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Received - 2022-08-19 02:21:22 PM

Control Number - 53727

ItemNumber - 121

**SOAH DOCKET NO. 473-22-05831
PUC DOCKET NO. 53727**

JOINT APPLICATION OF AEP TEXAS INC. AND SHARYLAND UTILITIES L.L.C. TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE LA PALMA TO KINGFISHER DOUBLE-CIRCUIT 345-KV TRANSMISSION LINE IN CAMERON COUNTY	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**PALO VERDE/LAS RETAMOS NEIGHBORS ASSOCIATION’S
STATEMENT OF POSITION**

COMES NOW, the Palo Verde/Los Retamos Neighbors Association (Palo Verde Neighbors) and files this Statement of Position pursuant to 16 Texas Administrative Code (TAC) § 22.124 and SOAH Order No. 3. Palo Verde Neighbors filed a motion to intervene in this proceeding on June 30, 2022,¹ which was granted on August 2, 2022.² SOAH Order No. 3 required the filing of intervenor direct testimony or statement of position by August 19, 2022.³ Therefore, this Statement of Position is timely filed.

Palo Verde Neighbors has reviewed the application, discovery responses, and testimony filed by AEP Texas, Inc. and Sharyland Utilities, L.L.C.—as well as the filings of the Staff of the Public Utility Commission of Texas and Intervenors—and takes the following positions on the issues presented in this proceeding.

I. STATEMENT OF POSITION

Palo Verde Neighbors is a group of 14 landowners with a total of 19 properties in and around the Palo Verde Road Peninsula (PVRP), an area directly impacted by several of the routes proposed in the application. A list of the Palo Verde Neighbors group members is included as Exhibit A. Of the 19 primary alternative routes discussed in the application, Palo Verde Neighbors strongly opposes any routes that utilize links AE1A, AE1B, AD2, AQ, and Y. As such, Palo Verde Neighbors opposes Routes 8-12.

¹ Palo Verde/Las Retamos Neighbors Association Motion to Intervene (Jun. 30, 2022).

² SOAH Order No. 3—Memorializing Prehearing Conference, Setting Procedural Schedule and Hearing, and Addressing Other Procedural Matters (Aug. 2, 2022).

³ *Id.*

Assessment of Routes 8-12

Many of the experts who contributed to the POWER Environmental Assessment (EA) ranked routes 8 through 12 among the routes with the biggest potential impact on land use, ecology, and cultural resource considerations. Out of the 19 proposed routes, Route 9 was ranked as 11th, 17th, 10th, and 12th by the three specialists and the Project Manager; Route 10 was ranked 10th, 11th, 11th, and 11th; Route 11 was ranked 12th, 16th, 12th, and 9th; and Route 12 was ranked 9th, 18th, 5th, and 10th.⁴ Importantly, the POWER Project Manager's evaluation ranked Route 8 as the worst possible route.⁵ This ranking of Route 8 took into consideration number of habitable structures within 500 feet of the line, number of surrounding parks or recreational areas, and potential impact avoidance.

Habitable Structures

Existence of habitable structures is one of the most important reasons why Routes 8-12 should be avoided. The EA itself says the impact on habitable structures is of great importance.⁶ Route 8 has 121 habitable structures within 500 feet of its centerline—the most of any of the 19 routes.⁷ Of those 121 habitable structures, 99 of them are closest to link Y.⁸ This is a startling figure that demonstrates why Route 8, and any proposed route that includes link Y, is impractical and extremely burdensome on surrounding landowners compared to other options. In addition, link Y cuts directly across (i.e. bisects) the properties of three Palo Verde Neighbors members. Similarly, link AD2 bisects a member's property. The Inventory Map included in the application shows that the habitable structures of six Palo Verde Neighbors members are within 510 feet of link AD2⁹ and three are within 510 feet of link Y.¹⁰ Route 9 should be avoided because it is the

⁴ Joint Application of AEP Texas Inc. and Sharyland Utilities L.L.C. to Amend their Certificates of Convenience and Necessity for the La Palma to Kingfisher Double-Circuit 345-kV Transmission Line in Cameron County (Joint Application), Attachment 1, Environmental Assessment and Route Analysis (EA) at 154, Table 5-1 (Jun. 29, 2022).

⁵ *Id.*

⁶ *Id.*

⁷ Joint Application, Attachment 6, PURA and PUC Rules Best Route at 2.

⁸ EA at 173-76, Table 5-9.

⁹ According to Appendix C, Figure 5-1 of the EA, Inventory IDs 260-263, 264, 266, and 268 are within 510 feet of link AD2.

¹⁰ According to Appendix C, Figure 5-1 of the EA, Inventory IDs 243, 244, and 266 are within 510 feet of link Y.

only proposed route that includes link AD2—inclusion of a link that bisects property and falls within 510 feet of *six* habitable structures is unnecessary when several other more suitable alternatives are available.

Selection of Routes 8-12 would fail to comply with the policy of prudent avoidance, which is required under 16 TAC § 25.101(b)(3)(B)(iv). Prudent avoidance of routes with higher cost implications and severe ecological and land use implications is imperative. Exposure to the planned transmission line by a significant number of habitable structures in the PVRP can be avoided with reasonable investments of money and effort.

Length and Cost Considerations

Routes 8-12 are the routes with the longest length of ROW across upland woodlands/brushlands, ranging from 2.25–2.81 miles with Route 11 having the longest length of ROW across bottomland/riparian woodlands.¹¹ Route 8 includes approximately 1.42 miles crossing pastureland/rangeland areas, which is the longest of any route.¹² Routes 8, 9, and 10 are three of the routes with the highest number of US Highway, SH, or FM road crossings.¹³ This is an important consideration for assessing the level and duration of traffic interruption during construction. The lengths of Routes 8-12 range from 7.22 to 7.52 miles, whereas there are eight other route options with shorter lengths as low as 4.4 miles.¹⁴

Costs for Routes 8-12 range from approximately \$40-\$43.3 million.¹⁵ Eight of the other alternative routes have a cost that is significantly cheaper, ranging from approximately \$30-\$34.7 million.¹⁶ Importantly, use of Routes 8-12 could implicate significant costs for materials and pre-construction steps. Notably, Right-of-Way and Land Acquisition will cost approximately \$9 million for Routes 9-11 whereas this cost category for Routes 1-4 ranges from about \$5.8 to \$6.8 million.¹⁷ Additionally, the Procurement of Material and Equipment for Routes

¹¹ EA at 129-30, Table 4-1.

¹² *Id.*

¹³ *Id.*

¹⁴ Joint Application, Attachment 2, Estimated Lengths of Alternative Routes (Attachment 2).

¹⁵ Joint Application, Attachment 3, Estimated Cost of Routes and Substations (Attachment 3).

¹⁶ *Id.* Routes 1, 2, 3, 4, 5, 6, 7, and 19 fall within this range.

¹⁷ *See* Attachment 3.

8-12 is expected to run from approximately \$14 to over \$16 million.¹⁸ This cost category for Routes 1-7 ranges from about \$10-11 million.¹⁹

Adverse Impact on Nature, Wildlife, and Residents' Quality of Life

The PVRP is a 95-acre area known as one of the most beautiful places to live in Cameron County. Several homeowners moved to the area for the nature, the views, and the peace and quiet. One of the primary facets of PVRP's beauty is that the center 65 acres contain no visible telephone poles, electric lines, transmission lines, or windmills. The Resaca de Los Fresnos wraps itself around the PVRP and is surrounded by immense, untouched vegetation, including some of the largest Bald Cypress and Sabal Palm trees in Texas. The area is also full of wildlife, including about 250 federally protected turkey vultures and a vast array of migratory birds. Construction of a transmission line through this area would needlessly endanger and destroy native growth and species and would traverse residential areas in a way that can be avoided or mitigated through better alternative routes.

II. CONCLUSION

Palo Verde Neighbors requests consideration of the foregoing concerns and interests in determining the best route for the La Palma to Kingfisher Project. Palo Verde Neighbors reserves the right to amend or supplement this statement of position and/or take other actions in this proceeding as necessary to protect its interests, including filing cross rebuttal, participating at the hearing, cross-examining witnesses, and filing briefs. Palo Verde Neighbors further requests such other relief to which it may be entitled.

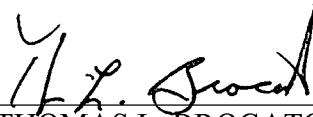
¹⁸ *Id.*

¹⁹ *Id.*

Respectfully submitted,

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& TOWNSEND, P.C.**

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**ATTORNEYS FOR PALO VERDE/LAS
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 19, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



THOMAS L. BROCATO

PALO VERDE/LAS RETAMOS NEIGHBORS ASSOCIATION

	Participants	Cameron County Property ID
1.	Bill and Merrilee Elliff	187095
2.	Bobby and Robin Farris	187096
3.	Daniel and Luisa Albo	187098 and 198097
4.	Javier and Jackie Cabello	407059 and 187104
5.	Bill and Cindy Rountree	190814
6.	Jose and Mary Perez	191376
7.	Ken and Jan Cornett	190812
8.	Geoff and Connie Drake	190809, 190824 and 190825
9.	Amadeo and Dolores Valenzuela	190806
10.	Green Jay Estates, LLC (Jorge Talamas)	190810
11.	Lonnie and Judy Stanton	190811 and 192128
12.	Usman and Ishath Sheriff	192127
13.	Don and Jane Barry	190813
14.	Joseph H. Ballenger	190706