the other proposed substation sites are also adjacent to a road that is part of the Scenic Loop – Boerne Stage – Toutant Beauregard Historic Corridor. Substation 2 and Substation 3 would have the greatest negative impact on this historic corridor, as these sites are at the intersection of the three historic roadways.²²

Although CPS Energy and POWER Engineers’ direct testimony was unclear regarding impacts on the R.L. White Ranch Historic District (the “**White Ranch**”), the testimony at hearing clarified that the Scenic Loop transmission line would not cross – or have any measurable impact on the White Ranch. There are three NRHP-listed resources identified in Environmental Assessment (“EA”): the White Ranch, the Heidemann Ranch, and the Maverick-Altgelt Ranch and Fenstermaker-Fromme Farm, which are detailed in Table 4-5 of the Amended EA, shown below.²³ (The Maverick-Altgelt Ranch and Fenstermaker-Fromme Farm is not affected by any of the Focus Routes.²⁴)

²² Rose Palace Exh. 1, Page 10.

²³ Amended EA, Page 4-29.

²⁴ Id.

TABLE 4-5 AMENDED NRHP-LISTED RESOURCES RECORDED WITHIN 1,000 FEET OF THE ALTERNATIVE ROUTE CENTERLINES

RESOURCES NAME	NRHP NUMBER	DISTANCE IN FEET FROM CENTERLINE	PRIMARY ALTERNATIVE ROUTE(S)
Heidemann Ranch	11000423	50	B1, G1
		98	C1, D1, I1, J1, M1, T1, Y, Z1, AA1, DD, EE
R.L. White Ranch	08000474	0	F1, K, L, N1, O, P, Q1, R1, S, U1, V, W, BB, CC
Maverick-Altgelt Ranch and Fenstermaker-Fromme Farm	79002915	50	A, B1, E, G1, H, X1
		142	Y

Note: Bold entries will be crossed by 100-foot-wide ROW.

The White Ranch is not part of the property owned by Bexar Ranch, L.P.²⁵ The White Ranch is located west of the transmission corridor, and it runs along the western border of the Bexar Ranch.²⁶ This transmission corridor includes the Ranchtown to Menger Creek 138 kV transmission line, to which the proposed Scenic Loop transmission line will interconnect. Running parallel to, and on the western side of, the Ranchtown to Menger Creek line is a larger 345 KV transmission line.²⁷ Any of the Southern Focus Routes, each of which uses a western line segment that crosses through the Bexar Ranch, would interconnect with the Ranchtown to Menger Creek line *on the property of Bexar Ranch*. In fact, the amended EA admits that any of the southern routes that allegedly cross the White Ranch do so by “connecting into an existing transmission line running generally north to south along the NRHP border.”²⁸ Therefore, there will be no adverse effects on the White Ranch as it pertains to historic and aesthetic parameters. If an on-the-ground survey revealed that any part of the Ranchtown to Menger Creek transmission line crosses a portion of the eastern border of the White Ranch, such portion would be wholly within the existing north-south transmission corridor. And any such crossing would occur wholly within the eastern half of that transmission corridor, the side of the corridor that contains the other 138-kV transmission line, the Ranchtown to Menger Creek line, with which the Scenic Loop transmission line will interconnect.²⁹ No parties, including CPS Energy, have suggested this would have any

²⁵ Rose Palace Exh. 1, page 25; Transcript, pages 784-785.

²⁶ Rose Palace Exh. 1, page 27.

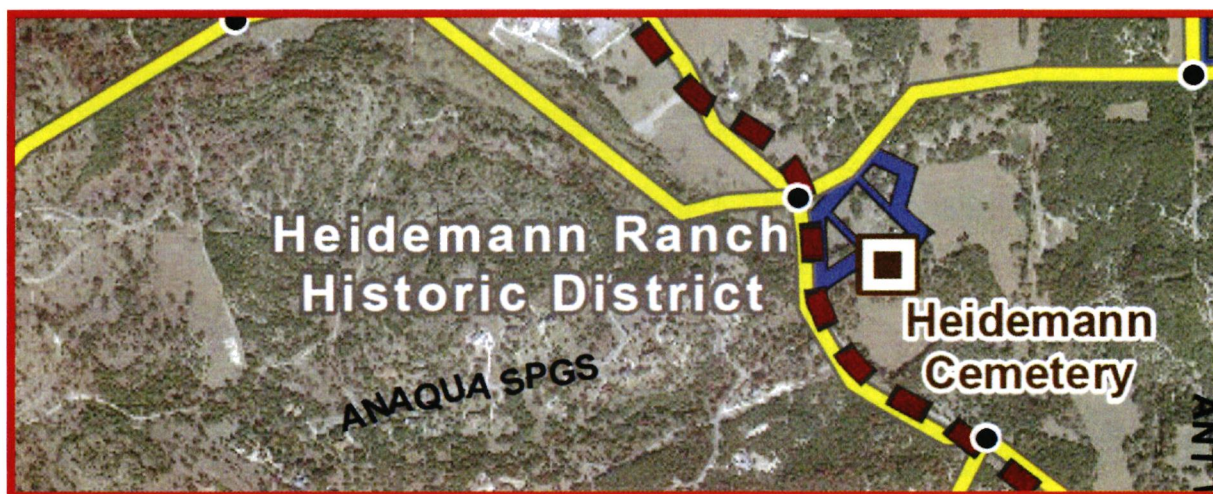
²⁷ Id.

²⁸ Amended EA, Page 4-30.

²⁹ Buntz, page 15. (The “existing CPS Energy 138 kV transmission line [the Ranchtown to Menger Creek 138 kV transmission line]...is east of an existing CPS Energy 345 kV transmission line, which means a proposed transmission line connecting perpendicularly to the existing 138 kV line would not be extending into the White Ranch Historic District boundary by 105 feet, let alone crossing it.”)

impact whatsoever on the historic White Ranch. Despite including and counting the White Ranch on its comparison matrices, specifically in the criterion for *Number of NRHP properties crossed by the Row*, the EA admits that “[n]o adverse impacts to known elements of the district are anticipated due to the distance between contributing elements and the alternative route centerlines.”³⁰ As such, any quantitative table or quantitative analysis suggesting otherwise ignores the lack of adverse effects on the White Ranch by a Southern Focus Route, or by any route.

In contrast, the Heidemann Ranch would be adversely affected by all of the Northern Foccus Routes, as such a transmission line would run directly in front of the Heidemann Ranch on Toutant Beauregard. Below is an image showing the location of the Heidemann Ranch.³¹



The EA supports the existing historical integrity of the Heidemann Ranch.³² At the hearing on the merits, CPS Energy witnesses also explained that the proposed transmission line would be substantially larger than the existing wooden-poled distribution lines on Toutant Beauregard and that the proposed transmission line would be visible from parts of the Heidemann Ranch.³³

Although it was not listed in the EA as a community resource, the San Antonio Rose Palace serves an important and long-time role in the community. The EA could have listed it as a

³⁰ Amended EA, Page 4-30.

³¹ Rose Palace Exh. 1, page 25.

³² EA, Page 3-52 (“Overall, the preservation of rural vernacular structures within the Heidemann Ranch dating from the mid-nineteenth century to mid-twentieth centuries represent a high degree of historical integrity”).

³³ Transcript, 327-331.

community resource and considered it in its evaluation of the study area.³⁴ Instead, the EA appears to have focused on attempting to identify parks and recreation areas and historical and archeological sites – rather than proposing a working definition for this case for Community Values and attempting to identify areas that fit that definition.³⁵

There are a few historical resources in the study. The two officially designed historical resources that would be most adversely affected by any of the alternative routes are the SBT Historic Corridor and the Heidemann Ranch, both of which are located on or adjacent to Toutant Beauregard, on a portion of that road that is proposed to be used by all of the Northern Focus Routes. Therefore, the cultural, aesthetic, and historical values represented by those two resources – in addition to the San Antonio Rose Palace – would be adversely affected by a Northern Focus Route. None of the Southern Focus Routes would have such an effect. POWER and CPS Energy did not appear to have complied with the PURA and substantive rules, because they significantly underrepresented the adverse effects to historic and cultural resources.

D. Evaluation of Non-Focus-Route Routes

Although the Focus Routes have been the primary focus of this brief, a brief analysis of alternative routes using Substation 1, 2, 3, 4, and 5 (the “**Eastern Substations**”) is helpful.

From a cost, length, and habitable structure perspective – and with respect to any other criteria – each of the alternative routes using Substations 1, 2, 3, 4 and 5 (i.e., the Eastern Substation routes) appear to be a less desirable option than the Southern Focus Routes. At a high level, any Eastern Substation would necessarily use all of the segments that a Substation 6 or Substation 7 would use, but would necessarily require additional segment(s) to reach from the Eastern Substation site to the part of the alternative route that crosses by the site for Substation 6 or Substation 7. A more detailed review of a few such comparisons is helpful.

Representative Northern Route Comparison – Route II vs Z1

³⁴ Id. at 20.

³⁵ Id.

Route I1 uses the following path: Substation 3, Segments **5-14**-54-20-36-42a-46-46b³⁶

Route Z1 uses the following path: Substation 7, Segments 54-20-36-42a-46a-46b.³⁷

Route I1 and Route Z1 are a representative example between two similar routes, one using Substation 3 and the other using Substation 7. These two routes use the same segments, except that Route I1 additionally uses the bolded segments above, Segments 5 and 14. (Route I1 also replaces Segment 46 with Segment 46a, but these segments are very similar in criteria impact.) Upon review of the Route Cost and Data Summary, its clear that all criteria that use an absolute number on CPS Energy's 48 criteria is *less favorable* for Route I1 compared with Route Z1.³⁸ It thus follows that the farther away from Substation 6 or Substation 7 the alternative Eastern Substation is located, the less favorable that alternative route will be.

Representative Southern Route Comparison – Route F1 vs R1

Route F1 uses the following path: Substation 2, Segments **7-8**-50-15-26a-38-43³⁹

Route R1 uses the following path: Substation 6, Segments 50-15-26a-38-43⁴⁰

These two routes serve as a representative comparison between two southern routes. These two routes use the same segments, except that Route F1 additionally uses the bolded segments above, Segments 7 and 8.⁴¹ As with the comparison above for two northern routes, Route F1 will be less favorable for all absolute-numbered criteria. For example, F1 is nearly one mile longer, estimated to be approximately \$6 million dollars more expensive, and impacts five more habitable structures.⁴² These comparison demonstrate the reality of why the parties in this case appear to have unanimously decided to throw their support between alternative routes that use either Substation 6 or Substation 7 – alternative routes using those substations have lesser impacts to the

³⁶ CPS Energy Exh. 18.

³⁷ Id.

³⁸ CPS Energy Exh. 17.

³⁹ CPS Energy Exh. 18.

⁴⁰ Id.

⁴¹ CPS Energy Exh. 17.

⁴² Id.

community compared with routes that use any of the Eastern Substations.

E. Errors and omissions in CPS Energy's application

Omission of the SBT Historic Corridor Itself

The SBT Historic Corridor has been designated by the Texas Legislature and Texas Historical Commission as a resource that has significant historical value.⁴³ More recently, the Bexar County Commissioners Court adopted a resolution supporting the legislative efforts in designating it an historic corridor and “recognizing the historic and architectural significance” of the three roads making up the SBT Historic Corridor.⁴⁴ Despite the uncontroverted historical value of the SBT Historic Corridor, the EA inexplicably focused on the physical Official Texas Historical Marker (“**OTHM**”) instead of on the entirety of the SBT Historic Corridor itself.⁴⁵ This omission improperly ignores the significance of the SBT Historic Corridor. In fact, none of CPS Energy's quantitative analysis considers this historic corridor. Instead, the EA summarily concludes its discussion of the SBT Historic Corridor by stating there will no impact on it: “The OTHM is located within TXDOT ROW and is not proposed within any of the alternative routes ROW; therefore, not [sic] significant impacts are anticipated to the OTHM.”⁴⁶ CPS Energy's conclusion is based on the false assumption that the historic resource is the marker itself, rather than the actual corridor. Despite Route Z1, the route identified by CPSS Energy as the route that best addresses the PURA and Substantive Rules, the EA failed to reference the SBT Corridor in Section 4.5 of the EA.⁴⁹ At the hearing on the merits, a witness for CPS Energy did admit that the Northern Focus Routes would parallel the SBT Historic Corridor.⁴⁸ The oversight in evaluating such routes' impact to the SBT Historic Corridor led CPS Energy to downplay the impact of the Northern Focus Routes, with respect to impact on the SBT Historic Corridor.

Failure to Provide Notice to Landowners Adjacent to Substation 7

⁴³ Rose Palace Exh. 1, page 17.

⁴⁴ Jauer Exh. 5.

⁴⁵ Rose Palace Exh 1, Page 5.

⁴⁶ EA, Page 3-53.

⁴⁷ Transcript, pages 334-336.

CPS Energy also failed to notify landowners adjacent to Substation 7 in the same way it notified similarly situated landowners that are adjacent to the other six substations. Pursuant to 16TAC § 22.52(3), CPS Energy is required to provide notice to properties that will be crossed by the transmission line or are within 300 feet of the centerline of the transmission line for a transmission project of 230 kV or less.⁴⁹ Based on the data CPS Energy provided, it appears the utility substantially complied with this requirement. However, as became clearer at the hearing on the merits, CPS Energy notified some landowners who fell outside the minimum scope of 16 TAC § 22.52 while not providing notice to others. For all but Substation 7, CPS provided notice to each and every landowner who was adjacent to the proposed substation sites – and in many cases to landowners that were one property removed from being adjacent. CPS Energy’s Application included a Property and Habitable Structure Mapping attachment, which visually shows the study area, substation sites, and certain landowner parcels as follows:



⁴⁹ T.A.C. 22.52(3) (“Applicant shall... mail notice of its application to the owners of land, as stated on the current county tax roll(s), who would be directly affected by the requested certificate. For purposes of this paragraph, land is directly affected if an easement or other property interest would be obtained over all or any portion of it, or if it contains a habitable structure that would be within 300 feet of the centerline of a transmission project of 230kV or less....”).

In simplest terms, many properties adjacent to Substation 7 are not bordered in yellow, indicating that such properties did not receive notice despite their proximity to Substation 7. Under the PUC’s procedural rules, such notice would not be required so long as the properties that did not receive notice were not crossed by the transmission line or within 300 feet of the centerline of the transmission line. Mr. Marin, expert witness for CPS Energy, confirmed that not all of the properties around Substation 7 received notice. At the hearing on the merits, one of those unnoticed landowners, Mr. Luedke, attempted to intervene in this case. His attempt was denied.⁵⁰

Substation 4 shows this inconsistency clearly, and below is a part of CPS Energy’s Property and Habitable Structure Mapping attachment.⁵¹



At hearing on the merits, Mr. Marin stated that each substation requires an approximately 300-foot by 300-foot area on which to be constructed.⁵² He further stated that all of the substation sites in this case are larger than that 300-foot by 300-foot area.⁵³ Pressed about Property M-002, which is shown in the above image, Mr. Marin was unable to answer whether it was within 300 feet of the transmission line – despite earlier confirming that all substation sites in this case have

⁵⁰ Transcript, Page 255.

⁵¹ CPS Energy Application, Attachment 6, Sheet 9.

⁵² Transcript, Pages 341-342.

⁵³ Id. (“all the sites 1 through 7 are larger and can facilitate a substation that size...”).

dimensions that are greater the 300 feet. CPS Energy provided no explanation at hearing why it provided notice to some landowners and not others like Mr. Luedke. CPS Energy's disparate treatment of landowners to Substation 7 is arbitrary, especially considering that it was one of the two substation sites added after the one open house CPS Energy held for the community.

IV. CONCLUSION

The preponderance of the evidence in the administrative record supports the Scenic Loop Transmission line utilizing a southern route served by Substation 6. The ALJs should issue a Proposal for Decision recommending a Southern Focus Route that utilizes Substation 6.

Respectfully submitted,

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STRAIT PROMOTIONS, INC.

Certificate of Service

I hereby certify that on this 21st day of May 2021, notice of the filing of this document was provided to all parties of record via the PUC Interchange in accordance with SOAH Order No. 3.

/s/ Luke E. Kraus

Luke E. Kraus