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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	§ § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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REPLY BRIEF OF JAY AND AMY GUTIERREZ AND THE GUTIERREZ MANAGEMENT TRUST

I. INTRODUCTION

Jay and Amy Gutierrez and the Gutierrez Management Trust (together, the Gutierrez Parties) file this Reply Brief to advocate the rejection of Route W and any proposed route that incorporates Segment No. 57 in any proposal for decision (PFD) issued by the State Office of Administrative Hearings (SOAH) and, subsequently, the order of the Public Utility Commission of Texas (PUC). The Gutierrez Parties own Property Nos. O-008 and O-061, potentially impacted by proposed Segment 57 of the Scenic Loop 138-kV transmission line project. The Gutierrez Parties own and reside a home that would be directly impacted by Segment 57 and is identified as Habitable Structure No. 174 in the Application in this case.

The Gutierrez Parties urge SOAH and the PUC to consider routes that minimize impacts on landowners and the environment to the extent possible and approve a route with the lowest possible cost to the public. Routes that include Segment No. 57, including Route W, fail to meet these objectives and should be rejected.

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II. ISSUES SET OUT BY THE COMMISSION IN ITS ORDER OF REFERRAL AND PRELIMINARY ORDER

The participation of the Gutierrez Parties in this case is primarily related to the ultimate selection of the route along which the City of San Antonio (CPS) will be approved to construct the Project. Accordingly, a number of the issues identified in the Order of Referral are not applicable to routing and will not be briefed. The numbering convention from the Order of Referral is maintained for the convenience of the Administrative Law Judges (ALJs).

Route

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

Only two parties – Anaqua Springs HOA and Steve and Cathy Cichowski filed Initial Briefs actively advocating selection of Route W. Neither party substantively supported this position with any analysis of the routing factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B). Rather, both Anaqua Springs HOA and the Cichowskis pointed towards Route W as a route that simply avoids the entire central and northern part of the study area, which contains all of their aligned and associated interests.

Anaqua Springs HOA argues at length that the testimony of certain landowner groups should be disregarded because it amounts to an “attempt of a too-large coalition with significantly different interests to block all but one routing corridor.” *Anaqua Springs HOA Initial Brief at 20-22*. Ironically, the diverse interests of the various members of Anaqua Springs HOA and their aligned parties create exactly the same situation, eliminating from consideration all routes *other than a southernmost route utilizing Segment No. 57* because of their opposition

to Segment Nos. 36, 38, 39, and 43, which require opposition to any central or northern progressing route.

Notably, Anaqua Springs HOA does not attempt to justify its advocacy of Route W with any analysis of the routing factors or comparisons to other alternative routes. It notes that Route W is less expensive than other southern routes but neglects to mention that it is more than \$9 million more than Route R1 (a central route) and more than \$13 million more than Route Z1 (a northern route).

Indeed, as set forth in the Gutierrez Parties' Initial Brief, Route W compares unfavorably to Routes R1 and Z1 in terms of not only cost but length, number of habitable structures impacted (Route W impacts more than three times as many as Route R1), percentage of the total length of the route paralleling existing compatible rights-of-ways, and impact on woodlands. The weakness of Anaqua Springs HOA's argument in favor of Route W is highlighted by the testimony of their expert witness Mark Anderson, which also recommends Route W without any substantive comparison of it to any northern or central routes. *See Direct Testimony of Mark D. Anderson at 34-36.* Mr. Anderson's testimony that was based on an analysis of the routes presented in the application actually recommended a modified version of Route R1 until it had to be redacted due to a prior evidentiary ruling. *See id. at passim.* As explained in that testimony, Mr. Anderson's conclusion regarding Route W was only made to satisfy the interests of the broad Anaqua Springs HOA coalition which precluded consideration of northern or central routes. *See id. at 34-35* ("I consider all of the 20 northern routes that use Toutant Beauregard, Segment 54, and Substation 7 to be unsuitable [...] I do not consider any of these [central] routes acceptable because they unnecessarily increase the habitable structure count.").

The Initial Brief of Steve and Catherine Cichowski similarly recommends selection of Route W without any comparative analysis of that route to the northern or central alternatives based on the routing criteria of PURA or the Commission's rules. *See Initial Post-Hearing Brief of Steve and Cathy Cichowski.* As with the Anaqua Springs HOA brief, the Cichowski brief simply recommends Route W as the one routing alternative available that does not in any way impact its large set of aligned interests.

As stated in their Initial Brief, the Gutierrez Parties understand that no property owner wants the transmission line route ultimately selected in this case to traverse their property or impact their home. For that reason, the Gutierrez Parties have not taken a position on which specific route should ultimately be approved and understand that there are strong advocates in support of and opposed to both Routes R1 and Z1 and other similar routing alternatives. Route W should not be approved, however, because it imposes significant additional monetary costs upon the public without providing any advantages over Routes R1 and Z1 and similar routes in the central and northern portions of the study area in terms of the routing criteria identified by PURA or the PUC's routing regulations.

IV. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, the Gutierrez Parties respectfully request that the ALJs and PUC select no route utilizing Segment No. 57, including Route W, given the excessive cost of these routes and the failure of the routes to minimize impacts on landowners or the environment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties on the 28th day of May, 2021.

Andres Medrano