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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**

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**BEFORE THE STATE OFFICE  
  
OF  
  
ADMINISTRATIVE HEARINGS**

Reply Brief  
of  
Robert & Leslie Bernsen

May 28, 2021

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8/6/21

## Introduction

As a Serene & Scenic Hills homeowner and Pro Se Intervenor in the Scenic Loop 138-KV Transmission Line Project, we submit this Reply Brief in opposition of Segments 13, 14, 17 and 54 and in opposition of Substation 1 & 7 and believe that the use of any of these routes and segments does not comply with the factors provided in PURA 37.056© and 16 TAC 25.101 (b)(3)(B).

## Reply Brief Summary

**In the Save Huntress Lane Area Association's (SHLAA) Brief it was stated:**

*Mr. Steven Herrera (as to Segment 54, who in the entire Scenic Hills subdivision, is the only one with property bordering Toutant Beauregard Road that intervened in this case, as opposed to those interior to that subdivision who seemed more concerned about Segment 17, a segment which is not part of any of the routes using Toutant Beauregard Road). As to Mr. Herrera, he (and his other non-intervening neighbors bordering Toutant Beauregard Road) chose to live directly on Toutant Beauregard, a major thoroughfare with road traffic, distribution lines and other development activities.*

### **Rebuttal:**

SHLAA claims that Mr. Herrera is the only one with property bordering Toutant Beauregard Road in the entire Serene and Scenic Hills subdivision that intervened in opposing Segment 54. That is not the case, Jesus Espinoza, filing 213 (25140 Toutant Beauregard) and Charlie Zimmer, filing 340 at 9730 Serene Hills (Mr. Zimmer's mail box is located on Serene Hills, however his home is located along Toutant Beauregard), both filed as intervenors.

Perhaps more importantly to note is that on Segment 54, where Substation 7 would start, according to Table 4-1 Environmental – Amended map, I count 19 habitable structures to include habitable structure 78 which is on the border of Segment 14/54, located next to the proposed substation 7 site and is currently for sale. Of the 19 habitable structures on this 1.22 mile segment, 2 individuals intervened, 7 other individuals filed a protest, 3 other individuals have sold their home and the property next to the proposed substation 7 is listed as a Pending sale for \$1,198,000. Just less than a quarter of these homeowners have sold their homes at 21% (this number includes the home that is listed as pending). This should send a clear message that the Serene and Scenic Hills subdivision strongly opposes any routes that surround our neighborhood.

### Protestors and Intervenors

Habitable Structure	Name	Address	Filing As
76	Ernest Gonzales	25020 Toutant Beauregard	Protestor
79	Walker Keller	25040 Toutant Beauregard	Protestor
80	Pedro Orbezo	25051 Toutant Beauregard	Protestor
81	Jim Lemasters	25060 Toutant Beauregard	Protestor
90	Steven Herrera	25130 Toutant Beauregard	Intervenor
91	Jesus Espinoza	25140 Toutant Beauregard	Intervenor
92	Rolando Venigas	25150 Toutant Beauregard	Protestor
93	Patti Heath	25160 Toutant Beauregard	Protestor
95	Bill Schumacher	25190 Toutant Beauregard	Protestor

### Homes Sold or Pending Sale since August 31, 2020

Habitable Structure	Address	Date Sold
78	25043 Toutant Beauregard for sale for \$1,198,000	Pending
86	25210 Lost Valley property is located at corner of Lost Valley and Toutant Beauregard	8/31/2020
89	25120 Toutant Beauregard	1/29/2021
178	25050 Toutant Beauregard	1/20/2021

As per Mr. Herrera's testimony and post hearing brief he has lived at 25130 Toutant Beauregard for the last 22 years. I too have lived in the Serene and Scenic Hills subdivision for approximately the same time frame and Toutant Beauregard was not a major thoroughfare 22 years ago nor is it now. Twenty two years ago, traffic on Toutant Beauregard Road heading towards Boerne Stage Road was practically nonexistent and our waving to passing cars was quite common. We were country and the city has moved out to our peaceful surroundings. To call Toutant Beauregard a major thoroughfare is a huge exaggeration. There are several flood gates, low water crossings and a cattle guard on Toutant Beauregard Road, not what one would think of as a major thoroughfare.

Yes, for the last several years there has been more traffic on the roadway and with the continued growth, Toutant Beauregard will need to be widened to accommodate the growth from the new subdivisions that are being built. To erect transmission line towers on an already winding road and with the expected increased traffic, it is an accident waiting to happen! Substation 6, Route P and R1 would not have any transmission towers on Scenic Loop Road which would not impact traffic safety. In regard to distribution lines, most improved roadways have distribution lines such as what is currently on all the roadways in the Scenic Loop-Boerne Stage-Toutant Beauregard Historic Corridor and in our subdivision.

***In the Save Huntress Lane Area Association's (SHLAA) Brief it was stated:***

***C. Substation Site 7 is Preferable to Substation 6.***

***Being able to leave trees on the property creates an important buffer.***

**Rebuttal:**

As can be easily seen when driving in the vicinity of the Boerne Stage Road and Toutant Beauregard Road intersection and further past the intersection on Toutant Beauregard, our beautiful oak trees are dying. Oak wilt could be one of the reasons. I do not claim to be an arborist, however, as you can see by the pictures, some of our beautiful and majestic oak trees are dying.





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It has been stated in several testimonies about the vegetation and tree shielding that Substation 7 would have, however it is very likely that even before or during the construction phase the Live Oak trees on the property would suffer greatly and be susceptible to this Oak Wilt disease and destroy the shielding that has been stated.

***In Clearwater Ranch's Post-Hearing Initial Brief, they stated:***

*Summary of the Argument Clearwater Ranch is a large acre neighborhood nestled in the Texas Hill Country, where land owners enjoy the native wildlife and rural lifestyle.*

**Rebuttal:**

Clearwater Ranch's Post-Hearing Initial Brief does not mention the actual size of the lots in the development, but only states the properties to be "large acre". According to the Clearwater Ranch Property POA, all the properties are over 10 acres and have the benefit of a Wildlife Management Tax Exemption.

*Beautiful Estate Ranch Community now managed by Trio!*

*January 1, 2016 Clearwater Ranch Property Owners Association, Inc. is also now managed by Trio HOA Management! Clearwater Ranch is a prestigious, private and gated, Estate Ranch Community with acreage homesites over 10 acres each, located off Scenic Loop Road and Huntress Lane..... all with the benefit of a Wildlife Management Tax Exemption.*

As mentioned in the Clearwater Ranch post hearing brief, it is evident that several homeowner's own more than one tract of land comprising at least 20 to 30 acres. Of the homeowners listed in the Clearwater Ranch Brief, only Van Wisse habitable structure is within 100 ft., and that of Carlos and Christina Gacia is within 300ft. For Joe Acuna he is currently in the process of building a home what is stated to be within 100 ft. Most of the Clearwater Ranch homeowners will not be directly impacted by transmission towers due to the amount of property acreage they own and the distance the lines will be from their habitable structure, nor would they lose their tax exemption solely due to having transmission towers on their property.

It is important to note, that several homeowners **have chosen** to build in spite of knowingly aware that this case has not been decided in regard to substation site and routing lines. This is a choice they have made! Yes, for the same reasons no one wants these lines, I urge the judges and commissioners to weigh heavily on those who had no choice. My home of 21 years and those in the Serene & Scenic Hills subdivision along Segments 13, 14, 17 & 54 would be significantly and directly impacted.

***In Clearwater Ranch's Post-Hearing Initial Brief, they stated:***

*Impacts of Segment 37. Alejandro Medina owns Lots 10, 12, 15a/b. His properties currently serve as a "bird sanctuary ecological reserve," with his plans "to have a vineyard and horses on the properties" in the future. On his Lot 10, Segment 37 cuts into the middle of the property at an angle, runs parallel to the southwest border, and then turns to run up towards the Van Wisse property. This path is not along the property lines and effectively ruins any plans to have a vineyard or horses on that lot.*

**Rebuttal:**

It is my understanding that the proposed transmission towers and/or lines would not negatively

impact Mr. Medina's future plans. Vineyards and horses do and are able to co-exist on property with erected transmission towers and lines and would not affect any agricultural tax exemption should he have one now or in the future apply for one.

### **Conclusion**

In conclusion, we oppose Substations 1, 2, 3, 4, 5 & 7 and segments 13, 14, 17 & 54 that surround the Serene & Scenic Hills subdivision. We believe that substation 6 using Route P or R1 meet the all the routing criteria and takes into account the standard of Prudent Avoidance.

Respectfully Submitted,  
Robert & Leslie Bernsen  
Intervenor Pro Se