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SOAH DOCKET NO. 473-21-0247
P.U.C. DOCKET NO. 51023

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

EXCEPTIONS TO THE PROPOSAL FOR DECISION OF
Raul Figueroa

Raul Figueroa
26670 Karsch Rd
Boerne, TX, 78006

October 5, 2021

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INDEX OF ABBREVIATIONS AND ACRONYMS

ALJ	Administrative Law Judge
EMF	Electromagnetic field
HCR	High Country Ranch
PFD	Proposal for Decision
PUC	Public Utility Commission of Texas
PURA	Public Utility Regulatory Act
ROW	Right-of-way
SOAH	State Office of Administrative Hearings
TL	Transmission Line

**SOAH DOCKET NO. 473-21-0247
P.U.C. DOCKET NO. 51023**

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 PROPOSED SCENIC LOOP 138-KV TRANSMISSION LINE	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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Exceptions To Proposal For Decision Of

Raul Figueroa

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES AND COMMISSION:

I, pro-se intervenor, Raul Figueroa, file my exceptions to the Proposal for Decision (PFD). In a memorandum dated September 17, 2021, The Public Utility Commission of Texas (Commission) set the deadline for filing exceptions as October 8, 2021. My exceptions are timely filed.

INTRODCUTION AND SUMMARY OF EXCEPTIONS

To reach their recommendation to approve construction of the transmission line on Route Z2, the administrative law judges rely on several factors but place too much emphasis to cost and length of right of way (ROW). There are also errors in the evidence presented by the Administrative Law Judges (ALJs) in the PFD, and these include the mischaracterization of my home, and the impact that route Z2's Segment 46b will have on the community of High Country Ranch (HCR). The PFD is flawed and, therefore, the Commission should not approve it nor any TL route that includes Segment 46b. Out of the eight routes that the ALJs conclude should be considered front runners for the best route, AA1 is the best option because it meets all the statutory and regulatory factors.

EXCEPTIONS

I. PROPOSAL FOR DECISION MISCHARACTERIZES MY PROPERTY.

I respectfully request a correction on a statement in the Proposal For Decision (PFD) on page #34 regarding the location of my home. The PFD mischaracterizes my property by stating “A landowner close to High Country Ranch, Raul Figueroa, opposes Segment 46b because it would “surround [his] home on three sides by running parallel and then crossing Karsch Road”.¹ This statement is totally incorrect as I don’t live close to but, rather, in the High Country Ranch (HCR) gated community itself. I stated this in my Statement of Position, “My name is Raul G Figueroa, and I am an intervenor in this case. I live at 26670 Karsch Rd, Boerne, TX, 78006, which is within High Country Ranch, near one or more of the 138-KV transmission lines that connect to the existing Ranchtown-Menger Creek transmission line”.²

High Country Ranch is comprised of 350 acres. This includes 15 tracts of land with and without habitable structures consisting of 49.995 acres and a “common area” consisting of 300 acres. The common area is exclusively used for hunting or hiking by the landowners. I am one of the seven owners, and my home with 2.3 acres sits on lot one of the 49.995-acre area.

The elevation of HCR is approximately 1,723 feet at its highest point and approximately 1,500 feet at its lowest. At 1,668 feet, my home sits on one of the highest elevation points on the property. It overlooks Pinson Interest (Pecan Springs) to the south and Anaqua Springs to the southwest.

¹ ALJs Proposal For Decision at 34

² Statement of Position of Raul G. Figueroa at 1

II. PFD INNACURACY REGARDING RECOMMENDED ROUTE Z2.

The Administrative Law Judges (ALJs) inaccurately state in the PFD that route Z2 does not go through a residential area. The statement, “Importantly, and unlike other routes that have fewer habitable structures within 300 feet of the center line, Route Z2 does not bisect any properties except by consent, does not go through any residential neighborhoods, and has relatively less impact on the environment, endangered species, and wooded areas than routes advocated by various intervenors and Commission staff (Staff)”³, is totally incorrect. Transmission line Route Z2 using Segments 54-20-36-42a-46-46b, or any route which includes Segment 46b, would go through the High Country Ranch (HCR) neighborhood. Segment 46b connects to the existing Ranchtown-Menger Creek transmission line, runs along the right-of-way (ROW), parallels Karsch Rd, crosses the road, and heads in a south / south easterly direction around our home. Segment 46b cuts across the HCR residences as it crosses Karsch Rd. The transmission line and monopoles will be immediately inside the entrance to HCR, and residents will need to drive or walk under Segment 46b daily. Understandably, my fellow neighbor, Mr. Patrick Cleveland, is doing everything possible to keep the transmission line as far away from his home as possible. However, I disagree with his statement that Route Z1---while still undesirable---would be less harmful if a northern route is chosen because “at least it follows the northern property line, which is better than fragmenting the recreational area.”⁴ I, as well as my HCR neighbor, Dr. Carrie Jo Braden, strongly feel that any northern route that includes Segment 46b will be extremely harmful to HCR due its proximity to residences, water wells, and propane gas tanks.

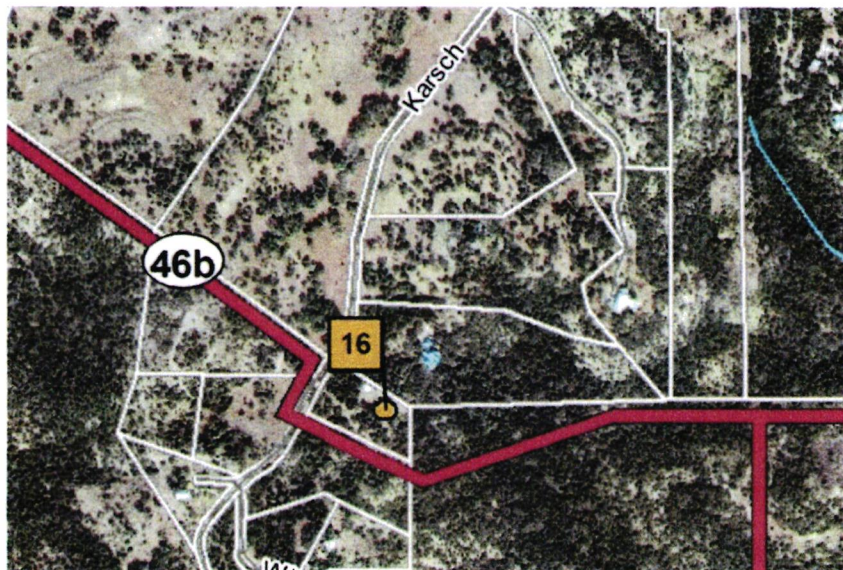
³ PFD at 2.

⁴ Cleveland Ex 28 (Cleveland Direct at 13. Route Z2 follows the same path as Route Z1 along High Country Ranch.

III. ALJs' FAILURE TO ANALYZE IMPACT OF TL SEGMENT 46b

The ALJs express my concerns about TL Segment 46b surrounding my home in the PFD; however, they failed to analyze the impact this segment will have on my property.

- a. Route Z2's Segment 46b will border my home on three sides. North of our home the Segment, including monopoles, will be located at 300 feet, to the southwest it will be located at 162 ft, and to the south / southeast at 180 ft. To the east of my home sits a garage, fence line, and my neighbor's property. No other property in the Project is impacted as much by one transmission line segment as my residence. The transmission lines will be visible for all angles of the house. My wife, stepdaughter, and I will not be able to sit on our front porch without direct view of the transmission lines, or be able to bar-b-que to the west of our home without the view of the transmission lines right above, nor sit in our back patio for a little relaxation and to enjoy the view due to the transmission lines cutting across right in front of us. Route Z2, or any route with segment 46b, will impact every current area around our home. The image below depicts my home's relative position to the transmission lines.



- b. As stated before, Segment 46b surrounds my home on three sides. This will equate to possibly no cell phone reception or, at best, very poor reliability. The CPS witness, Mr. Adam Marin, could not guarantee that my cell phone service would not be interrupted by Segment 46b. Per Mr. Marin, and I quote, "To answer your second question, I don't know what the effects of the transmission line would be on your cell service. I would not have that information."⁵ As I stated in my Statement of Position and briefing, I have worked from home for out-of-state employers for the last 20 years. I have been with my current employer, which is based in California, for 12 years. I use my cell phone extensively for work. During power outages, I also utilize my cell phone as a hotspot. My wife is self-employed and relies heavily on her cell phone to conduct business. If Segment 46b interferes with our cell phone service or with any other electronic device, such as a WI-FI router, it would definitely disrupt our ability to work from home. Furthermore, it would be tragic if my wife, stepdaughter, or I would lose cell phone reception and not be able to call 911 or someone for help in the event of an accident, injury, or illness while at our property. There have been numerous occasions where we have had to contact emergency services for incidents such as snake bites, illness, and accidents via our cell phone. My family and I also used our cell phones during Winter Storm Uri in February 2021 to stay in touch with family and check weather reports. I assume if a tragedy should occur as a result of not being able to use our cell phone in an emergency due to no reception, there is legal recourse. It is after all, on record that cell phone service cannot be guaranteed by the CPS witness.
- c. My HCR neighbor, Dr. Carrie Jo Braden, is also extremely concerned about the proximity of Segment 46b to her home. Due to her residence being within 300 feet of the centerline, she received notice from CPS

⁵ HOM Transcript at 569 – 570.

regarding the transmission lines. Dr. Braden did not participate as an intervenor in this case due to her limited access to Zoom and time restraints. She is also concerned that Segment 46b will affect her cell phone reception and disrupt her ability to work from home. Attached to this document is a letter from Dr. Braden expressing her concerns on the matter.

- d. TL Segment 46b will run next to the High Country Ranch water well as well as my private water well. These two water wells are not marked on the CPS Amended Primary Alternative Routing Segments With Environmental and Land Use Constraints map. Route Z2 Segment 46b's monopoles will be placed parallel to Karsch Rd above or near underground water lines running from the ranch well to the residences. Waterflow can be interrupted during the installation of the monopoles. Two residents of HCR depend strictly on the ranch well for water. Segment 46b will also run in close proximity to my private water well and propane gas tank which is to the west southwest of the house. A CPS witness stated that water wells can be relocated if needed. However, there is no place on my property where my water well can be relocated without it being next to the transmission lines. See attached survey done in 2014 and again in 2019.
- e. The clearing of 100 ft of right of way (ROW), 50 ft on each side of the centerline, for the transmission lines will result in the removal of oak trees on the northwest and southwest portions of my property.
- f. As noted earlier in this letter, my home sits at a elevation point of 1,668 feet in HCR. The home is clearly visible from Toutant Beauregard Rd. Route Z2's Segment 46b will be clearly seen from the road on the southwest side of my home as it descends in a south southeastern

direction down a sharp ridge. This will desecrate the aesthetics of the area.

IV. TL ROUTE AA1 IS A BETTER ALTERNATIVE THAN ROUTE Z2.

Route AA1 with Substation 7 and Segments 54-20-36-42a-46-49a is definitely a better alternative than recommended Route Z2 in the PFD. Route AA1 also meets all regulatory and statutory factors in the Public Utility Regulatory Act, and especially conforms with the policy of prudent avoidance.⁶ TL Route AA1's Segment 49a, which connects to the existing Ranchtown-Menger Creek transmission line, is 400+ feet away from Mr. Cleveland's residence in High Country Ranch and approximately 1,000 ft away from our community's boundary. It is not in proximity of the water wells or gas propane tank such as Route Z2's Segment 46b. Furthermore, Segment 49a traverses through a dale with an elevation of approximately 1,560 feet which will serve to shield it from view of Toutant Beauregard. Segment 49a also runs parallel to Pecan Bluff Rd, and it cuts through High Country Ranch's common area which we, the owners, used for hunting and hiking. It will not however hinder us from enjoying these recreational activities. This stated, Segment 49a would not have as much of a detrimental impact on HCR as Segment 46b, which cuts across our residential area, will have.

Upon considering or proposing a transmission line route and substation for approval, established residences should take precedence over undeveloped land or properties without habitable structures. Buyers of properties in new developments have an option of whether to build a home near transmission lines, whereas owners of existing homes do not have the same option should a transmission line route near their residence is selected.

⁶ TAC § 25.101(a)(6) defines the term prudent avoidance to mean "[t]he limiting of exposure to electric and magnetic fields that can be avoided with reasonable investments of money and effort."

V. Conclusion

The PFD has errors, and the Commission should not approve it.

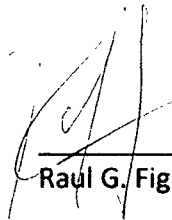
Evidence shown on Table 1 below shows that Route AA1 better meets the routing criteria in the PURA. Route AA1's Segment 49a minimizes the impact on the High Country Ranch community.

Route AA1	Route Z2
Utilizes Substation 7	Utilizes Substation 7
Segments 54-20-36-42a-46-49a	Segments 54-20-36-42a-46b
Length parallel to existing roadway: 1.85 miles	Length parallel to existing roadway: 1.60 miles
31 Habitable structures within 300 feet	32 Habitable structures within 300 feet
Does not cut across High Country Ranch Residencies	Cuts across High Country Ranch Residencies
Total Estimated Cost \$38.30 million	Total estimated cost 37.64 million
Segment 49a not visible from Toutant Beauregard.	Segment 46b visible from Toutant Beauregard.
Segment 49a does not impact water wells and propane gas tank.	Segment 46b runs next to or above water wells and propane gas tank.
Segment 49a does not surround a residence on three sides which limits exposure to EMFs	Segment 46b surrounds residence on three sides and increases exposure to EMFs
Segment 42a minimizes impact to school	Segment 42a minimizes impact to school

Table 1
Comparison of key factors supporting approval of Route AA1

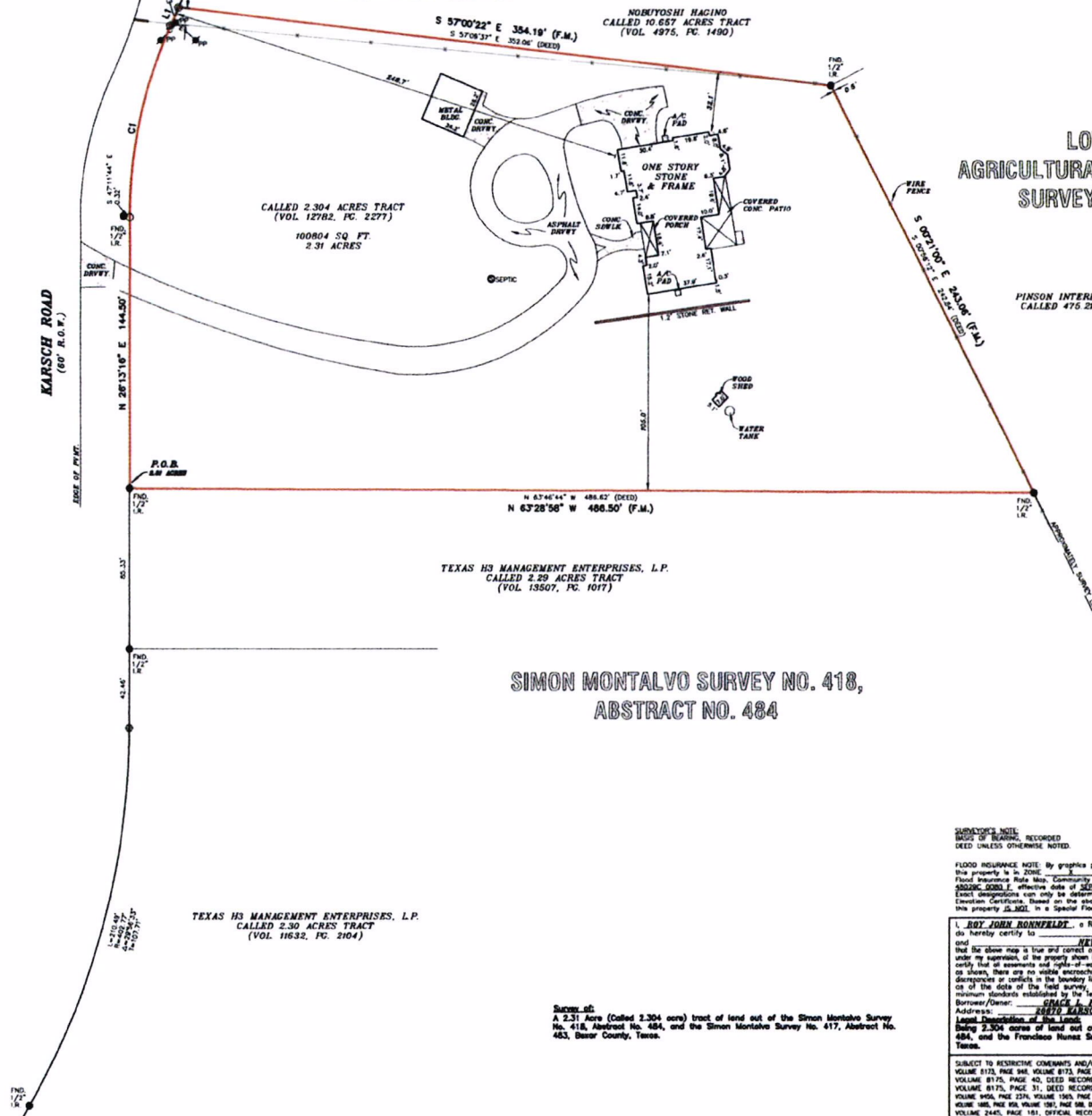
Exceptions to the Proposal for Decision
Raul Figueroa

I strongly urge the Commission to carefully review my exception letter. Based on all factors involved, the Commission should reject the PFD's recommendation to approve Route Z2 and instead approve Route AA1.



Raul G. Figueroa

**SIMON MONTALVO SURVEY NO. 417,
ABSTRACT NO. 483**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	252.28'	105.57'	104.90'	N 38°13'16\"	24°00'00\"

LINE	BEARING	DISTANCE
L1	N 50°13'16\"	10.44'

**LOWER PINTO IRRIGATION,
AGRICULTURAL AND MANUFACTURING COMPANY
SURVEY NO. 900, ABSTRACT NO. 455**

PINSON INTERESTS, LTD., L.L.P.
CALLED 475.28 ACRES TRACT

LEGEND

These standard symbols will be found in the drawing

- BOUNDARY LINE
- WIRE FENCE
- OVERHEAD ELECTRIC
- APPROXIMATELY SURVEY LINE
- SET IRON ROD
- POINT OF REFERENCE
- FOUND IRON ROD
- PROPERTY CORNER
- POWER POLE
- SEPTIC TANK
- (DEED) RECORDED ON DEED
- (F.M.) FIELD MEASURED

**SIMON MONTALVO SURVEY NO. 418,
ABSTRACT NO. 484**

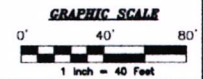
TEXAS H3 MANAGEMENT ENTERPRISES, L.P.
CALLED 2.30 ACRES TRACT
(VOL. 11632, PG. 2104)

Survey of:
A 2.31 Acre (Called 2.304 acre) tract of land out of the Simon Montalvo Survey No. 418, Abstract No. 484, and the Simon Montalvo Survey No. 417, Abstract No. 483, Bexar County, Texas.

SURVEYOR'S NOTE:
BASIS OF BEARING, RECORDED DEED UNLESS OTHERWISE NOTED

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE 1 of the Flood Insurance Rate Map, Community Flood No. 88020C, DDBL, effective date of SEPTEMBER 29, 2010. Exact designations can only be determined by a Flood Insurance Certificate. Based on the above information, this property is in a Special Flood Hazard Area.

The survey is hereby accepted with the appropriate certificate, or otherwise in case of a survey of a portion of a tract.



I, ROY JOHN BONNFELDT, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to:
NEW PENN FINANCIAL, LLC
and that the above map is a true and correct survey of the land shown thereon, made by me on the ground or under my supervision, of the property shown thereon or described by field notes accompanying this survey, further certify that all easements and rights-of-way of which I have been advised are shown thereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way on the data of the field survey. I further certify that this survey complies or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
Borrower/Owner: **GRACE L. FIGUEROA AND RAUL G. FIGUEROA**
Address: **6870 KARSCH ROAD** GP No. **6640003427**
Legal Description of the Land:
Being 2.304 acres of land out of the Simon Montalvo Survey No. 418, Abstract No. 484, and the Francisco Nunez Survey No. 484, Abstract No. 558, Bexar County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:
VOLUME 8172, PAGE 946, VOLUME 8173, PAGE 939, VOLUME 8173, PAGE 976,
VOLUME 8175, PAGE 40, DEED RECORDS, BEXAR COUNTY, TEXAS
VOLUME 8175, PAGE 31, DEED RECORDS, BEXAR COUNTY, TEXAS
VOLUME 900A, PAGE 239A, VOLUME 1965, PAGE 796, VOLUME 455A, PAGE 1803,
VOLUME 188, PAGE 89, VOLUME 1961, PAGE 586, DEED RECORDS, BEXAR COUNTY, TEXAS
VOLUME 2445, PAGE 181, OFFICIAL RECORDS, BEXAR COUNTY, TEXAS

PROPERTY PHOTOGRAPH:

FINAL "AS-BUILT" SURVEY

JOB NO.:	1406021598	NO.	REVISION	DATE
DATE:	06/23/14			
DRAWN BY:	RLB/RLM			
APPROVED BY:	RLB			

STATE OF TEXAS
ROY JOHN BONNFELDT
3530
REGISTERED PROFESSIONAL LAND SURVEYOR

ROY JOHN BONNFELDT, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 3530

AMERISURVEYORS, LLC
8001 Ross Road, Suite 1000, San Antonio, Texas 78201
Phone: (210) 587-0000 Fax: (210) 587-0000

October 6, 2021

Re: Impact of CPS transmission line along Route Z2 or any route which includes Segment 46b

From: Carrie Jo Braden *Carrie Jo Braden*

26587 Karsch Rd.

Boerne, TX 78006

Ph 830-981-5612

The route Z2 would gravely impact me personally as well as be detrimental to my property.

Personal Impact: The proposed route Z2 would most assuredly disrupt my ability to continue to work from home teaching on-line courses to graduate level nurses enrolled in the University of Texas Health Science Center at San Antonio School of Nursing where I am a full professor and Interim Vice Dean for Research and Scholarship. I am a widow, age 77, at high risk for COVID despite being vaccinated. I must continue to work as I am providing the financial resources my daughter needs for continuing treatment for cancer. I also contribute to support of her five children as she cannot at this time work herself. While we can all hope that this COVID threat will be overcome within the next year or so, as a Public Health Nurse for over 50 years I am well aware that we may not be able to go back to the old normal where we can move about and interact freely with others for perhaps more than 2 years. There is no reliable data available to ensure that high voltage lines running next to my home will not disrupt my on-line work. There is also no reliable data available to ensure that living close to high voltage lines won't be detrimental to my own health, given I am an elder. There are studies available for review that do provide data indicating both disruption of on-line communication as well as risk to cognitive disruption and for certain kinds of cancer in elderly persons (as well as in children).

Property Impact: The proposed route Z2 will be located near or on top of the ranch well that I rely on for water. I do not have my own well located on my property and certainly cannot afford to have one dug. This proposed route will decidedly decrease the value of my property as well as my ability to sell my property in the future.

My preference is the northern route such as AA1 or any route including Segment 49a that would eliminate the impact on the HCR habitable structures.

Further Comment on the process for choosing to participate as an intervenor: It was my preference to be an intervenor rather than just a protester; however, when my near neighbor selected being an intervenor he had the initial experience of having his request ignored. It was during the first ZOOM meeting hearing when he brought up his intervenor request and pointed out that his request submission was delivered on time that CPS and the ALJs approved his intervenor request. As I had no way to attend the ZOOM meeting and didn't have either the time or energy to push forward a request to participate as an intervenor I decided to submit the request as a protester so my comments would at the least be on record. Having chosen this way to participate in the process should in no way be interpreted as a lack of concern about the proposed route decisions.