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APPL. OF THE CITY OF SAN ANTONIO TO AMEND ITS CCN FOR THE SCENIC LOOP 138-KV TRANSMISSION LINE IN BEXAR COUNTY, TEXAS § STATE OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL FROM THE PUBLIC UTILITY COMMISSION OF TEXAS §

SAVE HUNTRESS LANE AREA ASSOCIATION’S REPLIES TO THE EXCEPTIONS TO THE PROPOSAL FOR DECISION

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I. Introduction of the Intervenor and its Position

Save Huntress Lane Area Association (“SHLAA”), an intervenor, is comprised of over 30 individual landowners whose residential properties were bought for their peace and quiet (i.e., away from major roadways, etc.), plus the Canyons Property Owners’ Association with over 700 individual landowners and the Altair Property Owners’ Association with 14 individual landowners. SHLAA files these replies to the exceptions to the Proposal for Decision (“PFD”). The PFD recommends selection of Route Z2 – the route which *most protects private property interests* and *most protects electric ratepayers*.

About half of the proposed routes would run through the SHLAA area neighborhoods.¹ In addition, all proposed routes would affect the SHLAA area due to visibility and other impacts for certain SHLAA members.² The SHLAA members have the same concerns as others in the study area, including pro se intervenors, about electro-magnetic field (“EMF”) exposure, aesthetics, impacts to habitat and the environment, impacts to land values, and so forth. In other words, what goes for those other intervenors as concerns goes for the SHLAA members as well.³

However, SHLAA has concerns which are not shared by all other intervenors. This is because the routes that would traverse through the SHLAA area would run through their existing neighborhoods and run through the interior of some of their private properties – including through the middle of the front yard of one of the Huntress Lane residents (on Segment 15).⁴

¹ SHLAA Ex. 1 at p. 5 (Landowners Dir.); CPS Energy Ex. 17 (Route Cost & Data Summary Table).

² SHLAA Ex. 1 at pp. 3-5 & 9-10 (Landowners Dir.); SHLAA Ex. 2 at p. 6 (Hughes Dir.).

³ SHLAA Ex. 1 at pp. 13-22 (Landowners Dir.); SHLAA Ex. 3 at pp. 7, 11-12, 24-25, 31-32, 37-38 (Landowners Cross-Reb.).

⁴ CPS Energy Ex. 1, at Attachment 6, Sheets 12 & 13 (landowner maps showing Segments 15 and 22); CPS Energy Ex. 16 (Focus Routes Map); CPS Energy Ex. 18, Inset No. 2 (Intervenor Map showing Segments 15 and 22); SHLAA Ex. 8 at Table 4-21 in Attachment SHLAA 1-1 (CPS Energy’s Responses to SHLAA’s 1st RFI); Tr. at pp. 184-86. The property on Segment 15 is on Huntress Lane, but the route would not go along the edge of the landowner’s property, due to a small cemetery along the road, the route instead veers off the road and through the property between the road and the landowner’s residence. SHLAA Ex. 1 at p. 11.

In contrast, Route Z2 runs *along the edge* of the subdivisions known as Anaqua Springs (with only one habitable structure within 300 feet of it, the entrance guardhouse); Sundance Ranch (with no intervenors in this case); BVJ Properties (also known as Jauer, who is that company's owner, with no habitable structures within 300 feet of the route); Scenic Hills (with only two intervenors, one interior to the subdivision and one who actually lives along the route but on the other side of the road from the route); and West Brook (with no intervenors in this case). Route Z2 also runs *along the edge* of private property instead of running through the interior of private property – except with a landowner's express *consent* (which the Dreiss Interests developer has given regarding Toutant Ranch).

As a result, SHLAA supported Routes Z2, Z1, AA1, and AA2, especially Route Z2, all of which utilize Substation 7 and all of which parallel Toutant Beauregard Road, a main thoroughfare in the area. SHLAA opposed routes which utilize Substation 6 and which do not parallel Toutant Beauregard Road, such as Routes P, R1, and W.

The two Administrative Law Judges (“ALJs”) considered all the evidence introduced in a multi-day hearing on the merits, and in the PFD they recommend selection of Route Z2 as the route which “best balances” the Commission’s various routing factors in PURA § 37.056 and 16 TAC § 25.101(b)(3)(B). Their summary of their reasons for recommending Route Z2 is:

The ALJs find that *Route Z2 best balances the factors* in PURA § 37.056 and 16 TAC § 25.101(b)(3)(B) for the reasons explained below. Specifically, Route Z2: *runs along the boundaries of neighborhoods rather than cutting through established neighborhoods; does not bisect private property except with landowner agreement; uses Substation 7, which has potential to be shielded from view* because it is on a larger, heavily-vegetated lot; reduces the visual disturbance to the study area by *using an existing transportation and utility corridor*; has limited impact on the nearby school; meets the Commission’s standards for prudent avoidance; does not cross within 1,000 feet of any parks and recreational areas; satisfies the TPWD recommendations with the inclusion of Staff’s proposed ordering paragraphs; reduces the impact to modeled Golden-Cheeked

Warbler (GCW) habitat and upland woodlands/brushlands, and protects environmental integrity; has moderate impact to historic and cultural values; has no unmanageable engineering constraints; parallels existing ROW and property lines for 71% of its length; *takes advantage of ROW consent and donations by landowners*; is the *least expensive of all proposed routes*; and is the *shortest of all proposed routes*.⁵

SHLAA supports the PFD recommendation, and accordingly replies to the exceptions thereto.

II. Executive Summary: Route Z2 Best Protects Private Property Interests, by Not Cutting Through the Interior of Unconsented Private Property or Cutting Through Multiple Established Neighborhoods, and Best Protects Electric Ratepayers by Having the Lowest Cost

Route Z2 best minimizes adverse impacts on landowners and on ratepayers, as well as on the environment. This is because:

- Route Z2 *does not cut through the interior of any private properties except with consent* – i.e., the Dreiss Interests, the developer for Toutant Ranch. Indeed, because of this consent, Route Z2 uses *donated* right-of-way (“ROW”) in the largest portion of that route which remains undeveloped. From west to east, Route Z2 then mostly follows a busy thoroughfare (Toutant Beauregard Road), as opposed to traversing through the middle of the properties and neighborhoods that seek to preserve their scenic, quiet, wildlife-rich setting. In contrast, Routes such as P or R1 would cut through several private properties (not just run along their property edges), causing both private property fragmentation as well as habitat fragmentation, to the detriment of both landowners and the environment.
- Route Z2 *does not cut through multiple existing neighborhoods*. It runs along the *edges*

⁵ PFD at 22-23 (emphases added). Some excepting parties take issue with the PFD’s use of “bisect,” claiming it means “to divide into two equal parts.” The actual Merriam-Webster online dictionary definition (available at <https://www.merriam-webster.com/dictionary/bisect>) is “to divide into two usually equal parts.” The “usually” qualification is ignored by those exceptions. The Microsoft Word software’s Thesaurus in the, in which this pleading was prepared, indicates, among other things, that the “Dictionary Form” can be the same as both “cut in half” and “cut across.” The PFD clearly was using “bisect” in the latter sense.

of the neighborhoods bordering upon the portion of Toutant Beauregard Road located between the Dreiss Interests' development property on the west and Substation Site 7 on the east. In contrast, routes tied to Substation Site 6 like Route P and R1 would run *through* existing neighborhoods (not just run along their edges).

- Route Z2 is the *least expensive route*, at an estimated cost of \$37.64 million. Moreover, 40% of that cost is “locked in” (i.e., certain), because of the Dreiss Interests' ROW consents/donations (which also eliminate condemnation case costs on those ROWs). In contrast, routes like Routes P, R1, and W would cost between \$43.4 million to \$52.87 million – i.e., approximately \$5 million to \$15 million more expensive. Those additional millions of dollars would impose, not avoid, unnecessary costs to ratepayers. Cost is not the only routing factor, but it is an important one – especially after the cost impacts on ratepayers from Winter Storm Uri.
- *Those additional costs for other routes are unnecessary.* Using the landowner notice distance for habitable structures within 300 foot of the route's centerline, those other routes only have somewhat fewer such habitable structures compared to Route Z2, and the cost by not using Route Z2 ranges from over \$300,000 to over \$5 million per avoided structure. Plus the owners of those structures that would be avoided chose to be located on busy Toutant Beauregard Road, on which there are already parallel electric distribution lines. In addition, Route Z2 has just one home – the most personal and important type of habitable structure in this case – within 100 feet of the route's centerline, which is the distance CPS Energy's electro-magnetic fields (“EMF”) study indicates is the approximate EMF exposure distance for a 138 kV transmission line. Route P and R1 likewise have just one home within 100 feet of the route's centerline

(while Route W has 3 such homes). Therefore, for all these reasons, the additional millions in costs to ratepayers by using Routes P, R1, and W instead of Route Z2 are not a reasonable investment of money to minimize EMF exposure.

SHLAA members chose not to buy property along a major thoroughfare, so as to avoid traffic, electric distribution lines, noise, etc. Proposed routes like Routes P and R1 would transform the scenic and quiet SHLAA neighborhood by running through the heart of the neighborhood, not along an existing traffic thoroughfare (Toutant Beauregard Road) already paralleled with existing electric distribution lines.

Indeed, the public meeting feedback about possible routing locations, even before Substation Sites 6 and 7 were added, was that the SHLAA area and Substation Site 5 (closest to what is now Substation Site 6) had the most negative comments, unlike the areas along Toutant Beauregard Road. Moreover, the Huntress Lane neighborhood, the Canyons subdivision, and the Altair subdivision joined forces to build on that opposition to certain routes and certain substations. In other words, the public meeting feedback and the existence of SHLAA demonstrates strong “community values” against Routes P, R1, or any other routes which would connect to Substation 6.

While some excepting to the PFD argue that transmission poles and lines on Toutant Beauregard Road will affect their neighborhoods, *no proposed route would go through the middle of the subdivisions which border that road*. Route Z2 would simply go along the outer edge of their neighborhoods along Toutant Beauregard Road (again, a main thoroughfare already paralleled by electric distribution lines). Running a transmission line *along* a major thoroughfare does not adversely impact a community as much as running *through* a neighborhood or cutting *into the interior of properties* in the neighborhood (such as by Routes P or R1) .

Some argue that Route Z2 would affect their properties even though it would not run through their subdivisions or into the interior of their properties. For example, Mr. Schappaugh, Dr. Pankratz, and Mr. Odom live inside of the Anaqua Springs subdivision, not along any route, and are well beyond 300 feet from Route Z2. Similarly, the Anaqua Springs Homeowners Association (“Anaqua Springs HOA”) and BVJ Properties border on Toutant Beauregard Road, and have no residential habitable structures within 300 feet of the route. Instead, Route Z2 would run within 300 feet of only one Anaqua Springs habitable structure – a commercial one, its entrance guardhouse. The San Antonio Rose Palace (“Rose Palace”) is a sports arena under common ownership with Strait Promotions which has a ranch property. Route Z2 would not run by Rose Palace, because it ties into Substation Site 7 well to the west of Rose Palace, instead of into Substation Sites 2 or 3 which are respectively across the road from or catty-corner to Rose Palace. The Strait Promotions ranch property is located along Toutant Beauregard, and thus Route Z2 would not be cutting into the interior of that property. There is also no habitable structure on the Strait Promotions ranch property that is within 300 feet of Route Z2.

Accordingly, the exceptions should be rejected, and Route Z2 selected as the PFD recommends (or alternatively, similar Routes Z1, AA1, or AA2). This would provide the most protection for private property, ratepayers, neighborhood integrity, habitat, and visual aesthetics.

III. Factual Background on SHLAA and its Area

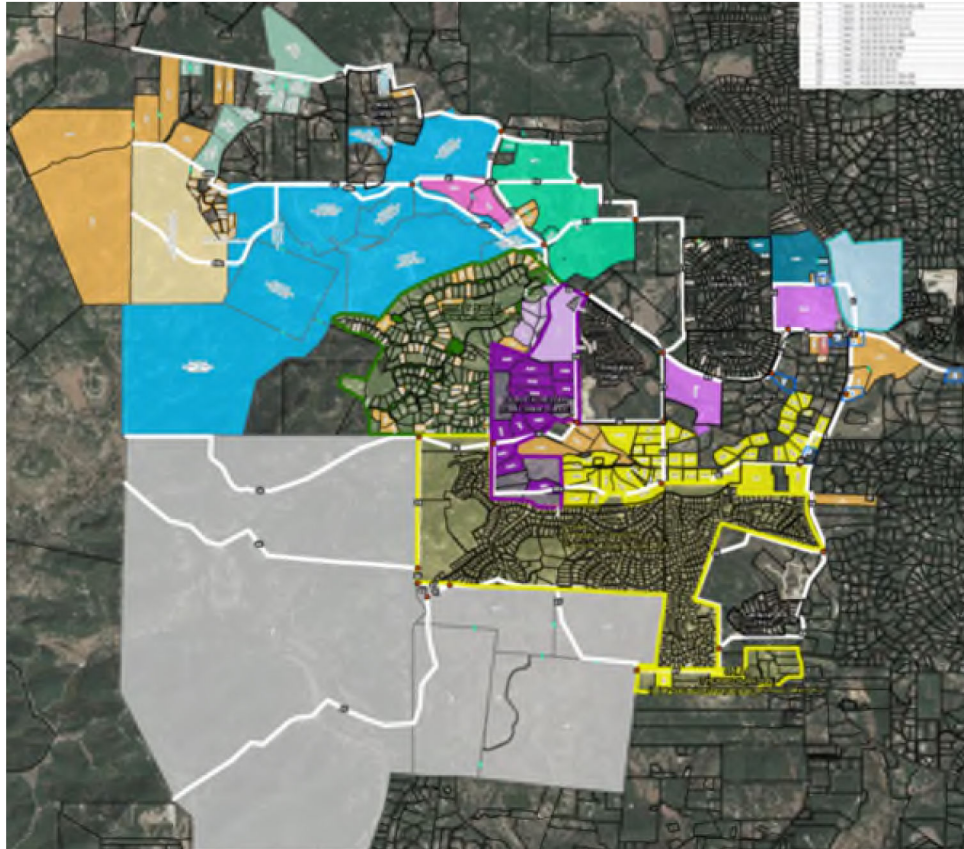
SHLAA is an unincorporated nonprofit association, organized to represent the interests of its members in this proceeding, which includes over 30 individual landowners, the Canyons subdivision with over 700 individual landowners, and the Altair subdivision with 14 individual landowners.⁶ SHLAA provided expert testimony of Mr. Harold L. Hughes, Jr., a Professional

⁶ SHLAA Ex. 1 at p. 1 (Landowner Dir.).

Engineer who previously worked at the Commission and has testified as an expert in numerous transmission line routing cases, and factual testimony from an individual landowner member (Ms. Cynthia Grimes), an individual landowner in the Canyons subdivision (Mr. David Clark), and an individual landowner in the Altair subdivision (Mr. Jerry Rumpf).⁷

The SHLAA area is in the southeastern portion of the study area. This is shown in the Intervenor Maps,⁸ with the individual SHLAA members shown in solid yellow, and the Canyons and Altair subdivisions outlined in a solid line of the same color yellow and shaded in light yellow (as well as labelled as part of SHLAA). The following graphics from those Intervenor Maps show (1) the location of all the intervenors and (2) a closer view of the SHLAA area:

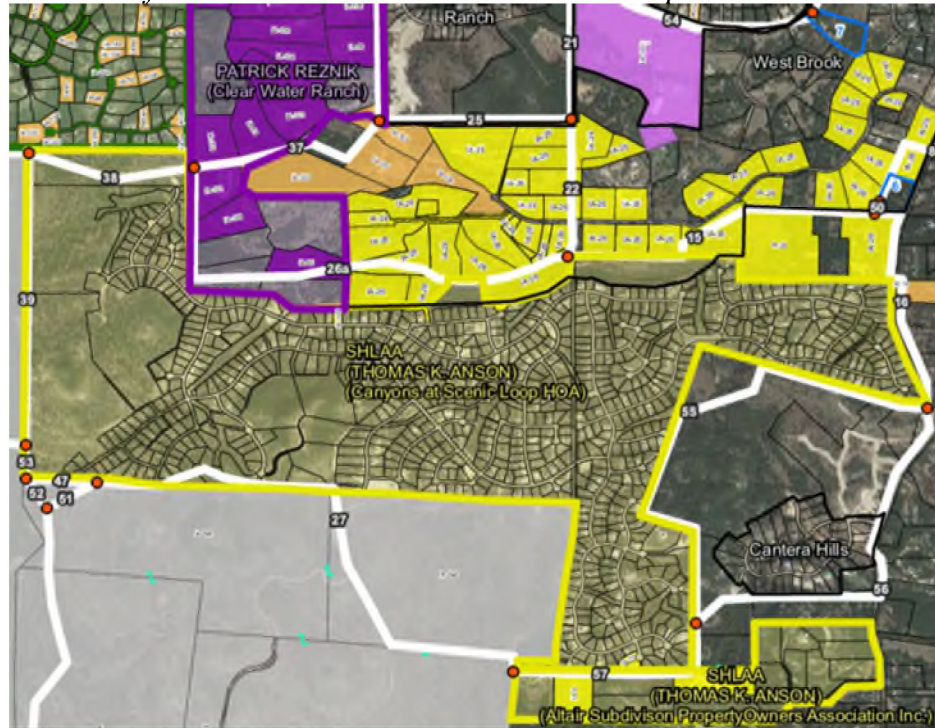
Overall Intervenor Locations



⁷ SHLAA Exs. 1 through 4.

⁸ CPS Energy Ex. 18 (Intervenor Maps).

Closer View of the SHLAA Area From “Intervenor Maps – Intervenor Overall”



The SHLAA area is largely comprised of residences. The residents are a variety of people, including those with families that attend the nearby McAndrews Elementary School, families that homeschool their children, those who work in business such as in jobs in San Antonio, those who have small businesses where they live (such as a local pottery production business and a horse boarding business), military retirees, etc.⁹

Like other portions of the CPS Energy study area, the SHLAA area is an attractive area in a beautiful part of the Texas Hill Country northwest of San Antonio with both long standing residences and active development of new residential construction on various parcels. They are located where they can enjoy daily (from their residences or by walking, running, biking, etc.) the natural beauty and peaceful surroundings of the area, including hills, valleys, and limestone bluffs, woods, springs, creeks, waterfalls, a variety of wild flora and fauna which inhabit that

⁹ SHLAA Ex. 1 at pp. 3-4, 8, 21, & 23 (Landowner Dir.); SHLAA Ex. 3 at pp. 8-12, 21, 24-25, 31, & 37-38 (Landowner Cross-Reb.); Tr. at pp. 686, 691.

environment, various domesticated animals including horses and Longhorn cattle, and scenic views, panoramic vistas, and sunsets over that landscape.¹⁰

In addition, for a large portion of the SHLAA area, distribution lines are underground rather than overhead.¹¹ Furthermore, in terms of any proposed routes paralleling any of existing above ground electric distribution lines in the SHLAA area, there is essentially none.¹²

SHLAA members have properties that would be crossed by or adjacent to numerous line segments. Fifteen of the 33 potential routes in this case contain one or more of these segments; Substation Sites 6 and 7 also abut some members' property.¹³ Many member have segments running through and on the edge of their property as well as near their houses, of which Segment 22 is typical; other members who are on Segments 15, 26a, and 27 would actually have the line cut through the interior portions of their properties.¹⁴ These fifteen routes and their segments largely pass on or through private properties, and not along existing public roads.¹⁵

All of the routes included in the Focus Routes Map,¹⁶ including the four that SHLAA supported (Routes Z1, Z2, AA1, and AA2), would also have visual impacts on SHLAA

¹⁰ SHLAA Ex. 1 at pp. 3-4, 9-10, 19-20 (Landowner Dir.).

¹¹ SHLAA Ex. 1 at p. 20 (Landowner Dir.).

¹² SHLAA Ex. 1 at p. 9 (Landowner Dir.) (Segments 22, 25, 50, 55, and 57 have none along any portion of them; the entire portion of Segment 26a which runs east-west, and which is by far the longest part of Segment 26a, has none along it; and all of Segment 15 moving from the west to the east has none along it until about 600 feet from the node between Segment 15 and Segment 50).

¹³ SHLAA Ex. 2 at pp. 4-5 (Landowner Dir.); SHLAA 2 Ex. 2 at p. 6 (Hughes Dir.); CPS Energy Ex. 16 Inset 1 (Focus Route Map); CPS Energy Ex. 18, Inset Nos. 2 & 3 (Intervenor Maps). The specific routes are Routes F1, K, L, N1, O, P, Q1, R1, S, T1, U1, V, W, BB, and CC.

¹⁴ CPS Energy Ex. 15 at Exh. LBM-2R entitled "Amended Fig. 4-1R" (Meaux Reb.); CPS Energy Ex. 16 (Focus Routes Map); CPS Energy Ex. 18, Inset Nos. 2 & 3 (Intervenor Maps); SHLAA Ex. 8 at Table 4-21 in Attachment SHLAA 1-1 (CPS Energy's Response to SHLAA's 1st RFI); Tr. at pp. 184-87 & 701. For example, on close proximity to homes, Route P would be within 200 feet of 6 single family residences, and its Segment 22 would be less than 200 feet from 3 such residences, 1 of which would be less than 100 feet from that segment. SHLAA Ex. 8 at resp. to Question 1-1 & at Table 4-21 in Attachment SHLAA 1-1 (CPS Energy's Responses to SHLAA's 1st RFI).

¹⁵ CPS Energy Ex. 1, at Attachment 6, Sheet 13; CPS Energy Ex. 16 (Focus Routes Map); CPS Energy Ex. 18, Inset Nos. 2 & 3 (Intervenor Maps).

¹⁶ CPS Energy Ex. 16 (Focus Route Map).

members. That would come not only from the route segments which run on or near a resident's specific property, but given the vistas available to residents depending on their location, and depending on the height and location of the transmission monopoles, the Focus Routes Map routes which run through the SHLAA area (namely, Routes P, R1, and W) would have wide visibility effects on a great number of residents in the SHLAA area (including those in Canyons and even Altair seeing lines in the Huntress Lane neighborhood, and vice versa).¹⁷

Even the four routes SHLAA supported (Routes Z1, Z2, AA1, and AA2) do not get them off "scot-free" from transmission line impacts. Routes along Toutant Beauregard Road using Substation Site 7 would still be visible to, and thus have aesthetic impacts on, some SHLAA members.¹⁸ SHLAA members also use Toutant Beauregard Road, including transporting children to the McAndrew Elementary School and traveling to events at the Rose Palace arena.¹⁹ And the homeowners closest to Substation Site 7 who intervened in this case are all SHLAA members,²⁰ and it would have some impacts on their properties' back portions (but they accept using Substation Site 7 as the most reasonable routing choice under the circumstances due to visual shielding from its larger lot size and site vegetation).²¹ Thus, Route Z2 will still have adverse impacts on SHLAA members, but nothing like the adverse impacts from routes cutting through the middle of their neighborhoods and bisecting private property without consent.

¹⁷ CPS Energy Ex. 16 (Focus Routes Map); SHLAA Ex. 1 at p. 15 (Landowners Dir.); SHLAA Ex. 6 at 39 (Staff's Responses to SHLAA's 1st RFI); Tr. 681-82, 685, 700-01, 704, 708-10.

¹⁸ SHLAA Ex. 1 at pp. 4-5 & 14-15 (Landowners Dir.).

¹⁹ *Id.* at p. 8.

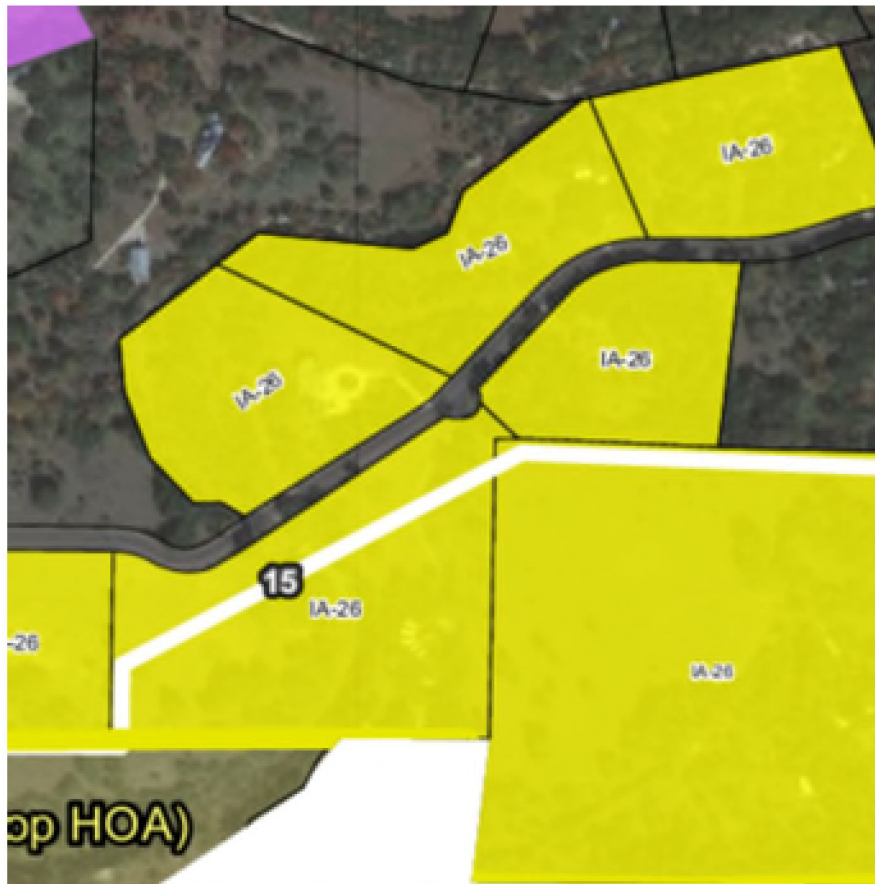
²⁰ CPS Energy Ex. 18, at Inset No. 2 (Intervenor Map).

²¹ SHLAA Ex. 2 at pp. 14-15 (Hughes Dir.); SHLAA Ex. 3 at pp. 8 & 34 (Landowner Cross-Reb.); SHLAA Ex. 4 at p. 11 (Hughes Cross-Reb.); SHLAA Ex. 6 at p. 36 (Staff's Responses to SHLAA's 1st RFI); CPS Energy Ex. 14 at p. 13 and at Exh. SDL-1R (Site 7 Prelim. Station Layout). Substation Site 7 is also 45 feet above a creek which is a tributary to Leon Creek, is not in an official floodplain, has not flooded in the 38 years that the present owner is there, and is according to CPS Energy's Mr. Lyssy (a Professional Engineer with hydrology engineering training

IV. Several Segments, None of Which are Part of Route Z2, Would Cross Through the Interiors Rather than Along the Edges of Private SHLAA Area Property

The following graphics from the Intervenor Maps are close ups showing where a route using Segment 15 would run through the front yard of an individual SHLAA resident (the one with the “15” on it), the property where a route using Segment 26a would run deep into and through the property of another individual SHLAA member (the one just to the east of the purple line), and the properties where routes using Segments 38 or 27 would run through property of the owners in Canyons:

Views of SHLAA Properties Bisected by Segments 15, 26a, 27 and 38



and experience) a viable and non-floodable, as well as less-visible, substation site. SHLAA Ex. 2 at p. 14 (Hughes Dir.); Tr. at pp. 624, 626, 650-52, 654, 657-58, 689-90.



(Note that for the Canyons, the Intervenor Maps are slightly out-of-date and incomplete regarding the extent of development in the Segment 38 area.²²)

Anaqua Springs HOA, Jauer/BVJ, and Rose Palace/Strait Productions (the “Joint Exceptors”) assert (at pp. 6-7) that several homes along Segment 54 will have Segment 54 “running through their front yards and across their driveways,” one within 82 feet of the home. However, Route Z2’s Segment 54 will only be running *along the edges* of the properties on Segment 54, because it will be *paralleling Toutant Beauregard Road*, and not cutting across the interior of their properties.²³ In addition, those landowners chose to locate their homes and their driveways on a busy traffic thoroughfare, which already has electric distribution lines along it, so an electric transmission line paralleling that road will not be transforming a scenic and quiet neighborhood. As to the one landowner the Joint Exceptors referenced whose home is within 100 feet of the line segment, all of the Focus Routes have just one home within 100 feet of the route (except for Route W, which has three), so routes using Segment 54 like Route Z2 are no worse than the routes which do not use Segment 54 in this regard.²⁴

The Joint Exceptors (at p. 10) play down the fact that Toutant Beauregard Road has electric distribution lines paralleling it by claiming that “electric distribution lines run throughout and all over the study area.” That is not entirely true. SHLAA cannot speak to all of the study area, but as to the SHLAA area, for a large portion of it, the distribution lines are *underground*

²² This is because a route using Segment 38 would run through the middle of an area in the Canyons subdivision for which there is a 2019 Master Development Plan. Unlike Routes Z1, Z2, AA1, and AA2, which would utilize donated ROW in a manner consistent and compatible with the donor’s development plans for that land, Route P would run through the remaining portion of the Canyons development in a manner that is inconsistent and incompatible with the Canyons developer’s planned development, and thus would not allow the Canyons developer to develop the land in a way which works for the Canyons developer. SHLAA Ex. 10 (Canyons - Blackbuck Phase 2 Unit 6 Plat per attached 2019 Master Development Plan); Tr. at pp. 681-82.

²³ CPS Energy Ex. 18 (Intervenor Maps).

²⁴ CPS Energy Ex. 16 (Focus Routes Map); CPS Energy Ex. 12 at ARM-6R (Marin Reb.); SHLAA Ex. 8 (CPS Energy Response to SHLAA’s 1st RFI).

rather than overhead.²⁵ Furthermore, in terms of any proposed routes paralleling any of the existing above-ground electric distribution lines in the SHLAA area, there are essentially none.²⁶

It should be noted that Segment 54 is far away from the Anaqua Springs subdivision, Jauer's BVJ Properties, and the Rose Palace sports arena.²⁷ Segment 54 in paralleling Toutant Beauregard Road runs along the edge of the Strait Promotions ranch property, but it is a ranch, not a subdivision, and it has no habitable structures within 300 feet of Segment 54.²⁸ The Joint Exceptors do not have authority to speak for anyone else but themselves, and therefore have no authority to speak for the homeowners along Segment 54. The one landowner Joint Exceptors referenced whose home is within 100 feet of the line segment did not intervene in this case,²⁹ and only one of the Scenic Hills subdivision homeowners fronting on Toutant Beauregard Road intervened in the case.³⁰ So the Joint Exceptors' claim of concern for the homeowners on Segment 54 is belied not only by their lack of any representative capacity but by the actual behavior (non-intervention) of those other homeowners along Segment 54.

Indeed, the Joint Exceptors' claim of concern rings hollow when it is recognized that they argue for selection of routes that will cross through several existing neighborhoods and cross through the interior of several private properties without landowner consent – just so that the line that would otherwise parallel Toutant Beauregard Road will not go in front of the road entrances

²⁵ SHLAA Ex. 1 at p. 20 (Landowner Dir.)

²⁶ SHLAA Ex. 1 at p. 9 (Landowner Dir.) (Segments 22, 25, 50, 55, and 57 have none along any portion of them; the entire portion of Segment 26a which runs east-west, and which is by far the longest part of Segment 26a, has none along it; and all of Segment 15 moving from the west to the east has none along it until about 600 feet from the node between Segment 15 and Segment 50).

²⁷ CPS Energy Ex. 16 (Focus Routes Map).

²⁸ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>. As CPS Energy indicated with the filing of that map, it brings together in one map information that is already in the record.

²⁹ CPS Energy Ex. 15 at Exh. LBM-2R entitled "Amended Fig. 4-1R" (Meaux Reb.); CPS Energy Ex. 18 at Inset 2 (Intervenor Map).

to their subdivisions and ranch and will not go in front of the Joint Exceptors's one habitable structure within 300 feet of the line, the Anaqua Springs gatehouse.³¹

V. The Community Values of SHLAA Members Reflect Shared Concerns

“Community values” is a “shared appreciation of an area or other natural or human resource by a national, regional, or local community. Adverse effects upon community values consist of those aspects of a proposed project that would significantly alter the use, enjoyment, or intrinsic value attached to an important area or resource by a community.”³² The Huntress Lane neighborhood and Canyons and Altair subdivisions joined forces to oppose certain routes and substations. That, by definition, shows a “shared appreciation of an area” by a “local community.”

As shown by the CPS Energy Landowner Maps, the “community values” they share based on the various values they attach to their area is large, because the community of which SHLAA is comprised is large (over 30 individual landowners, over 700 landowners in the Canyons subdivision, and over a dozen landowners in the Altair subdivision).

Simply put, SHLAA is a prime example of a “shared appreciation of an area . . . by a . . . local community” and their concerns about “aspects of a proposed project that would significantly alter the use, enjoyment, or intrinsic value attached to an important area or resource by a community.”³³ Indeed, SHLAA was formed after the public meeting was held and the feedback had the most negative comments about affecting the SHLAA area and Substation Site 5

³⁰ CPS Energy Ex. 18 (Intervenor Maps).

³¹ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>. Note also that the Cleveland Exceptions (at p. 3) list various tracts that Route Z2 allegedly “runs through and/or bisects,” citing CPS Energy Application Attachment 6 (Amended) Sheets 2, 4, and 7, and original Attachment 6 Sheet 8. However, those listed tracts are either those on Toutant Ranch and located based on the Dreiss Interests' *ROW consents* or on the *edges of the properties* fronting Toutant Beauregard Road. CPS Energy Ex. 1. Therefore, none of those listed tracts are bisected or run through their interior by Route Z2.

³² *Appl. of AEP Trans. Serv. Corp. to Amend its [CCN] for a [345-kV Line] in Caldwell, et al., Counties*, Docket No. 33978, Order at Finding of Fact No. 118 (Oct. 10, 2008); SHLAA Ex. 1 at p. 19 (Landowner Dir.).

(the closest to what is now Substation Site 6), unlike the areas along Toutant Beauregard Road.³⁴

The SHLAA “shared appreciation” and concerns about impacts on “the use, enjoyment, or intrinsic value attached to” the SHLAA area is not limited to SHLAA. The Clearwater Ranch subdivision residents share the same concerns as the SHLAA members about habitat and property fragmentation, aesthetics impacts, impacts on property values, EMF exposure, impacts on flora and fauna – not just with regard to their Clearwater Ranch subdivision, but also with regard to the SHLAA area.³⁵

In other words, Clearwater Ranch has the same “community values” as SHLAA, and the Clearwater Ranch “community values” include both Clearwater Ranch and SHLAA. Therefore, the public meeting feedback, the existence of SHLAA, and the participation of Clearwater Ranch demonstrates strong “community values” against using Routes P, Q1, and R1 or any other routes which would connect to Substation 6.

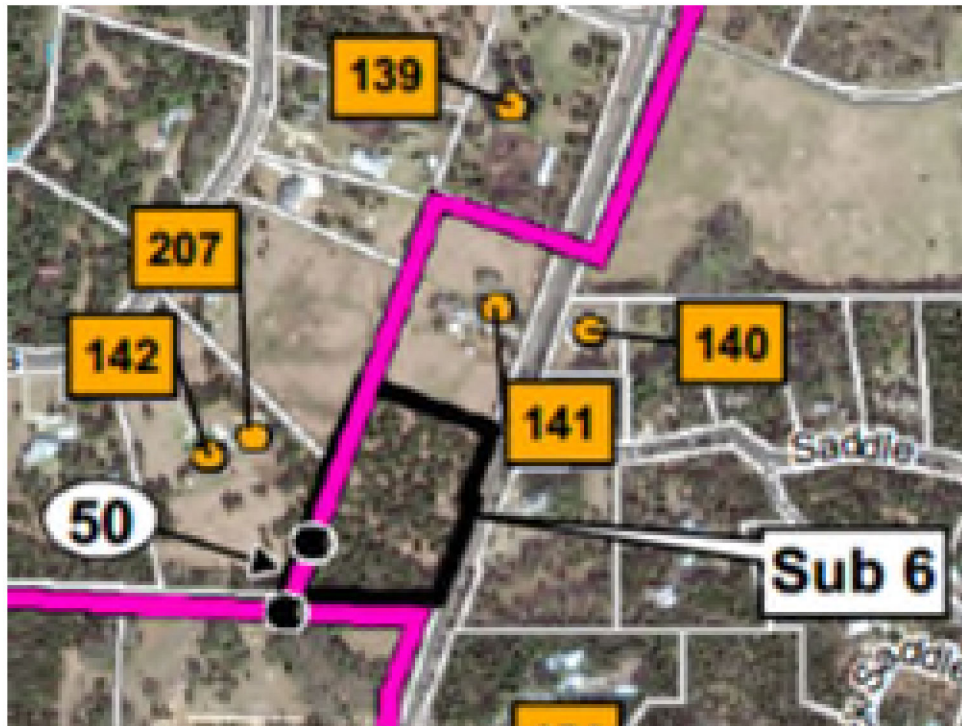
Substation Site 6 is abutted by four residents who felt so strongly about not having the substation next to their property that they went to the expense, time, and effort to strongly oppose the use of Substation Site 6 by being members of SHLAA.³⁶

³³ SHLAA Ex. 1 at p. 19 (Landowner Dir.).

³⁴ See the detailed discussion regarding that feedback in the Bexar Ranch Initial Br. at pp. 14-15.

³⁵ Tr. at pp. 759-82; Clearwater Ranch Initial Br. at pp. 4-5.

³⁶ CPS Energy Ex. 18 at Inset 2 (Intervenor Map). *See also* CPS Energy Ex. 15 at Exh. LBM-2R entitled “Amended Fig. 4-1R” (Meaux Reb.); CPS Energy Ex. 16 (Focus Routes Map Inset 1).

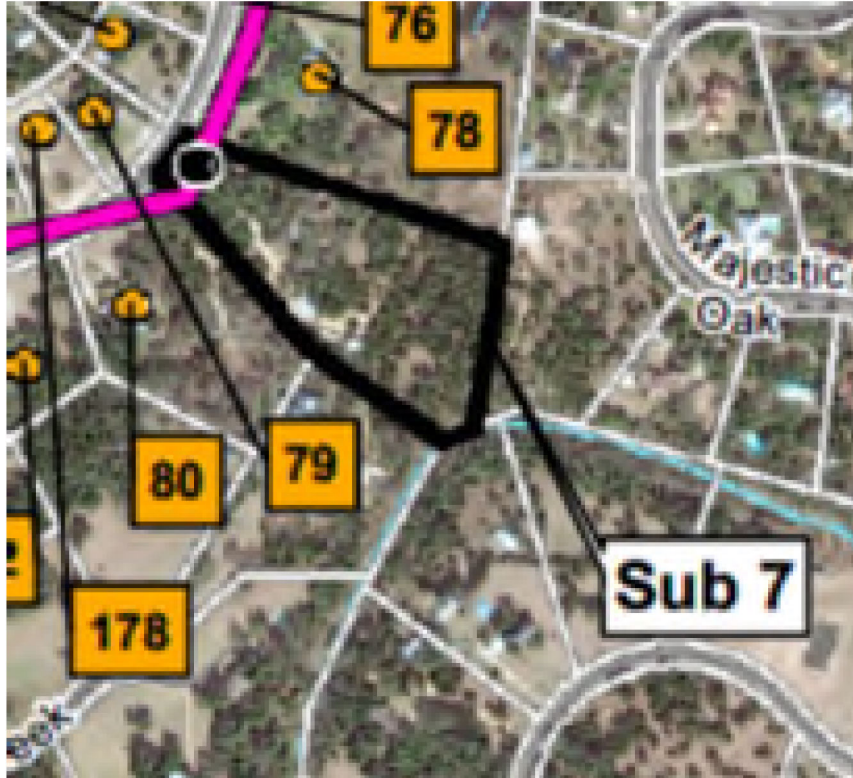


In contrast, none of the residents who live around Substation Site 7 intervened to object to

locating a substation there³⁷; the only two residents who intervened near Substation Site 7 are members of SHLAA, and they prefer use of Substation Site 7 over Substation Site 6:



³⁷ The Joint Exceptors complain (at pp. 5-6) that CPS Energy should have given direct mail notice of the application to landowners adjacent to Substation Site 7. Commission Procedural Rule 22.53 requires direct notice of landowners based on proximity to transmission line centerlines, not substation sites. Two members of SHLAA, Ms. Cody and Mr. Rangel, who live near Substation Site 7, also did not receive direct notice, but nevertheless took steps to participate, by joining SHLAA. CPS Energy Ex. 1, Appl. Attach. 8 (Landowner Notice List). Those around Substation Site 6, also SHLAA members, received direct notice because they are within 300 feet of the transmission line segments. Joint Exceptors further complain (at p. 6) that when a Dallas resident who owned a piece of land adjacent to Substation Site 7 sought to intervene, the landowner was denied the right to participate in the hearing, but they fail to disclose that the intervention request was way too late – being filed during the actual conduct of the hearing on the merits – and without a showing of good cause for being late (as required in the rule for late interventions). Motion to Intervene (May 2, 2021), available at http://interchange.puc.texas.gov/Documents/51023_814_1125304.PDF; Tr. at 254-55; PUC. Proc. R. § 22.104(d).



The members of SHLAA therefore formed their association to pursue their shared and common interests, intervened in this Commission transmission line routing case, and made known through the association their shared and common positions against Substation 6 and routes connecting thereto.

The Joint Exceptors complain (at pp.7-8) about the ability of parties who agree that they share common interests or shared appreciations of an area to associate together for purposes of participating in an administrative proceeding like this transmission routing case. However, the Commission rules expressly authorize participation in cases by associations.³⁸ And no party opposed SHLAA’s right to intervene and participate in this case.

The Joint Exceptors take it upon themselves to question the judgment of the SHLAA membership in believing they shared common interests, claiming instead (at p. 7 & n.19) that SHLAA has “disparate” interests and the like. The Joint Exceptors essentially take it upon

³⁸ PUC Proc. R. 22.103.

themselves to say what the position of SHLAA should have been in this case, or what its witnesses should have said in their testimony, based upon the Joint Exceptors view of what makes sense (only to) Joint Exceptors – as opposed to what makes sense to the actual members of SHLAA who voluntarily chose to come together and who actually provided prefiled and live testimony by its witnesses. One need only review the testimony of the representatives of SHLAA to see that, in fact, SHLAA members including the Huntress Lane individual residents, the Canyons subdivision, and the Altair subdivision are strongly united in their shared community values.³⁹

Under the heading of community values, the Joint Exceptors also argue (at pp. 6-7) about the number of landowners with habitable structures along Route Z2, as if that is evidence of community values. To the contrary, a habitable structure count by itself shows nothing about community values. Indeed, along Toutant Beauregard: there were no intervenors from the Sundance Ranch subdivision, even though there are about ten of them with habitable structures within 300 feet of Route Z2; there were no intervenors from the West Brook subdivision, even though there are four of them along Route Z2's Segment 54 with habitable structures within 300 feet of it (as well as three of them along Segment 14, not a part of Route Z2, with habitable structures within 300 feet of it); and there is only one intervenor from the Scenic Hills subdivision that has a habitable structure within 300 feet of Route Z2's Segment 54, even though there are about fifteen of them with habitable structures within 300 feet of Route Z2's Segment 54 (and even though there are about eight of them along Segment 14, not a part of Route Z2, with habitable structures within 300 feet of it).⁴⁰

The Joint Exceptors claim (at p. 7) that Routes P and R1 do not cross or directly impact the Canyons and Altair subdivision, which are part of SHLAA. This is not correct. Both routes

³⁹ SHLAA Ex. 1 (Landowner Dir.); SHLAA Ex. 3 (Landowner Cross-Reb.); Tr. at pp. .676-711.

⁴⁰ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>.

contain Segment 38 which crosses the Canyons.⁴¹ Given the hills in the area and the vistas available to residents depending on their location, and depending on the height and location of the transmission monopoles, both Routes P and R1 are visible to residents of the Canyons and Altair subdivisions and thus directly impact them aesthetically.⁴²

The Joint Exceptors claim (at pp. 4-6, 7 n.20, & 8) that the PFD has created a new *ad hoc* legal standard to assess the “nature of the impact” on neighborhoods and uses that to override consideration of the number of habitable structures. This is simply not true.

The definition of “community values” is broad and inclusive of concerns about the various neighborhood integrity issues such as property and habitat fragmentation – a “shared appreciation of an area or other natural or human resource by a . . . local community” such that the adverse effects upon community values include aspects “that would significantly alter the use, enjoyment, or intrinsic value attached to an important area or resource by a community.”⁴³ Indeed, what Joint Exceptors are really saying is that the habitable structure counts for the routes they prefer should be the outcome determinative factor. As explained in the next section, that is not the law.

Nor did the PFD use the supposedly new *ad hoc* standard to override anything. Instead, as also discussed in the next section, all the relevant factors are required to be considered, which, as the PFD describes, involves a balancing process. The PFD did just that, and it not only found that the community values regarding neighborhood and private property integrity are relevant and support adoption of Route Z2, but it also found that the number of habitable structures and the prudent avoidance policy support selection of Route Z2, which the following section addresses in detail.

⁴¹ *E.g.*, CPS Energy Ex. 16 (Focus Routes Map).

⁴² CPS Energy Ex. 16 (Focus Routes Map); SHLAA Ex. 1 at p. 15 (Landowners Dir.); SHLAA Ex. 6 at 39 (Staff’s Responses to SHLAA’s 1st RFI); Tr. 681-82, 685, 700-01, 704, 708-10.

⁴³ *Appl. of AEP Trans. Serv. Corp. to Amend its [CCN] for a 345-kilovolt Double-circuit Line in Caldwell, et al., Counties*, Docket No. 33978, Order at Finding of Fact No. 118 (Oct. 10, 2008); SHLAA Ex. 1 at p. 19 (Landowner Dir.).

VI. The Number of Habitable Structures and the Prudent Avoidance Policy Support Selection of Route Z2

Habitable structures are a consideration in every case. However, all of the relevant factors are required to be considered, and one factor alone is not determinative.⁴⁴ The excepting parties who argue that the relative habitable structure counts for the routes should be outcome-determinative are therefore being inconsistent with the law.

In this regard, Commission Staff testified that all of the CPS Energy routes comply with the Commission's prudent avoidance policy.⁴⁵ Therefore, compliance with the Commission's prudent avoidance policy is not a determinative factor for route selection. Commission Staff has also made it clear Staff would not oppose, on the basis of whether or not a particular route minimizes habitable structures, Commission approval of any of the routes in this case.⁴⁶

Furthermore, the number of habitable structures in this case is relatively low compared to other cases, due to the relatively small study area in what is largely a suburban area, and this case's study area is one of active development such that the number of habitable structures is constantly changing and not a stable factor for making a routing decision compared to more stable factors like line cost and line length.⁴⁷

Moreover, the arithmetic average of habitable structures within the distance notice of 300

⁴⁴ *Pub. Util. Comm'n of Tex. v. Texland Elec. Co.*, 701 S.W.2d 261, 267 (Tex. App.—Austin 1985, writ ref'd n.r.e.) (“None of the statutory factors is intended to be absolute in the sense that any one shall prevail in all possible circumstances. In making these sometimes-delicate accommodations, the agency is required to exercise its ‘expertise’ to further the overall public interest.”).

⁴⁵ Staff Ex. 1 at p. 40 (Poole Dir.); Tr. at p. 796-97.

⁴⁶ Tr. at p. 797.

⁴⁷ SHLAA Ex. 1 at pp. 3 & 15 (Landowner Dir.); SHLAA Ex. 2 at pp. 12 & 22-23 (Hughes Dir.); SHLAA Ex. 3 at pp. 19, 26, 31, 33 (Landowner Cross-Reb.); SHLAA Ex. 4 at pp. 4-7 (Hughes Cross-Reb.) (in a recent case involving the same PUC Staff witness, the PUC Staff recommended a route affecting 306 habitable structures, 122 fewer than the route the utility's “best meets” route, but the PUC selected the route which impacted the higher number of habitable structures; here, spending well over a quarter of a million dollars per avoided structure to avoid the number of habitable structures within 300 feet of Route Z1 versus Route P is not a reasonable investment

feet for all 33 potential routes is 37 (the range for all routes is 12 to 57).⁴⁸ Route Z2, as well as the other three of the four best routes for selection (Routes Z2, AA1, and AA2), are all below the average (by more than 10%) with respect to the number of such habitable structures.⁴⁹

Importantly, “prudent avoidance” does not mean totally avoiding EMF exposure from a transmission line, or avoiding EMF at all costs, for habitable structures. It instead is defined as: “The limiting of exposures to electric and magnetic fields that can be avoided with *reasonable investments of money and effort*.”⁵⁰ For the Focus Routes, the cost per habitable structure within 300 feet of the route that would be avoided by using one of those other routes instead of Route Z2 ranges from \$309,000 to \$5.08 million per avoided structure.⁵¹ The unchallenged expert testimony of Mr. Hughes, a P.E. who is a former Commission Staff member and has testified as an expert witness in numerous transmission line routing cases, is that spending well over a quarter of a million dollars on up to over several millions of dollars per avoided structure does not meet the Commission’s definition of prudent avoidance, i.e., limiting exposures to electric and magnetic fields that can be avoided with *reasonable investments of money and effort*.⁵²

In addition to the relatively low number of habitable structures in this case compared to other cases, the instability of habitable structure counts in an actively developing area, the Focus Routes having an average level below the average for all the potential routes, and the unreasonable cost per “avoided habitable structures” of not selecting Route Z2 (or Routes Z1,

of money and effort); SHLAA Ex. 10 (Canyons - Blackbuck Phase 2 Unit 6 Plat per attached 2019 Master Development Plan); Toutant Ranch et al. Ex. 1 *passim* (Dreiss Dir.).

⁴⁸ Tr. at pp. 228 & 746-47; *see* CPS Energy Ex. 17 (Route Cost & Data Summary Table).

⁴⁹ CPS Energy Ex. 17 (Route Cost & Data Summary Table). Specifically, they are 32 for Route Z2, 31 for Route Z1, also 31 for Route AA1, and 30 for Route AA2.

⁵⁰ 16 Tex. Admin. Code § 25.101(a)(6) (emphasis added).

⁵¹ PFD at p. 57.

⁵² SHLAA Ex. 4 at p. 7 (Hughes Cross-Reb.).

AA1, or AA2), there is another facet regarding the habitable structures in this case. With regard to the most personal and important habitable structures, peoples' homes, and in light of CPS Energy's position (based on a study it performed) that the EMF exposure distance for a 138 kV transmission line is approximately 100 feet,⁵³ the number of the single family residences within 100 feet of the Focus Map Routes are all *one* (except for Route W, with three).⁵⁴ Therefore, when it comes to the most personal and important habitable structures, Route Z2's Segment 54 will only have one home within the CPS Energy EMF exposure study's 100 foot distance from the transmission line.⁵⁵ And that particular homeowner *did not intervene* in this case.⁵⁶

Also with regard to homes, and without regard to the CPS Energy EMF exposure study, Route Z1, and by extension Route Z2, are on average further away from single family residences by 12% compared to Route P.⁵⁷ For example, regarding close proximity to homes, Route P would be within 200 feet of 6 single family residences, and its Segment 22 would be less than 200 feet from three such residences, one of which would be less than 100 feet from that segment.⁵⁸

The Joint Exceptors argue (at pp. 10-11) that for prudent avoidance purposes Route Z2 should not be used because it "runs along the side of the only elementary school in the area and within less than 300 feet of its playground and sports and recreation areas." This is not correct.

Route Z2's Segment 42a does not run "along the side of the school," it instead runs well behind it, not on school property, more than 500 feet from the school buildings, and more than

⁵³ CPS Energy Ex. 12 at ARM-5R (Marin Reb.); Tr. at pp. 815-17.

⁵⁴ CPS Energy Ex. 16; (Focus Routes Map); CPS Energy Ex. 12 at ARM-6R (Marin Reb.); SHLAA Ex. 8 (CPS Energy Response to SHLAA's 1st RFI).

⁵⁵ SHLAA Ex. 8 at responses to Questions 1-1 and 1-2 (CPS Energy Response to SHLAA's 1st RFI).

⁵⁶ CPS Energy Ex. 15 at Exh. LBM-2R entitled "Amended Fig. 4-1R" (Meaux Reb.); CPS Energy Ex. 18 at Inset 2 (Intervenor Map).

⁵⁷ SHLAA Ex. 8 at pp. 3, 5, & 7-8 (CPS Energy Response to SHLAA's 1st RFI).

⁵⁸ SHLAA Ex. 8 at response to Question 1-1 & at Table 4-21 in Attachment SHLAA 1-1 regarding Route P habitable structure distances (CPS Energy's Response to SHLAA's 1st RFI).

100 feet from the back edge of the sports field in the back of the school.⁵⁹ The 300 foot distance for habitable structures is measured from a “structure,” like the school building, not from sports or other open fields.⁶⁰ And the back edge of the sports field itself, being more than 100 feet from the line segment, is beyond what CPS Energy’s study indicates is the EMF exposure distance.⁶¹

Prior Commission decisions are also instructive. In Docket No. 49151, the Commission approved a route 22.7 miles in length, with 25 habitable structures within the notice distance, 8 of which were school buildings; two of the competing “focus routes” had 10 and 30 habitable structures within the notice distance, so the approved route was above the average on, and in the upper range for, the habitable structures within the notice distance for the “focus routes” in that case.⁶² In Docket No. 40684, the Commission approved a route 8.06 miles in length, with 511 habitable structures within the notice distance (the highest of all the alternative routes), and which had an elementary school within the notice distance, plus the shortest length of all alternative routes, the highest percentage of all routes of utilizing existing ROW, and the lowest estimated costs of all alternative routes.⁶³ In that case the Commission made the point that while the approved route had the highest habitable structure count based on the notice distance of all the alternative routes, it “has other favorable characteristics, such as the highest percentage of all

⁵⁹ SHLAA Ex. 1 at pp. 8, 21, & 23 (Landowner Dir.); SHLAA Ex. 3 at pp. 4, 10-11, 20-23 (Landowner Cross-Reb.); SHLAA Ex. 4 at p. 9 (Hughes Cross-Reb.); CPS Energy Ex. 12 at Exh. ARM-5R (Marin Reb.).

⁶⁰ 16. Tex. Admin. Code § § 22.52(a)(3) & 25.101(a)(3).

⁶¹ CPS Energy Ex. 12 at ARM-5R (Marin Reb.).

⁶² *Joint Application of Sharyland Utilities, L.P. and City Of Lubbock, Acting by and Through Lubbock Power and Light, for a Certificate of Convenience and Necessity for the Abernathy to North to North Loop 345/115-KV Transmission Line in Hale and Lubbock Counties*, Docket No. 49151, Order at Finding of Fact Nos. 110, 157, 158, 159, 160, & 161 (Mar. 12, 2020), available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=49151&itemNumber=357>.

⁶³ *Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Proposed EC Mornhinweg to Parkway 138-KV Transmission Line in Comal and Guadalupe Counties*, Docket No. 40684, Order at Finding of Fact Nos. 49, 77, 79, 82, 89, & 90 (June 19, 2013), available at <http://interchange.puc.texas.gov/search/documents/?controlNumber=40684&itemNumber=393>.

routes of utilizing existing ROW and low estimated cost.”⁶⁴

Finally, Joint Exceptors (at pp. 6 & 9) focus on the number of habitable structures on Route Z2’s Segment 54 in comparison to the numbers on the other routes which Joint Exceptors prefer. They not only ignore the fact that only one of the Segment 54 landowners with such habitable structures intervened, they also ignore the fact that *two-thirds* of the Scenic Hills habitable structures along Segment 54 are *on other side of the Toutant Beauregard Road from where the line would be located*, including the one Scenic Hills intervenor with property fronting that road.⁶⁵

VII. The “Historic” Areas Are Not Significant

The Joint Exceptors claim (at p. 11) that the Rose Palace is somehow historic, without any record citation. To the contrary, Rose Palace’s own witness testified that it was not a historic site *per se*, only that it had been there awhile and is used for western-lifestyle events.⁶⁶ SHLAA witnesses testified that the Rose Palace is a large structure suitable for sporting and other events, but not historic in appearance.⁶⁷ Most importantly, Route Z2’s connection at Substation Site 7 is well west of Rose Palace, therefore *Route Z2 does not affect the Rose Palace*.

The Joint Exceptors assert (at pp. 11-12) that Toutant Beauregard Road, being part of the “Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor,” should not be paralleled by a transmission line. However, that road’s classification is in name only, and Joint Exceptors are being inconsistent in their position, as explained below.

Toutant Beauregard Road is not historic from a visibility standpoint, since there are

⁶⁴ *Id.* at Finding of Fact No. 49.

⁶⁵ CPS Energy Ex. 1, Attachment 6, Sheet 8 (showing Segment 54 and habitable structure # 90); CPS Energy Ex. 15 at Exh. LBM-2R entitled “Amended Fig. 4-1R” (Meaux Reb.); CPS Energy Ex. 18 at Inset 2 (Intervenor Map regarding Segment 54); SHLAA Ex. 8 at Table 4-31 (CPS Response to SHLAA’s 1st RFI).

⁶⁶ Rose Palace Ex. 1 at p. 16 (Buntz Dir.).

⁶⁷ SHLAA Ex. 3 at p. 14 (Landowner Cross-Reb.). SHLAA members do attend events at that business. SHLAA Ex. 1 at pp. 8 & 23 (Landowner Dir.).

electric distribution lines up and down it, there is a big cell phone tower on Jauer's neighboring property near to and visible from the road, there is development activity with ongoing construction up and down the road, and it is a busy road route.⁶⁸ Indeed, the original portions of what became today's Toutant Beauregard Road no longer exist; only some original portions of Scenic Loop Road still exist.⁶⁹ And Toutant Beauregard Road was added to the Historic Corridor years after the original one was created using just Scenic Loop Road and Boerne Stage Road.⁷⁰ Substation Site 6 is on Scenic Loop Road (which is as much, if not more, historic as Toutant Beauregard Road, as discussed above, and is more open to public visibility than Substation Site 7 due to having comparatively less vegetation and more of its site bordering along Scenic Loop Road).⁷¹ Substation Site 5 is also on Scenic Loop Road.⁷²

Therefore, if the "Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor" classification is a bar to having a transmission line parallel a road in the classification, then it applies to Scenic Loop Road as well, and makes use of routes connecting to Substation Sites 5, 6, or 7 off limits. This in turn would eliminate not only the use of all the Focus Routes, but use of any of the non-focus routes which connect to one of those three

⁶⁸ SHLAA Ex. 3 at pp. 13-17, 31-32, & 34 (Landowner Cross-Reb.); Tr. at p. 744.

⁶⁹ SHLAA Ex. 3 at pp. 15-16 (Landowner Cross-Reb.).

⁷⁰ SHLAA Ex. 4 at p. 10 (Hughes Cross-Reb.); Tr. at p. 744.

⁷¹ SHLAA Ex. 1 at pp. 12-13 (Landowner Dir.); SHLAA Ex. 2 at pp. 14-15 (Hughes Dir.); SHLAA Ex. 3 at pp. 15-16, & 34 (Landowner Cross-Reb.); SHLAA Ex. 4 at pp. 11-12 (Hughes Cross-Reb.); CPS Energy Ex. 16 (Focus Routes Map). Substation Site 7 is heavily wooded, only bordered by a short section of road, and thus has more shielding from public visibility than does Substation Site 6. SHLAA Ex. 2 at 14-15 (Hughes Dir.); SHLAA Ex. 3 at 34 (Landowner Cross-Reb.); SHLAA Ex. 4 at 11 (Hughes Cross-Reb.); SHLAA Ex. 6 at 36 (Staff's Responses to SHLAA's 1st RFI); CPS Energy Ex. 14 at p. 13 and at Exh. SDL-1R (Site 7 Prelim. Station Layout). Substation Site 7 is also the largest of the proposed sites, is 45 feet above a creek which is a tributary to Leon Creek, is not in an official floodplain, has not flooded in the 38 years that the present owner is there, and is according to CPS Energy's Mr. Lyssy (a Professional Engineer with hydrology engineering training and experience) a viable and non-floodable, as well as less-visible, substation site. SHLAA Ex. 2 at p. 14 (Hughes Dir.); Tr. at pp. 624, 626, 650-52, 654, 657-58, 689-90.

⁷² CPS Energy Ex. 16 (Focus Routes Map); CPS Energy Ex. 18 (Intervenor Maps); SHLAA Ex. 4 at p. 18 (Landowner Cross-Reb.).

substations such as Routes N1 and Q1.

The Joint Exceptors (at p. 12) point to the Heidemann Ranch. Route Z2 (as well as Routes Z1, AA1, and AA2) would pass along that area, on Segment 36.⁷³ However, the landowners on which that historic district is located, the Barrera interests, do not object to the use of Segment 36, as opposed to certain other line segments.

Joint Exceptors assert (at p. 4 n.2) that the PFD is incorrect in stating that the Barreras “own property crossed by Segment 36” and that it was incorrect in saying the Barreras are unopposed to its use. It is both of the Joint Exceptors’ assertions that are incorrect.

Segment 36 “crosses” the Barreras’ property to the same extent that the segments along Toutant Beauregard “cross” the edges of the properties fronting that road.⁷⁴ In fact, the Joint Exceptors use (at pp. 6-7) “running . . . across” to describe Segment 54. There is a difference between running across or crossing the edge of a property, and running across or crossing through the interior of a property.

As for the Barreras’ position, they specifically objected to Segments 28, 29, 30, 31, and 35, and the “meeting point” of Segments 31, 35, and 36; they did not specifically object to Segment 36 itself or the meeting point of Segment 36 with Segment 42a – the latter of which would come well behind the school and avoid the use of Segment 35.⁷⁵ The Joint Exceptors does not have authority to speak for the Barreras, and it thus rings hollow for them to object to routing a line along Segment 36 based on someone else’s historic property aspects.

Moreover, nowhere in the Rose Palace testimony regarding historic district matters does its witness contend any of the historic district features are constraints which prevent the

⁷³ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>.

⁷⁴ CPS Energy Ex. 18 (Intervenor Maps).

construction of a transmission line on Routes ZZ (and by extension, Routes Z1, AA1, or AA2).⁷⁶

VIII. The McAndrews Elementary School is Not a Basis to Reject Route Z2

Excepting parties point to the McAndrews Elementary School and make arguments about how it should be considered. They are not the only ones with an interest in that school. SHLAA members include families that have children who attend the school, while other SHLAA members utilize homeschooling of their school age children.⁷⁷ Their landowner testimony accordingly expressed a strong interest in the matter of both the school itself and the homeschooled children in the SHLAA area.

Instead of having the transmission line run on school property (via Segment 41), in front of the school (via Segment 35), or through the SHLAA area near habitable structures with homeschooled children (via segments which run through the SHLAA area), SHLAA's members support using Segment 42a which runs well behind the school, not on school property, more than 500 feet from the school buildings, and more than 100 feet from the back edge of the sports field in the back of the school.⁷⁸ Segment 42a is part of Route Z2 (as well as Routes Z1, AA1, and AA2), and includes the Dreiss interests' consent/donated ROW on the Toutant Ranch.⁷⁹

The Northside Independent School District ("NISD") initially opposed routes that include Segments 42a, 41, and 35, because it said it does not want electric transmission lines anywhere near its schools.⁸⁰ Nevertheless, the NISD has, many times, built elementary schools close to

⁷⁵ Barrera Ex. 1 at p. 1; SHLAA Ex. 3 at pp. 36-37 (Landowner Cross-Reb.); CPS Energy Ex. 18 (Intervenor Maps).

⁷⁶ Rose Palace Ex. 1 at p. 6 (Buntz Dir.).

⁷⁷ SHLAA Ex. 1 at pp. 8, 21, & 23 (Landowner Dir.); SHLAA Ex. 3 at pp. 10-12, 21, 24-25, 31, & 37-38 (Landowner Cross-Reb.).

⁷⁸ SHLAA Ex. 1 at pp. 8, 21, & 23 (Landowner Dir.); SHLAA Ex. 3 at pp. 4, 10-11, 20-23 (Landowner Cross-Reb.); SHLAA Ex. 4 at p. 9 (Hughes Cross-Reb.); CPS Energy Ex. 12 at Exh. ARM-5R (Marin Reb.).

⁷⁹ CPS Energy Ex. 16 (Focus Route Map).

⁸⁰ NISD Ex. 1.

existing electric transmission lines and substations in multiple instances.⁸¹ Therefore, the NISD position was appropriately discounted by the PFD, especially as to use Segment 42a off of, to the back of, and well away from the school and its property.⁸²

Notably, NISD did not file exceptions to the PFD and its recommendation of Route Z2, and thus its recommendation to use Segment 42a. Thus, NISD is no longer opposed to use of Segment 42a well behind the school on the neighbors' Toutant Ranch development property. The Joint Exceptors do not have authority to speak for anyone else but themselves, and therefore have no authority to speak for NISD. So the Joint Exceptors' claim of concern for the school and its students, parents, and staff is belied not only by their lack of any representative capacity for the school but by the actual behavior of the NISD in taking no exceptions to the PFD.

Joint Exceptors' claim of concern for the school also rings hollow when it is recognized that Segment 42a is not even on school property, yet they argue for selection of routes that will cross through the interior of several private properties without landowner consent – just so that the line that would otherwise parallel Toutant Beauregard Road will not go in front of the road entrances to their subdivisions and ranch and will not go by the one habitable structure those Joint Exceptors have within 300 feet of the line – the Anaqua Springs entrance gatehouse.⁸³

The Texas Parks and Wildlife Department (“TPWD”), a governmental agency required to submit its views to the Commission on proposed new electric transmission routes, initially recommended original application Route AA as the one with the least adverse impact to natural resources, then updated that to amended application Route DD, which is similar to Route AA1

⁸¹ Bexar Ranch Ex. 6 at pp. 13-14 & Exh. MT-1 (Turnbough Cross-Reb.); CPS Energy Ex. 12 at ARM-6R (Marin Reb.); Tr. at pp. 623, 630-32, & 629-30.

⁸² PFD at 54 .

⁸³ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>.

except it uses Segments 41 and 35 instead of Segment 42a.⁸⁴ Segment 41 crosses the NISD's McAndrews property, in an area where NISD indicates it may build a middle school, and in any event Segment 41 would be within 300 feet of the existing McAndrew Elementary School building.⁸⁵ Segment 35 runs within 300 feet of the existing McAndrew Elementary School building, along the school entrance road, and along the portion of Toutant Beauregard Road to which the Barreras specifically object (they do not specifically object to using Segment 36, to which Segment 42a connects).⁸⁶ Therefore, SHLAA supported Routes Z1, Z2, AA1, and AA2, but not Route DD, because SHLAA prefers the use of Segment 42a over Segments 41 and 35, given its much further location relative to the existing and planned school buildings.⁸⁷

Specifically, Segment 42a is not on school property; it is behind the school approximately 550 feet from the existing building; and while the centerline is approximately 280 feet from the school sports field's back edge, that back edge is still almost three times the 100 foot distance which CPS Energy maintains is the approximate potential EMF exposure distance.⁸⁸

Also, as noted above, in Docket No. 49151 the Commission approved a route with 25 habitable structures within the notice distance, 8 of which were school buildings, and in Docket No. 40684 the Commission approved a route which had an elementary school within the notice distance. Therefore, in addition to the facts on the ground regarding how close NISD's other schools are to transmission facilities, the Commission itself has not treated the presence of a school as a bar to the selection of a route.

⁸⁴ Bexar Ranch Ex. 9 (TPWD letter of Sept. 10, 2020); Bexar Ranch Ex. 10 (TPWD letter of Feb. 18, 2021).

⁸⁵ NISD Ex. 1 (Villareal Dir.); CPSE Ex. 16 (Focus Routes Map).

⁸⁶ Barrera Ex. 1 at p. 1; SHLAA Ex. 3 at pp. 36-37 (Landowner Cross-Reb.); CPS Energy Ex. 18 (Intervenor Maps).

⁸⁷ See SHLAA Ex. 3 pp. at 3-4 (Landowner Cross-Reb.).

⁸⁸ SHLAA Ex. 3 at pp. 20-22 (Landowner Cross-Reb.); CPS Energy Ex. 12 at ARM-5R (Marin Reb.); Tr. at pp. 815-17.

IX. Substation Site 7 “Flooding” Assertions Are Incorrect

Joint Exceptors claim (at pp. 13-15 & 20) that Substation Site 7 will be subject to flooding. That is not true.

Substation Site 7 has a short section that meets the property line of a SHLAA member (Ms. Cody) where a 45 foot bluff adjoins the creek bed.⁸⁹ The substation will not be built on that back portion of the site by the creek; it will instead be built in the middle of the site on top of the 45 foot bluff amongst the vegetation on a site which is larger than the others in this case.⁹⁰



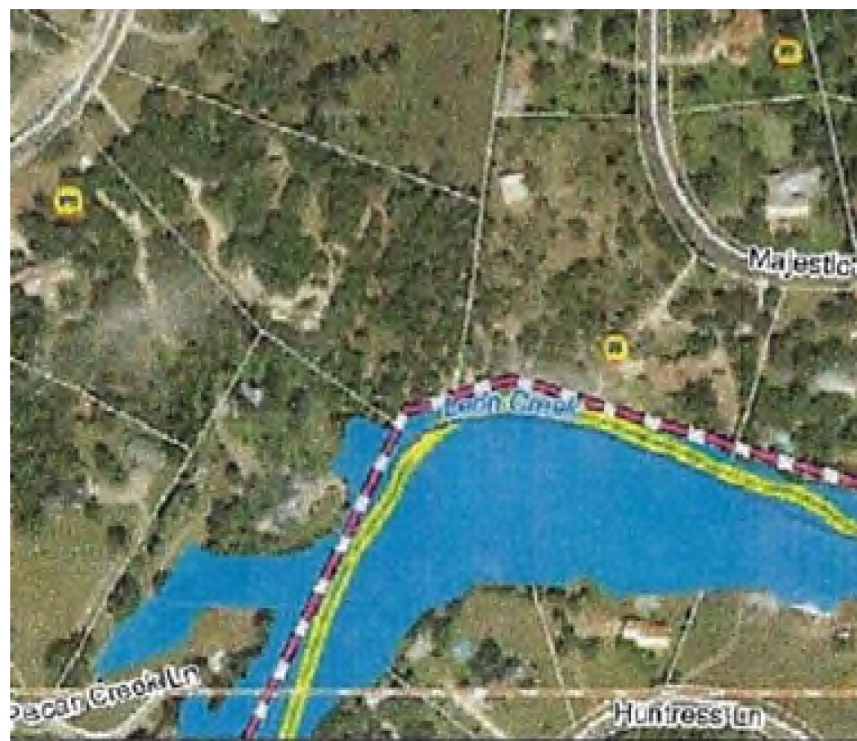
The area of Substation Site 7 is not in an official floodplain, has not flooded in the 38 years that the present owner has been there, and, according to a CPS Energy Professional Engineer, with

⁸⁹ CPS Energy Ex. 6, Application Amendment, Figure 2-4 Amended (Constraints Map); Tr. at pp. 689-90.




⁹⁰ CPS Ex. 14 at Exh. SDL-1R (Lyssy Reb.).

hydrology engineering training and experience, is a viable, less-visible, substation site that based upon his training, experience, and on-site knowledge will not experience any flooding.⁹¹

One of the Joint Exceptor's own exhibits⁹² shows how the Substation Site 7 up on its 45 foot bluff above the creek does not have flooding issues, while the property of SHLAA-member Ms. Cody, who abuts Substation Site 7 on the other side of creek, has had flooding issues (as Ms. Cody described to SHLAA's witness Ms. Grimes, when Ms. Cody showed Ms. Grimes where there had been flooding on Ms. Cody's property, as well as the 45 foot bluff across the creek⁹³):



ENVIRONMENTAL FIELD MAP

-  Stream
-  Wetland
-  100 Year Floodplain

⁹¹ SHLAA Ex. 2 at p. 14 (Hughes Dir.); Tr. at pp. 624, 626, 650-52, 654, 657-58, 689-90.

⁹² Jauer Ex. 15 at pdf p. 16.

⁹³ Tr. at pp. 689-90.

CPS Energy’s demonstrative overview map, based on the record evidence, also shows that Substation Site 7 is not in a floodplain, while the property of Ms. Cody and her neighbors who are on the other side of the Leon Creek from the Substation Site 7 tract are in the floodplain.⁹⁴



In support of its incorrect allegations, the Joint Exceptors (at p. 13) cite to a 2014 U.S. Army Corps of Engineers Report, as if it proves there would be flooding on the top of the 45-foot high site.⁹⁵ This is a few-line reprise of a lengthier, multi-page argument that Jauer made to the ALJs, which hinged on a misstatement about what that report shows, and therefore should be given no credence in its truncated form. In sum, Jauer: (1) contended that certain information in the 2014 report concerned where Substation 7 abuts the creek, but the actual location is the Scenic Loop Road bridge over Leon Creek to the east of Substation Site 7 and south of Substation Site 5, downstream from Substation Site 7; and (2) relied on an engineering miscalculation that Jauer came up with but which CPS Energy’s professional engineer, with actual hydrology engineering training and

⁹⁴ CPS Energy Demonstrative Scenic Loop Overview Map, available at <https://interchange.puc.texas.gov/search/documents/?controlNumber=51023&itemNumber=878>.

⁹⁵ Jauer Initial Br. at pp. 14-18; Jauer Ex. 3 (Leon Creek Watershed, Texas, Interim Feasibility Report and Integrated Environmental Assessment. U.S. Army Corps of Engineers, Fort Worth District; Final Report Version, 2014).

experience, refused to accept because it was not correct as an engineering matter.⁹⁶

X. The Engineering Constraints Arguments Are Also Incorrect

In addition to the incorrect Substation Site 7 flooding allegations, the Joint Exceptors argue (at pp. 12-17) that there are various other supposed engineering constraints from paralleling Toutant Beauregard Road. Those were all debunked by the CPS Energy witnesses on rebuttal, as well as by the expert witness for SHLAA, Mr. Hughes, and the expert witness for Bexar Ranch, L.P., Dr. Turnbough.⁹⁷ Commission Staff also made it clear that all routes are viable and constructible.⁹⁸

Moreover, paralleling roadways is a positive factor under the Commission's routing criteria, not the negative one that Joint Exceptors make it out to be.⁹⁹ Though the Joint Exceptors think that underground gas and water pipelines are a problem, every road tends to have other utility-type facilities co-located along the roadways, whether they are electric lines, natural gas lines, water lines, etc.¹⁰⁰ Roadway paralleling is a good thing because it helps avoid going through neighborhoods and across individual properties, i.e., it minimizes fragmentation of properties and habitats.¹⁰¹

If the Joint Exceptors were correct, the Commission would not have made paralleling a positive criterion. And as Mr. Hughes points out, the use of monopoles instead of lattice towers

⁹⁶ This is detailed in SHLAA Post-Hearing Reply Brief at pp. 21-24.

⁹⁷ CPS Energy Ex. 12 at pp. 7- 8 & 17 (Marin Reb.); CPS Energy Ex. 14 at pp. 3-4 & 7-11 (Lyssy Reb.); CPS Energy Ex. 15 at pp. 17-19 (Meaux Reb.); SHLAA Ex. 4 (Hughes Cross-Reb.); Bexar Ranch Ex. 6 (Turnbough Cross-Reb.). For example, on the Joint Exceptors' claims about the Huber cell tower along Toutant Beauregard Road, CPS Energy has experience with those issues, including in its own communications facilities in substations and other portions of its system, and can adjust the height of the transmission facilities to avoid the only communication interference issue: line-of-sight. *See* CPS Energy Ex. 12 at p.8 (Marin Reb.).

⁹⁸ Staff Ex. 1 at 42 (Poole Dir.); Tr. at p. 796.

⁹⁹ SHLAA Ex. 2 at p. 22 (Hughes Dir.); PUC Subst. R. 24.101(b)(3)(B)(ii).

¹⁰⁰ To the extent that the Joint Exceptors' filing leaves the impression, by lack of specific information regarding the nature of the pipelines Toutant Beauregard Road, there are no steel natural gas pipelines along that road, and the joint witness for two of the three Joint Exceptors (Anaqua Springs and Jauer) later retracted by testimony errata his allegations to the contrary. CPS Energy Ex. 12 at pp. 7-8, 9-10, & 13-14 (Marin Reb.); CPS Energy Ex. 14 at pp. 7-32 (Lyssy Reb.); CPS Energy Ex. 15 at pp. 6-7, & 17-19 (Meaux Reb.); SHLAA Ex. 4 (Hughes Cross-Reb.); Bexar Ranch Ex. 6 (Turnbough Cross-Reb.); Anaqua/Jauer Ex. 25 at p. 31 (Anderson Dir. with errata).

¹⁰¹ CPS Energy Ex. 14 at p. 9 & its Exh. SDL-3R (Lyssy Reb.); CPS Energy Ex. 16 (Focus Routes Map); Tr. at pp. 182-83; Tr. at pp. 182-83, 193-94, & pp. 862-63.

facilitates the beneficial use of the roadway.¹⁰²

Consistent with the SHLAA members' concerns about the habitat of the beautiful area in which they live including how paralleling affect that concern, it should be noted that: (1) Route P, favored by some excepting parties, is the worst on golden cheek warbler habitat using the currently available habitat information¹⁰³; (2) the length of Route Z2 across the Edwards Aquifer Contributing Zone for Route Z2 is less than for Route P¹⁰⁴; (3) Route P would run across 4.42 miles of upland woodlands/brushlands, compared to only 3.53 miles by Route Z2 - so about 20% more trees are at risk of removal or other cutting on Route P than on Route Z2¹⁰⁵; (4) Route Z2, not Route P, is the route which CPS Energy determined "best meets" the Commission's routing criteria, including all the various environmental factors¹⁰⁶; (5) TPWD did not recommend Route P as the one with the "least impact to natural resources"¹⁰⁷; and (6) Route P would only parallel 0.85 miles of other existing right-of-way like roadways while Route Z2 parallels 1.60 miles of other existing right-of-way (Toutant Beauregard Road), or nearly two times more, and conversely Route P would run along property lines for 2.62 miles while a route like Route Z1 would only do so for 1.49 miles – thus *Route P would result in greater fragmentation of habitat*

¹⁰² SHLAA Ex. 4 at p. 9 (Hughes Cross-Reb.).

¹⁰³ CPS Energy Ex. 17 (Route Cost & Data Summary Table); SHLAA Ex. 6 at p. 56 (Staff's Response to SHLAA's 1st RFI).

¹⁰⁴ CPS Energy Ex. 17 (Route Cost & Data Summary Table); SHLAA Ex. 6 at p. 59 (Staff's Response to SHLAA's 1st RFI).

¹⁰⁵ CPS Energy Ex. 17 (Route Cost & Data Summary Table).

¹⁰⁶ CPS Energy Ex. 12 at p. 5 (Marin Reb.); Tr. at pp. 812-13. The Cleveland Exceptions (at pp. 6-10) make arguments about environmental factors and about park and recreation areas. On the former, it cites to the Cleveland initial brief's discussion of "15 significant environmental categories," but only some were directly "environmental" (e.g., Golden Cheeked Warbler habitat, streams, and the Edwards Aquifer), others were things like habitable structures, water wells, floodplains, cultural sites, and archeological areas. On the latter, private property recreation is prevalent throughout the area, including SHLAA's (SHLAA Ex. 1 at pp. 14 & 19-20 and Ex. 3 at p. 21), and however broadly or narrowly "parks and recreation areas" is defined it is still only one of the many factors to be weighed and balanced.

¹⁰⁷ Bexar Ranch Ex. 10 (TPWD letter of Feb. 18, 2021).

*by paralleling a greater amount of property lines than would a route like Route Z2 which would parallel a greater amount of roadway and a lesser amount of property lines.*¹⁰⁸

XI. Route Z2 Has the Lowest Cost

The Joint Exceptors complain throughout their filing that the PFD has elevated cost above all other factors. That is not correct. It is not just cost savings that make Route Z2 most favorable. That route does not run through multiple neighborhoods, does not cut through the interior of private properties (absent landowner consent), does not go through more wooded habitat, parallels a major thoroughfare, and utilizes Substation Site 7 with greater shielding from public view instead of the much more highly visible Substation Site 6.¹⁰⁹

Because Route Z2 has the lowest cost of any of the 33 potential routes, not just of the eight Focus Routes, the Joint Exceptors (at pp. 18-21) also try to cast doubt on CPS Energy's cost estimate. These are essentially reprises of the earlier and unsuccessful Jauer criticisms and complaints about CPS Energy's estimated costs.

One such cost criticism (at pp. 17-19) is based on a misunderstanding of the ROW widths for operational clearance purposes (100 feet) versus ROW widths for private property easement acquisition purposes (75 feet) when the line parallels certain portions of a public road, and the cost savings involved in using public road ROW to maintain the operational clearance width while using less private property was already included in the CPS Energy application's cost estimates (for all routes using public roads, not just Toutant Beauregard Road).¹¹⁰ Furthermore,

¹⁰⁸ CPS Energy Ex. 17 (Route Cost & Data Summary Table); SHLAA Ex. 6 at pp. 48-53 (Staff's Response to SHLAA's 1st RFI); Bexar Ranch Ex. 10 at pp. 2-3 (TPWD letter of Feb. 18, 2021).

¹⁰⁹ Even if for the sake of argument about "cost uncertainty" the difference in the estimated costs between Routes Z2, Z1, AA1, and AA2, on the one hand, and Routes like P, R1, Q1, and W, on the other, were arbitrarily cut in half, Routes like P, R1, Q1, and W would still cost \$2.5 million to \$7.5 million more for ratepayers than routes like Z2, Z1, AA1, and AA2.

¹¹⁰ CPS Ex. 14 at pp. 9-10 (Lyssy Reb.); CPS Energy Initial Br. at 29-30.

even if one were to assume that all of the private ROW on all routes was 100 feet instead of 75 feet where public roads are involved, Route Z2 *still would be below \$38 million.*¹¹¹

Another such cost criticism claims (at pp. 20-21) that there are “unresolved” cost issues for possible underground circuits from the back of Substation Site 7. This takes out of context a portion of a document that was not talking about what would happen at Substation Site 7. It instead analyzed potential substation construction off of Segment 17, for an un-named, and not proposed, substation site near the large conservation easement portion of the study area north of Segment 17, which would thus require some underground circuits; the underground portion was measured up to the location of Substation Site 7, where CPS has existing easements.¹¹²

In addition, there is cost certainty with regard to about 40% of the cost of Routes Z2 which utilizes the ROW consents and donations by the Toutant Ranch et al. developer, because that agreed-upon lower cost is fixed so it cannot go up – and will also save the utility from incurring condemnation proceeding costs.¹¹³

It should be noted that the outside consultant who was the joint witness for two of the three Joint Exceptors (Anaqua Springs and Jauer) did not recommend Route P; instead he only proposed use of Route W.¹¹⁴ Route W is \$15.23 million dollars more expensive than Route Z2.¹¹⁵

Because Route Z2 is significantly less expensive than the other Focus Routes, not using Route Z2 would result in a substantial increase in cost to be borne by ratepayers. All of that substantial increase in cost would be incurred so as to have the line run through multiple existing

¹¹¹ Bexar Ranch Ex. 12 at p. 8. Specifically, Route Z2 with an entire ROW width of 100 feet would cost \$37,962,516.

¹¹² Compare Jauer Ex. 15, Attachment AS-16 at Bates 000004 (cited by Joint Exceptors at p. 21 n.97) *with id.* at Bates 000003 (which has the heading “Analysis of Potential Substation Construction off Segment 17” and contains the first half of the two-page discussion of the analysis).

¹¹³ Toutant Ranch et al. Ex. 1 at 13 (Dreiss Dir.); Tr. at p. 261.

¹¹⁴ Anaqua/Jauer Ex. 25 (Anderson Revised Dir.).

neighborhoods instead along their edges. All of that substantial increase in cost would be incurred so as to have the line run through the interior of several private properties, rather than along the property line edge of private property. All of the substantial increase in cost would be incurred so as to avoid no greater number of single family residences within 100 feet of the line. All of that substantial increase in cost would be incurred so as to avoid having the line run along Toutant Beauregard Road in front of the entrance to the Jauer subdivision, in front of the Strait Productions' ranch, in front of the entrance to the Anaqua subdivision, and within 300 feet of the one habitable structure of the Joint Exceptors – the Anaqua Springs entrance gatehouse.

XII. Route Z2 Benefits the Most Number of Intervenors

Route Z2 benefits the most number of the intervenors who provided testimony in the case. It does so by not running through or along the properties of those intervenors, namely:

- SHLAA and its members, which include over 30 individual members, the Canyons subdivision with over 700 landowners, and the Altair subdivision with over a dozen landowners;
- Mr. and Mrs. Gutierrez and the Gutierrez Management Trust who are within the Canyons subdivision, but felt it was important enough to hire their own attorney and file their own specific testimony about the impacts on them and on their habitable structure within 300 feet of Segment 57 (and routes including it such as Route W);
- Bexar Ranch, L.P. (which would be crossed through its interior by Segments 43, 44, and 45, and thus by routes such as Routes P, R1, and W, and which is a family-owned property for which the family is taking steps to preserve it from ever being developed);
- Guajalote Ranch, Inc. (which would be crossed through a large portion of its interior by

¹¹⁵ CPS Energy Ex. 17 (Route Cost & Data Summary Table); PFD at p. 57.

Segment 27 and Route W);

- Clearwater POA, and its dozen and a half or more pro se intervenor homeowners, whose established neighborhood and some of their properties would be cut across on the interior of them by routes like Route P and R1;
- Ms. Sykes, Ms. Arbuckle, Ms. Biemer, Mr. Bernsen, and Ms. Yvette Reyna, of the Serene Hills subdivision (located north of Scenic Hill subdivision) regarding Segment 17, which is the closest potential segment to them and is not part of Route Z2;
- Mr. and Mrs. Chandler, Mr. and Mrs. Putnam, and Mr. and Mrs. Freeman on Segment 40, which is not part of Route Z2;
- Those in the southern portion of the Anaqua Springs subdivision near Segment 38 with habitable structures within 300 feet of that segment, such as that of Mr. Cichowski (the Anaqua Springs HOA President) and Mr. Dwivedi, since Route Z2 is located on Toutant Beauregard Road, far away from them to the northeast;
- Those in the remainder of the interior portion of the Anaqua Springs subdivision, such as Mr. Schappaugh, Dr. Pankratz, and Mr. Odom, since Route Z2's Segment 36 only goes in front of the subdivision's property road entrance on Toutant Beauregard Road and by its one habitable structure within 300 feet of the segment – which is the subdivision's road entrance gatehouse, not a residence;
- Mr. Eick and his Serenity Geophysical Consultants, LLC on Segment 16 (not a part of Route Z2);
- Ms. Zeevaert near Substation Sites 2 and 5, and thus who, like Rose Palace, have no transmission route near them because Z2 only connects at Substation Site 7 well to the west of her location; and

- Primarily Primates Inc. on Segment 13 and near Substation Site 1 (none of which are part of Route Z2).

XIII. Conclusion: Route Z2 is the Best for Private Property Owners and Ratepayers

Route Z2 is the best route to be selected in this transmission line case, in light of the following beneficial factors:

Cutting Through Neighborhoods – Fewer than any other routes.

Cutting Through the Interior of Private Property – None, except by consent.

Habitable Structures #1 – Relatively low number compared to other cases.

Habitable Structures #2 – Below the all-routes average.

Habitable Structures #3 – Avoiding more habitable structures has unreasonable costs.

Habitable Structures #4 – Further away from homes by 12% compared to Route P.

Homes – Only 1 within CPS Energy’s 100 foot EMF distance, the same or better than others.

Length – The shortest.

Visibility – Minimized by greater substation shielding and using a transport/utility corridor.

Cost – The least expensive, by \$5 million or more compared to more “southern” routes.

Cost Certainty #1 – About 40% is locked in by ROW consent/donations.

Cost Certainty #2 – The consent/donations eliminate condemnation proceeding costs thereon.

Community Values #1 – Public meeting feedback had most opposition to the SHLAA area.

Community Values #2 – SHLAA neighborhoods all united to oppose all Substation 6 routes.

XIV. Prayer – Adopt the PFD and Select Route Z2 (or Routes Z1, AA1, or AA2)

It is respectfully requested that the Commission select Route Z2 (or alternatively select Routes Z1, AA1, or AA2, which are most similar to Route Z2). The Commission should not adopt Routes P, R1, W, or any route which does not use the developer’s donated/consented

ROW and does not use the paralleling of the existing major thoroughfare (Toutant Beauregard Road).

Respectfully submitted,

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ATTORNEY FOR SAVE HUNTRESS LANE
AREA ASSOCIATION

CERTIFICATE OF SERVICE

Certificate of Service: I certify service under SOAH Order No. 3 this Oct. 15, 2021.

/s/ Thomas K. Anson
Thomas K. Anson