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November 8, 2021

Via PUC Interchange Filer

Public Utility Commission of Texas
Chairman Peter Lake
Commissioner Lori Cobos
Commissioner Will McAdams
Commissioner Jimmy Glotfelty

Re: PUC Docket No. 51023; *Application of CPS Energy to Amend Certificate of Convenience and Necessity for the Scenic Loop 138 KV Transmission Line in Bexar County*

Supplement to Statement of Position¹ - Proposed Substation Site 7 (25047 Toutant Beauregard)

Dear Commissioners:

I attended the Commission's Open Meeting held on October 28, 2021, and I appreciate the opportunity to express my concerns regarding the referenced matter directly to you during that meeting.

As noted during my statement, I own the property located at 9542 Majestic Oak Circle, which is immediately adjacent to proposed Substation Site 7 and which shares approximately 480 feet of property line running along the back, or East side, of proposed Substation Site 7.

While I am deeply concerned about the location of proposed Substation Site 7 and the significant detrimental impact that this site poses to the environment², wildlife, and natural vegetation – not to mention the quiet enjoyment of my property – I am particularly concerned by the approach and method employed by CPS to effectively exclude certain affected landowners, including myself, from this process.

Substation Site 6 and Substation Site 7 (including various proposed transmission routes running to these proposed substation sites) were added for consideration after CPS's one-and-only public "Open House" meeting. Importantly, CPS did not present these substantive changes (to include these new substation sites and transmission routes) to the public at any open forum – nor did it disseminate information to, or solicit input from, the community regarding these significant revisions. The community was not afforded any opportunity to consider these new sites and routes, to ask questions of CPS, or to voice concerns. Curiously, this approach – adding new substation sites and transmission

¹ My original Statement of Position was submitted on April 26, 2021 as Item 758.

² A significant portion of the subject property upon which Substation Site 7 is to be constructed is located within a floodplain. This property generally slopes down to and drains directly into Leon Creek, which is vulnerable to flooding and flash flooding.

routes for consideration while excluding public input – is in direct conflict with CPS’s own siting manual, which specifically calls for “additional public meeting(s)” “to review revised routes”.³

As noted in my statement at the Open Meeting, I never received any notification – in writing, by email, or by phone call - from CPS, or anyone representing CPS, regarding proposed Substation Site 7. This despite being a CPS customer at this location since 2018.⁴ In contrast, based on the record in this case, it appears that CPS undertook to notify all adjoining landowners of newly proposed Substation Site 6, regardless of whether it was required by the Commission’s procedural rules to do so or not. It is unclear to me why CPS would employ different - and inconsistent - standards when notifying impacted landowners of a proposed substation site, particularly a substation site that was included for consideration after CPS’s one-and-only public “Open House” meeting.

Once I did learn of the proposed Substation Site 7, I filed a Motion to Intervene, but that Motion was denied by the Administrative Law Judges without explanation.⁵ If my Motion was denied due to lateness, that could have been avoided had CPS simply notified me of the addition of this new proposed substation site - like CPS did for all other landowners surrounding Substation Site 6.

CPS’s flawed process was highlighted during the Commission’s October 28 Open Meeting when CPS’s counsel attempted to respond to Commissioner Glotfelty’s question: “Why was Substation 7 added as a late possibility and that it was not considered or disclosed during open houses?”

In response, CPS’s counsel said: “The opportunity to respond is through this *process*. We’ve had over 15 months now of the *community* expressing to the Commission their thoughts about Substation Site 7 . . .” “*The community is apprised of those new locations, and their opportunity is through this process.*” “This whole process, and it’s been vigorous, the community has been *really involved.*” [emphasis added]

How, exactly, was the community “apprised” of these new substation locations? Well, it wasn’t from a second “Open House”, because CPS never held a second “Open House” to present this significant revision to the community. And it wasn’t by direct notice from CPS to all affected landowners. I own property in the community – immediately adjacent to Substation Site 7 – but, curiously, was never apprised by CPS of this new site.

How am I, as landowner in this community, supposed to get “really involved” when I am not notified by CPS, but only learn about it – through the courtesy of other concerned constituents – after the deadline to formally intervene into “this process” has passed? I have serious due process concerns that I continue to evaluate.

While CPS’s counsel attempts to validate the “process” employed by CPS during this proceeding, his response rings hollow. He fails to address or take into consideration directly impacted landowners in the “community” (i) who were not notified by CPS of the new substation sites added after CPS’s one-

³ Jauer Exhibit No. 16, Attachment AS 2-28, Sec. 7 (entitled “Additional Public Meetings”), pp. 8-9 (Bates Stamp 079-80).

⁴ CPS knows how to reach me, as I receive service invoices from them each month.

⁵ During the exchange on my Motion to Intervene regarding the existing structure on my property, CPS’s counsel represented to the ALJs that “[CPS] had not determined that that was a habitable structure . . .” What investigation or due diligence did CPS perform to make that determination (or non determination)? CPS knows that I am a customer at that location, but did not otherwise make any inquiry of me to come to that conclusion.

and-only “Open House” meeting, (ii) who were not invited by CPS through notification to participate in this “vigorous” process (despite other similarly situated landowners being treated differently), and (iii) who – when attempting to intervene – were denied “their opportunity . . . through this process” to be “really involved”.

Again, I appreciate the opportunity to express my sincere concerns about proposed Substation Site 7, which I adamantly oppose. Please know that, had CPS undertaken to do the right thing to directly and timely notify all adjoining landowners, I would have welcomed the opportunity to participate in their process.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Luedke". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Scott J. Luedke
Owner
9542 Majestic Oak Circle
San Antonio, Texas 78255