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Addendum StartPage: 0

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

Post-Hearing Brief
of
Robert & Leslie Bernsen

May 20, 2021

We truly appreciate the difficult and tedious job of the Administrative Law Judges and the Commissioners in evaluating and determining the best location for the Scenic Loop 138-KV Transmission Line's substation and routing segments in this case. As a "pro se" we too are very appreciative to be given the opportunity to participate in this process and the Hearing on Merit.

Introduction

Our home is located in the quiet and peaceful Serene & Scenic Hills subdivision which is one of the oldest developed neighborhoods comprised of typically one acre lots, (give or take a little) in the proposed transmission area. We strongly oppose the proposed Segment 17 line that will run directly behind our property within 300 feet of our home and that of approximately 20 other home owners who reside on Dull Knife Trail. We realize that there are many factors and criteria that must be considered in determining location and routing sites, however when there are reasonable and viable routing options available, as such the case, we implore the judges and commissioners to apply Prudent Avoidance and choose routes that impact the fewest amount of habitable structures.

Summary

After participating in the Hearing on Merit and listening to the pros and cons in favor or opposition of the proposed substation sites and routing lines/segments, it seems that there were 7 main reoccurring themes:

1. Cost of Project
2. Length of Line
3. Line of Sight
4. Right of Way, ROW
5. Devaluation of Property Value and Developers Bottom Line
6. Golden Cheeked Warbler
7. Habitable Structures within 300 ft. and Electromagnetic fields (EMF's)

Cost & Length of Line

In regard to each of the above-mentioned themes, the most constant and most individually impacted will be those home owners who have habitable structures, (i.e., their personal home) within 300 feet of a huge transmission line. Yes, cost is extremely important, according to the 12-22-2020 Total Estimated Cost Table 2, Route P and R1 are respectively 8th and 9th of the least expensive routes out of the 31 listed. In considering Length of Line, Route R1 is 4.76 miles and Route P is 4.89 miles long. They represent the 4th and 6th shortest lines, according to the same table.

Line of Sight

Although Line of Sight cannot be easily measured and is a figure of speech, many participants who filed testimony claimed the transmission lines would be in their line of sight. I ask the

ALJs and commissioners to consider the huge difference between having transmission lines within a stone's throw of your "forever home" to the "off in the distance" sighting of the lines. Many of the participants claiming "line of sight" live on larger parcels of land or ranches where they are surrounded by acres and acres of land and would not be directly impacted, except perhaps when they look out yonder. For those folks, these lines would become a part of the landscape because of the distance they would be from their home. However, for those of us that live on smaller lots of approximately an acre or less and have lines within 300 ft., it would seem like an ever-present invasion to our home.

Right of Way (ROW)

During the Hearing on Merit, there was much discussion on Right of Way (ROW) with what seemed like a multitude of issues to consider. One of the most mentioned was the need to follow (parallel) the ROW on Toutant Beauregard. Numerous segments (14, 54, 20, 36, 35, and 33) are all on Toutant Beauregard. We understand how following a roadway could be beneficial in many circumstances, but that is not the case for our beloved area. The Scenic Loop-Boerne Stage Toutant Beauregard Corridor is known for its history and beauty. Yes, there has been growth and development in this area, hence the need for the transmission line, but when there is a choice to help preserve this area's roadway's natural beauty for all passer-bys, then choosing a route that limits exposure must play an important role in the decision making. Routes P and R1 both start at Substation 6 on Scenic Loop, Segment 50 is the beginning segment for Route P and R1 and is **not** on Scenic Loop. This segment runs directly west of Substation 6 and continues in a westward direction to Segment 15 which continues even further west. Using Routes P or R1 would not run transmission lines onto Scenic Loop. In respect to the Right of Way, we understand that some land owners have offered to donate land, however even with this consideration, I believe the cost saved has already been calculated in the total cost estimations.

Devaluation of Property Value and Developers Bottom Line

Another important factor weighing on all stakeholders is the loss of property valuation. This impacts us all! However, the closer the lines are to our homes, the more the value is decreased. For homeowners that reside within 300ft of a line, it's a double loss, one dealing with the line in such close proximity and wondering if there will be harmful effects, how it will affect their home's electrical current and the noise from the lines, and then too, loss of value. We specifically purchased our lot and built our home 21 years ago because it did not have any high-powered electrical lines in close proximity. This was such an important factor as we raised our children, foster children and now have our grandchildren visiting often and one day may attend McAndrews Elementary. As for developers, this is a business to them, it's about profit and loss, running the numbers, it's about their bottom line, but for us, **it's our life line!**

Developers may need to adjust their projections and new homeowners would have a choice to purchase property or a home knowing there are existing lines and the valuation would already be accounted for. However, in this long established Serene and Scenic Hills neighborhood, we have a diverse set of homeowners from retirees to young families that treasure their home as one

of their greatest assets and would sustain a substantial monetary loss. Since August of 2020, one home on the corner of Lost Valley and Toutant Beauregard was sold on 8/31/20 (25210 Lost Valley), 2 homes on Toutant Beauregard have been sold (25050 on 1/20/21, and 25120 on 1/29/21) and 25043 Toutant Beauregard is listed as pending sale. It is my understanding that the latter home is located next to the projected Substation 7 site. It's understandable that people are choosing to move now before a decision is made and their home is devalued.

Golden Cheeked Warbler

Prior to being involved in this case, we didn't know anything about the Golden Cheeked Warbler. We have lived out here for over 20 years and have not once heard of this bird. It's interesting that new subdivisions have been built in much the same area that this bird resides, and we have not heard of any protests to the cause in saving their habitat. I have learned that the Golden Cheeked warbler is an endangered species and that many landowners with larger acreage lots to those who own ranches are able to claim an agricultural exemption for this bird along with other wildlife animals, including horses, cows, goats, etc. From my understanding the existence of transmission towers and overhanging power lines would not affect their habitat or that of any of the other wildlife. Of course, the building of such towers might temporarily disrupt some of the warbler's habitat but once the construction is completed, this Golden Cheeked Warbler habitat would not be disturbed. For the landowners who claim the agricultural exemption, this exemption would not be revoked due to towers or overhanging power lines.

Habitable Structures within 300 ft. and Electromagnetic fields (EMF's)

Lastly, but much closer to our heart is the issue of habitable structures. As I previously stated, this is the constant, homes are permanent structures, our home is our home and it cannot be moved nor can I recreate what we have worked so hard towards for the last 20 years plus years. For us, this is personal because what is being proposed (Segment 17) would literally be within 300 ft of our home and our water well. Please keep in mind that approximately 20 other homes on Dull Knife Trail and the other homes on Segment 17 would also be significantly impacted.

Of upmost concern is the exposure to electromagnetic fields (EMF's). Whether real or perceived, the Commission Substantive Rule 25.01 is the limiting of the exposure to electric and magnetic fields that can be avoided with reasonable investments of money and effort. This rule alone indicates that the commission **does see** a need to limit exposure to electric and magnetic fields. We feel so strongly on this that we put on hold the construction of a small guesthouse that our daughter and her family would stay while helping with the care of my elderly mother. Fortunately, we were only in the planning stages when we received notice of the proposed project, but we had already spent time and monies with our contractor, architect, and had water, septic and electrical bids submitted. I say this to help you understand our and many other's belief in regard to EMF's.

As our former president of the Serene and Scenic Hills HOA Yvette Reyna stated in her remarks at the conclusion of the Hearing on Merit, our neighborhood could not afford to hire an attorney for these proceedings, however please know that we had 71 filings to either protest or intervene. Much to our dismay, we were later told that the ALJ's and commissioners do not see the filings of those who submitted a protest. Below is a list of those in our neighborhood and on Toutant Beauregard who either filed as Protestor or Intervenor.

Numbering	Filing #	Pro or Inter	Name	Address
1	74	Inter	Paul Harkleroad	25958 Mahogany Trail, SA 78255
2	78	Pro	James Baker	26111 Mark Osborne, SA 78255
3	125	Inter	Steven Herrera	25130 Toutant Beauregard, SA 78255
4	175	Inter	Primarily Primates	26099 Dull Knife Trail, SA 78255
5	205	Pro	Jim Lemasters	25060 Toutant Beauregard, SA 78255
6	206	Pro	Bruce Hara	11015 Scenic Hills, SA 78255
7	207	Pro	Jessica Trif	11014 Scenic Hills, SA 78255
8	208	Pro	Mike Kramer	11011 Scenic Hills, SA 78255
9	210	Pro	Patty Curnutte	9855 Scenic Hills, SA 78255
10	211	Pro	Grant Galloway	9919 Scenic Hills, SA 78255
11	212	Pro	Anthony Sherwood	9937 Scenic Hills, SA 78255
12	213	Inter	Jesus Espinoza	25140 Toutant Beauregard, SA 78255
13	214	Pro	Walker Keller	25040 Toutant Beauregard, SA 78255
14	215	Pro	Michael Stark	9810 Scenic Hills, SA 78255
15	216	Pro	Ryan Kendrick	9823 Scenic Hills, SA 78255
16	217	Pro	Zyan DeLaGarza	9859 Scenic Hills, SA 78255
17	218	Pro	Ernest Gonzales	25020 Toutant Beauregard, SA 78255
18	219	Pro	Thomas Keiser	26031 Party Slippers, SA 78255
19	220	Pro	F. Carl Hensley	26089 Dull Knife Trail, SA 78255
20	221	Pro	Jamontha Parker	26002 Dull Knife Trail, SA 78255
21	222	Pro	Tina Lagunas Rhodes	26090 Dull Knife Trail, SA 78255
22	223	Pro	Debra Beck	26035 Dull Knife Trail, SA 78255
23	224	Pro	Luz Fitzgerald	25622 Dull Knife Trail, SA 78255
24	225	Pro	Roland & Hope Garcia	9858 Scenic Hills, SA 78255
25	226	Pro	Ilena & Daniel Baijal	9945 Scenic Hills, SA 78255
26	227	Pro	Reymundo Cruz	9906 Scenic Hills, SA 78255
27	228	Pro	Scott Solberg	25803 Dull Knife Trail, SA 78255
28	229	Pro	Brentlee Haberman	9918 Scenic Hills, SA 78255
29	230	Pro	Roberto Linares	9854 Scenic Hills, SA 78255
30	231	Pro	Rafalita Avalos	9925 Scenic Hills, SA 78255
31	234	Pro	Valentin Tifrea	10007 Tamber Lane, SA 78255
32	235	Pro	Preston Rentz	25120 Toutant Beauregard, SA 78255
33	236	Pro	Mary Frierson	9911 Scenic Hills, SA 78255
34	237	Pro	Rick Frierson	9911 Scenic Hills, SA 78255
35	238	Pro	Bill & Mary Schumacher	25190 Toutant Beauregard, SA 78255
36	239	Pro	Thomas Cox	9806 Scenic Hills, SA 78255
37	240	Pro	Joanna Brice	11002 Scenic Hills, SA 78255
38	241	Pro	Ralph Mawyer	9803 Scenic Hills, SA 78255
39	242	Pro	Ryan Wempe	9919 Circle Hill, SA 78255
40	243	Pro	Cesario Madrid	9918 Scenic Hills, SA 78255
41	244	Pro	Javier Cortinas	9946 Scenic Hills, SA 78255
42	245	Pro	Roberto Liserio	9826 Scenic Hills, SA 78255
43	246	Pro	Deborah Reidel	10002 Scenic Hills, SA 78255
44	247	Pro	Elaine Liserio	9826 Scenic Hills, SA 78255
45	248	Pro	Steven Mahlmann	9918 Circle Hill, SA 78255
46	249	Pro	Ernest Ybarra	9938 Circle Hill, SA 78255

47	250	Pro	Rolando & Bertha Venigas	25150 Toutant Beauregard, SA 78255
48	251	Pro	Pedro Orbezo	25051 Toutant Beauregard, SA 78255
49	252	Inter	Betsy Omeis	9922 Scenic Hills, SA 78255
50	253	Inter	Laura Biermer	26128 Mark Osborne, SA 78255
51	254	Pro	Michael Krawczynski	25807 Dull Knife Trail, SA 78255
52	255	Pro	Denette Krawczynski	25807 Dull Knife Trail, SA 78255
53	257	Int	Joan Arbuckle Huber	25903 Dull Knife Trail, SA 78255
54	259	Pro	Scott & Lynn Bishop	25627 Dull Knife Trail, SA 78255
55	262	Inter	Brittany Sykes	26127 Mark Osborne, SA 78255
56	265	Inter	Mark Barrera	26840 Toutant Beauergard, SA 78255
57	269	Inter	Robert Barrera	26340 Toutant Beauergard #2, SA 78255
58	291	Inter	Paul Craig	26327 Dull Knife Trail, SA 78255
59	292	Pro	Patti Heath	25160 Toutant Beauregard, SA 78255
60	294	Pro	Richard Olivarez	25911 Dull knife Trail, SA 78255
61	295	Pro	Eloy Olivarez	25919 Dull Knife Trail, SA 78255
62	296	Pro	Dora Broadwater	25927 Dull Knife Trail, SA 78255
63	299	Inter	Yvette Reyna	26065 Dull Knife Trail, SA 78255
64	300	Inter	Lawrence Kroeger	26980 Toutant Beauregard, S, 78255
65	304	Inter	Carmen Ramirez	26340 Toutant Beauregard, S, 78255
66	308	Inter	Robert & Leslie Bernsen	25623 Dull Knife Trail, SA 78255
67	331	Pro	Daniela Craig	26327 Dull Knife Trail, SA 78255
68	335	Pro	Karl & Lisa Basile	10003 Scenic Hills, SA 78255
69	340	Inter	Charlie Zimmer	9730 Serene Hills, SA 78255
70	342	Pro	Hani & Norma El-Jabsheh	25815 Dull Knife Trail, SA 78255
71	362	Pro	Jordan & Donna Reed	24935 Toutant Beauregard, SA 78255

As we strongly oppose Segment 17, we also oppose segments 13, 14, 54, 20, 36, 31, 35 and 33 for the same reason of EMF's. These segments are in close proximity to many homes and to an existing elementary school along Toutant Beauregard. The human factor must be weighed heavily. For the children that attend McAndrew Elementary, it is possible depending on where the children live that they could be exposed to EMF's 24/7.

Conclusion

We have learned a considerable amount as participants in this process and don't take lightly the decision that needs to be made, the stakes are high! However, when it is all said and done, it is our prayer that "Prudent Avoidance" will prevail in choosing one of the several routes that significantly limit the number of home owners directly impacted, specifically routes P and R1 using Substation 6. It would be negligent to build a new substation and erect high powered transmission lines in areas where it is known to directly impact higher number of people/families when reasonable alternative routes are available that would impact far fewer habitable structures.