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DOCKET NO. 54936

APPLICATION OF SOUTH TEXAS	§	
ELECTRIC COOPERATIVE, INC. TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY	§	
FOR THE SAN MIGUEL-TO-CRUCE	§	OF
DOUBLE CIRCUIT 345-KV	§	
TRANSMISSION LINE IN ATASCOSA,	§	TEXAS
MCMULLEN, DUVAL, AND JIM HOGG	§	
COUNTIES	§	

**DIRECT TESTIMONY OF DAVID KITNER
ON BEHALF OF BISHOP CATTLE COMPANY**

BISHOP CATTLE COMPANY ("Bishop") hereby files this Direct Testimony of David Kitner, which is attached, and stipulates that the Direct Testimony may be treated as if all answers were filed under oath.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of this document is being filed in the Public Utility Commission's Interchange system and served on all parties of record as required by the orders in this docket, the Commission's rules, and the Commission's May 9, 2023 Order No. 2 Suspending Rules in Docket No. 554936.

/s/ Eddie Vassallo

EDDIE VASSALLO

June 26, 2023

DOCKET NO. 54936

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EXHIBITS

- Exhibit 1** Aerial depicting STEC CCN Segments (attached)
- Exhibit 2** 2019 Leopold Conservation Award: <https://youtu.be/QfUAS5nQ73I>
- Exhibit 3** 2019 Region 4 Environmental Stewardship Program Award:
<https://youtu.be/66LNKn28UBU>
- Exhibit 4** DCR water sources:
<https://www.dropbox.com/scl/fi/tdemi08wumo8sg42c5nz4/Water-PresentationFinal.pptx?dl=0&rlkey=22r3ceozo9an2wkr9ghr178q7>

1 **I. INTRODUCTION**

2

3 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

4 A. My name is David Kitner, Ranch Manager, Bishop Cattle Company. My office mailing
5 address is 4320 University Boulevard, Laredo, Texas 78041.
6

7 **Q. PLEASE BRIEFLY OUTLINE YOUR EDUCATIONAL BACKGROUND AND**
8 **WORK EXPERIENCE.**

9 A. I have been involved in ranch management for over 50 years. My background consists of
10 cattle, wildlife, and range management. I was named Outstanding Conservation Rancher
11 in 2012 for San Patricio County. I am Chair of the South Texas Grazing Land Coalition
12 and sit on the state advisory board for Texas Grazing Land Coalition. I have spoken on
13 ranch operations at the National Grazing conference. I oversee multiple ranches in Texas
14 and Kansas.
15

16 I began working at the Bishop Ranch after it was acquired by the Killam family in 2009.
17 Since that time, the Bishop Ranch has been operated in conjunction with the Killam Duval
18 County Ranch. In 2009, the ranch was characterized by a brush canopy that prevented any
19 herbaceous vegetation from growing and made a livestock operation difficult to manage.
20 My goals were to restore the land and the productivity of the ranch through brush
21 management, grazing management, and stockmanship practices.
22

23 **Q. HAVE YOU EVER TESTIFIED IN A CASE BEFORE THE PUBLIC UTILITY**
24 **COMMISSION?**

25 A. No.
26

27 **Q. DO YOU HAVE ANY PROFESSIONAL EXPERIENCE OR EDUCATIONAL**
28 **BACKGROUND IN THE DESIGN OR ROUTING OF ELECTRIC**
29 **TRANSMISSION LINES?**

30 A. No.
31

1 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

2 A. Bishop Cattle Company.

3
4 **Q. ARE YOU AN AFFECTED LANDOWNER IN THIS CASE?**

5 A. I am the ranch manager of the affected landowner, Bishop Cattle Company ("Bishop").
6

7 **II. PURPOSE AND SCOPE**
8

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A. The purpose of my testimony is to explain how the proposed routes or segments of potential
11 routes would adversely impact Bishop's efforts to conserve and protect the approximately
12 5,500 acres that comprise the Bishop Ranch. Bishop has expended significant resources in
13 order to remediate the land, foster and conserve wildlife, and transform the Bishop Ranch
14 into a productive cattle and hunting ranch.
15

16 **III. THE BISHOP RANCH**
17

18 **Q. WOULD YOU PLEASE DESCRIBE THE BISHOP RANCH?**

19 A. The Bishop Ranch consists of approximately 5,500 acres of land. The Bordas Escarpment
20 cuts across the property. Fiveminute grass, yellow stonecrop, evergreen sumac, and
21 redberry juniper have been found there, hundreds of miles south of their normal
22 distribution.
23

24 **Q. WHERE IS THE BISHOP RANCH LOCATED?**

25 A. The Bishop Ranch is generally located two miles south of Freer, Texas, off of State
26 Highway 16.
27

28 **Q. HOW DID BISHOP COME TO OWN THE BISHOP RANCH?**

29 A. Bishop Cattle Company acquired the Bishop Ranch as a stock purchase in the summer of
30 2009.
31

1 **Q. FOR WHAT PURPOSES IS THE BISHOP RANCH PUT?**

2 A. Bishop Ranch is a working cattle and hunting ranch. The Bishop Ranch operates under the
3 Texas Parks and Wildlife Department Managed Lands Deer Program (“MLDP”). The
4 ranch supports various native wildlife, including white tail deer, quail, hog, dove, and
5 juvalina. The Bishop Ranch also runs a year-round cattle operation that includes stocker
6 cattle used to aid in habitat management.

7
8 The Bishop Ranch hosts workshops on habitat and water improvements, cooperates with
9 the Texas Parks and Wildlife Department on research, hosts field days for college students,
10 hosts hunts for youth through the Texas Wildlife Association, and hosts hunts for the
11 Wounded Warrior Project. Bishop has partnered with the Natural Resources Conservation
12 Service, the Caesar Kleberg Wildlife Research Group, and the Texas Brigades to provide
13 educational programs at the Bishop Ranch on wildlife habitat and land management.
14 Finally, Bishop donates deer meat from the Bishop Ranch to the needy and elderly each
15 year.

16
17 **Q. PLEASE DESCRIBE THE LANDSCAPE OF THE BISHOP RANCH.**

18 A. The Bishop Ranch’s topography is unique due to the Bordas Escarpment cutting through
19 the property. The elevation changes throughout the ranch are atypical in South Texas.
20 Also, the Texas Parks and Wildlife Department conducts biologist trainings on plant
21 identification on the ranch due to the unique combination of native plants.

22
23 **Q. WHAT EFFORTS AT WILDLIFE HABITAT RESTORATION HAS BISHOP**
24 **UNDERTAKEN ON THE BISHOP RANCH?**

25 A. We use aerial application of herbicides, prescribed burning, and roller chopping to open up
26 the brush canopy and allow herbaceous vegetation to grow. This fosters brush diversity
27 and herbaceous plant diversity. We also use rotational grazing to provide adequate rest to
28 the pastures and improve the quality of the rangeland.

29
30 **Q. WHAT INVESTMENTS HAS BISHOP MADE IN INFRASTRUCTURE TO**
31 **PROMOTE WILDLIFE AND CATTLE RANCHING ON THE BISHOP RANCH?**

- 1 A. Bishop has installed approximately eight miles of water lines and added water troughs
2 throughout the ranch. Bishop has also constructed fencing to enhance rotational grazing.
3

4 **IV. ROUTING IMPACTS OF PROPOSED SEGMENTS**
5 **ON THE BISHOP RANCH**
6

7 **Q. IN GENERAL, WHAT ARE YOUR ROUTING CONCERNS?**

- 8 A. I have spent the past 14 years remediating the land and fostering wildlife at the Bishop
9 Ranch in order to establish a healthy ecosystem, a diverse wildlife population, and a
10 productive hunting and cattle operation. STEC Routes that are composed, in whole or in
11 part, of Segment 43B would adversely affect the land management, wildlife conservation,
12 and ranch management operations of Bishop Ranch, and Bishop opposes any route that
13 includes that segment. Segment 43B bisects a significant portion of Bishop Ranch, impacts
14 critical infrastructure and features of the ranch, and impairs land, wildlife, and cattle
15 management practices on the ranch.
16

17 After considering the impacts of Segment 43B upon the restoration, conservation, and
18 management efforts of the Bishop Ranch, Bishop opposes construction of the routes
19 designated in the Application as Routes E, F, K, M, and P. For the same reasons, we also
20 oppose alternative routes that use, in whole or in part, of Segment 43B.
21

22 **Q. IN WHAT WAYS DOES SEGMENT 43B IMPACT THE BISHOP RANCH?**

- 23 A. Segment 43B will bisect the Bishop Ranch, dividing rangeland used for grazing and
24 wildlife habitat purposes. Segment 43B will adversely impact both hunting and cattle
25 operations by bisecting water lines installed for agricultural, wildlife, and livestock
26 purposes. Finally, Segment 43B will affect brush management, making it difficult, if not
27 impossible, to aerially apply herbicides near the proposed 150-foot right-of-way. Brush
28 management is vital to ensuring plant diversity, wildlife habitat conservation, and grazing.
29
30
31

1 **V. THE BISHOP RANCH SUPPORTS ROUTE Q**

2
3 **Q. WHAT PROPOSED ROUTE DOES BISHOP SUPPORT?**

4 A. Of the routes proposed in the Application, Bishop supports **Route Q**, which consists of
5 Segments 1-2A-2B-2C-14-20-31-39-45-51-60-69A-100-70B-76-80-86-91-93.
6

7 **Q. WHAT PROPOSED ROUTE DOES BISHOP SUPPORT?**

8 A. In determining whether to approve a CCN for a new transmission line, the Public Utility
9 Commission of Texas (“PUC”) is required to consider the extent to which proposed routes
10 parallel or utilize other existing compatible rights-of-way, including roads, highways,
11 railroads, or telephone utility rights-of-way. The PUC is also required to consider whether
12 proposed routes parallel property lines or other natural or cultural features. Proposed routes
13 that bisect the Bishop Ranch do not satisfy these statutorily mandated criteria.
14 Furthermore, the PUC must also consider community values, historical and aesthetic
15 values, and, most importantly in this case, environmental integrity. Route Q would cause
16 significantly less environmental harm than STEC’s recommended Route M and avoid the
17 devastating impacts Route M would have on Bishop Ranch’s operations and conservation
18 efforts. Finally, Bishop has incurred significant expenditures, and refused lucrative wind
19 and solar farm lease opportunities, in order to preserve the natural aesthetic beauty of the
20 Bishop Ranch. The construction of a high-voltage transmission line along Route M would
21 render these expenditures and sacrifices meaningless.
22

23 **VI. EXHIBITS**

24 **Q. HAVE YOU PROVIDED THE COMMISSION WITH ANYTHING TO**
25 **ILLUSTRATE THE FACTS IN YOUR TESTIMONY?**

26 A. Yes, I have. The Bishop Ranch is operated in conjunction with the Duval County Ranch.
27 There are two videos depicting the conservation efforts at Duval County Ranch that were
28 produced as part of receiving the Leopold Conservation Award and Region 4
29 Environmental Stewardship Program Award in 2019. I use the same conservation and
30 stockmanship practices discussed in the videos at the Bishop Ranch. The videos are located
31

1 at:

2 1. 2019 Leopold Conservation Award: <https://youtu.be/QfUAS5nQ73I>; and

3
4 2. 2019 Region 4 Environmental Stewardship Program Award:

5 <https://youtu.be/66LNKn28UBU>.

6
7 **Q. DO THE VIDEOS TRULY AND ACCURATELY DEPICT THE BISHOP RANCH**
8 **AND ITS OPERATIONS?**

9 A. Yes. I have personal knowledge of the areas shown in the videos and the practices
10 described, and the videos truly and accurately depict the Bishop Ranch and its operations.

11
12 **VII. CONCLUSION**

13
14 **Q. IN SUMMARY, WHAT RECOMMENDATION DO YOU MAKE TO THE**
15 **COMMISSION?**

16 A. Bishop recommends that the PUC select Route Q. Route Q preserves the environmental
17 integrity of the region without adversely impacting the wildlife conservation efforts and
18 cattle and hunting operations on the Bishop Ranch. Bishop opposes any routes that use, in
19 whole or in part, Segment 43B.

20
21 **Q. DOES THIS CONCLUDE YOUR DIRECT CASE TESTIMONY?**

22 A. Yes. Thank you for your time and for the opportunity to voice Bishop's concerns regarding
23 this project.

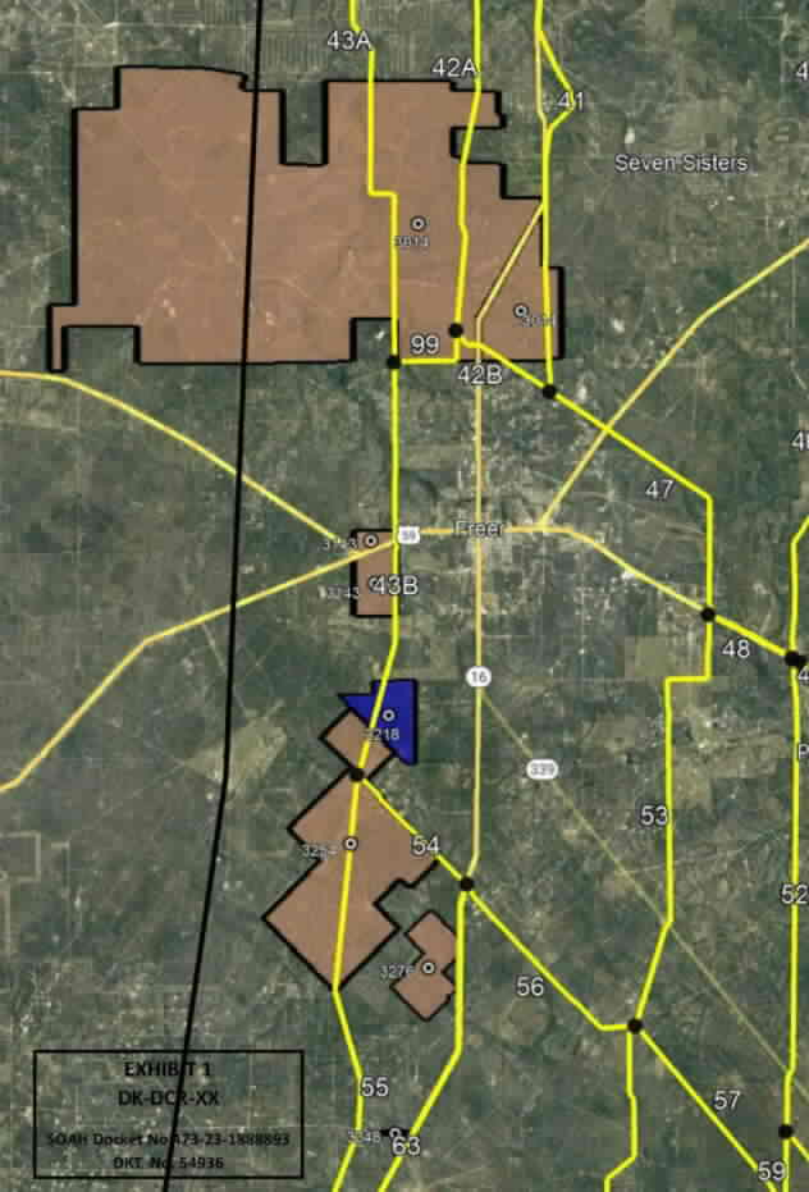


EXHIBIT 1
DK-DCR-XX

SOAH Docket No. 473-23-1688593
Dkt. No. 54936

2019 Leopold Conservation Award

<https://youtu.be/QfUAS5nQ73I>

EXHIBIT 2

DK-DCR-XX

SOAH Docket No 473-23-1888893

DKT. No. 54936

2019 Region 4 Environmental Stewardship Program Award

<https://youtu.be/66LNKn28UBU>

EXHIBIT 3

DK-DCR-XX

SOAH Docket No 473-23-1888893

DKT. No. 54936

DCR Water Sources

<https://www.dropbox.com/scl/fi/tdemi08wumo8sg42c5nz4/Water-PresentationFinal.pptx?dl=0&rlkey=22r3ceozo9an2wkr9ghr178q7>

EXHIBIT 4

DK-DCR-XX

SOAH Docket No 473-23-1888893

DKT. No. 54936