

SOAH DOCKET NO. 473-21-0247  
PUC DOCKET NO. 51023

RECEIVED  
2021 MAY 28 PM 3:13

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

**NORTHSIDE INDEPENDENT SCHOOL DISTRICT’S REPLY BRIEF**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

Northside Independent School District (“NISD”) files this its Reply Brief and would show as follows:

**REPLY TO INITIAL BRIEFS**

Many briefs were filed advocating for different routes in this proceeding. While NISD opposes certain segments, it does not advocate for any specific route. The briefing of the other parties generally addresses the arguments of those who desire southern routes and those who desire northern routes.

As set forth in CPS Exhibit No. 16, the focus map, Segment 41 is part of only one potential northern route, Route DD. Even for those arguing for a northern route, it does not appear that any party expressly advocates for the use of Segment 41 over other alternative segments. In fact, northern route proponents, including Save Huntress Lane Area Association (“SHLAA”) and Bexar Ranch, echo NISD’s arguments against the use of Segment 41 due to the impact on the Middle School property and community values.

860

NISD also shares in concerns of all intervenors of the impact of segments near their properties. NISD has those same concerns with regards to Segments 33, 34, 35, and 42a. Portions of Segment 42a would be constructed very close to the NISD properties, and on the same property and in the same area as NISD's wastewater drain field.

Finally, the arguments regarding the proximity of other schools to other power lines is not relevant and void of any facts regarding the reasons for the location of those lines and schools. While the argument is that a transmission line can be built in proximity to a school, the question is should it be built. The argument ignores that this is CPS's first CCN case, and in this case, landowners can participate in a formal process determining the location and construction of a transmission line.<sup>1</sup> With regards to Segment 41, the argument also ignores the impact that this specific transmission line would have on NISD's dual campus model and the already limited space on which to construct the middle school facilities next to McAndrews Elementary School.<sup>2</sup> The fact that somewhere there is a transmission line in proximity to a school is not a criterion that should be used in considering the recommended and final route in this case.

While NISD does not advocate for a specific route, it does strongly oppose the use of Segment 41. With regards to its opposition to Segments 33, 34, 35, and 42a not located on its property, NISD shares in all the concerns that intervenors have regarding the impact a transmission line would have, including but not limited to the health and safety concerns if the line were to be located on or near their property. Segment 42a causes additional concerns regarding its impact on NISD's wastewater drain field. Therefore, NISD respectfully requests that the Administrative Law Judges and the Commission take into consideration NISD's concerns, and not recommend a route

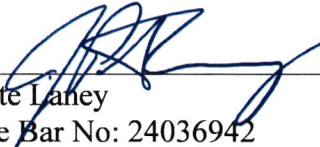
---

<sup>1</sup> See (Marin) Tr. 324: 3-9.

<sup>2</sup> See NISD's Exhibit No. 1, and attachments thereto depicting the Middle School facilities and impact of Segment 41.

that utilizes segments that have a detrimental impact on the school’s properties, students, and the families in the community that utilize the school facilities.

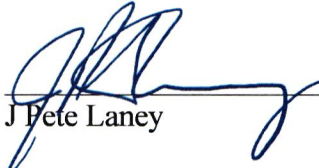
Respectfully Submitted,

By:   
J Pete Laney  
State Bar No: 24036942  
LAW OFFICES OF J PETE LANEY  
Westgate Building  
1122 Colorado Street, Suite 110A  
Austin, Texas 78701  
Phone: (512) 473-0404  
Fax: (512) 672- 6123  
Email: [jpete@jpetelaneylaw.com](mailto:jpete@jpetelaneylaw.com)

**ATTORNEY FOR NORTHSIDE  
INDEPENDENT SCHOOL DISTRICT**

**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 28<sup>th</sup> day of May 2021, pursuant to the Orders issued in this docket.

  
J Pete Laney