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**SOAH DOCKET NO. 473-23-21216
PUC DOCKET NO. 55067**

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY, LLC TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	OF
RAMHORN HILL-DUNHAM 345-KV	§	
TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY

OF

WAYNE WILKERSON

ON BEHALF OF

NORMA AND WAYNE WILKERSON

July 31, 2023

**SOAH DOCKET NO. 473-23-21216
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DIRECT TESTIMONY OF WAYNE WILKERSON

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1 **I. WITNESS IDENTIFICATION AND SCOPE OF TESTIMONY**

2 **Q. PLEASE STATE YOUR NAME, OCCUPATION, AND ADDRESS.**

3 A. My name is Wayne Wilkerson. I am retired after working for Mobil Oil Corporation for
4 32 years. I live at 14199 Sam Reynolds Rd, Justin, Texas.

5 **Q. PLEASE OUTLINE YOUR EDUCATIONAL AND PROFESSIONAL**
6 **BACKGROUND.**

7 A. I earned a BA in Business Administration (Accounting) from Southwest Texas State
8 University (now Texas State University), San Marcos, Texas in May 1970. I began my
9 employment with Mobil Oil Corporation (Dallas) in June, 1970. I worked in the retail side
10 of the corporation ("down stream" was the term used) gathering, processing, and analyzing
11 data associated with terminal activities such as transport truck loadings, invoicing,
12 inventory, order board interactions, and dispatching. With this background, in the 1980's
13 I became involved in the automation (programming) of these terminal activities. During
14 my last 8 years (1993-2001) I was a system coordinator for Mobil Oil's Federal and State
15 tax departments involved in gathering historical data for: external audits, monthly tax
16 payments, and EPA / IRS cases as well as patent renewals. In October, 2001, I left Mobil
17 when accounting moved to Houston under the ExxonMobil brand.

18 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

19 A. I am testifying on behalf of my wife, Norma Wilkerson, and myself.

20 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC UTILITY**
21 **COMMISSION OF TEXAS?**

22 A. No. I have not previously testified before the Public Utility Commission of Texas.

1 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

2 A. The purpose of my testimony is to clearly state our opposition to selection by the
3 Commission of any route for Oncor's proposed transmission line that uses Segment M8,
4 including Routes 1, 65, 67, 68, 69, 72, 96, 142, 143, 191, and 192. We do not oppose
5 Oncor's preferred alternative Route 179.

6 To help the Commission understand the reasons for opposing any route using Segment M8,
7 I will try to provide the Commission with an understanding of the property that I own with
8 my wife and how that property would be affected by electric and magnetic fields if Oncor
9 were allowed to construct its proposed transmission line through the middle of our
10 property, shown as Segment M8 in Oncor's application. Additionally, I will provide my
11 opinion as to how Oncor failed to accurately estimate the cost of Segment M8 because
12 Oncor failed to account for the damages to the remainder of our property that will result in
13 it being bisected by the proposed line, effectively rendering the remaining property
14 unsuitable for residential development. Finally, I want to express my concern that
15 construction of transmission towers along Segment M8 would create a public safety risk to
16 my family and surrounding landowners by violating the protected air space associated with
17 the Propwash Airport.

18 **Q. WHAT INFORMATION HAVE YOU REVIEWED IN PREPARING YOUR**
19 **TESTIMONY?**

20 A. I have reviewed the documentation submitted to the PUCT's interchange relative to this
21 complaint docket as well the following:

- Spoken several times to neighborhood groups about Segment M8 and action(s) to take for our voices to be heard. Visited their homes when more information was requested.
- Distributed Ramhorn Hill flyers to the neighborhood encouraging involvement.
- Attended City of Justin Town Hall meetings.
- Spoken with Russell Sherwood, Airport Manager at Propwash Airport regarding his concerns about the alternative routes associated with the Ramhorn Hill project.
- Read the majority of the June 8, 2023, Oncor application for construction of the Ramhorn Hill project and the filings in Commission Docket No. 55067.

II. EFFECT OF TRANSMISSION LINE ON WILKERSON PROPERTY

Q. PLEASE DESCRIBE YOUR PROPERTY.

A. My wife, Norma, and I own a 50 acre rectangular tract of land in Denton County at 14199 Sam Reynolds Road, which is located about 3 miles west of the City of Justin. Our property is identified as Tract 2192 in Oncor's application.

Norma and I have lived on this property since 1979. Since purchasing the property we have remodeled and added new construction on an old farmhouse, constructed a new barn in 1986, and added cross-fencing. Currently we use the property as our home, to produce livestock hay, and to simply enjoy nature.. The barn allows me to do woodworking and restore and maintain 1934-1969 Ford pickups.

Given the property's location and the fact that it consists of 50 acres of flat land located outside the floodplain, the property could easily be subdivided for residential uses like many of the tracts located near our property, which would be the highest and best economic use of the property.

1 **Q. HOW WOULD YOUR PROPERTY BE AFFECTED BY ONCOR'S PROPOSED**
2 **SEGMENT M8?**

3 A. Based on Oncor's application, Segment M8 would establish a Right-of-Way (ROW) 100
4 feet wide and 2,420 feet long (5.5 acres) splitting our property down the middle. Based on
5 my calculation, we would be left with about 27.8 acres (500 feet wide) to the north of the
6 ROW, and about 16.7 acres (300 feet wide) to the south of the ROW. Because of the
7 configuration of our property, ALL of the property (50 acres) would be within 500 feet of
8 the center line of the proposed transmission line and exposed to electric and magnetic
9 fields, counter to the PUC policy of prudent avoidance. The middle third of our property
10 would be directly under transmission lines and their electric and magnetic fields. The
11 smaller southern third would be accessible only by passing under the proposed
12 transmission lines, necessitating greater exposure to electric and magnetic fields. Our
13 house, identifiable as Habitable Structure 647, would be only 335 feet from the
14 transmission line, causing daily exposure to electric and magnetic fields. Locating the line
15 as proposed by Oncor would make the entire tract uninhabitable for humans and unfit for
16 but a few purposes.

17 Additionally, the property owners to the south of our property (tracts 2174 to 2190 on the
18 north side of Helen Road) would find themselves 448 feet to 520 feet from the center line
19 of M8. The population of just these 16 homes is approximately 50 adults and children. On
20 the south side of Helen Road (just beyond the 500 feet notification distance) reside easily
21 another 50 to 60 adults and children. Thus, the line would expose a minimum of 100 people
22 to electric and magnetic fields. This fact alone should be cause for the PUC to decide that

1 Segment M8 is not desirable. The entire Guy James Ranch community of 100+ homes
2 would no longer enjoy the community values that exist today.

3 **III. DEFICIENCIES IN ONCOR'S APPLICATION**

4 **Q. IN YOUR OPINION, DID ONCOR ACCURATELY ESTIMATE THE COST FOR**
5 **SEGMENT M8?**

6 A. I do not believe that Oncor accurately estimated the cost for Segment M8 because Oncor
7 did not include the additional right-of-way costs that will be associated with compensating
8 Norma and me for the damages to the remainder of our property. In response to an RFI
9 (Exhibit A), Oncor admitted that it estimated right-of-way costs for Segment M8 using
10 only the cost of the right-of-way without including the costs associated with damages to
11 the remainder of any of the tracts crossed by the right-of-way. Because the proposed right-
12 of-way would cross the middle of our property, the right-of-way would leave us with two
13 smaller tracts that would not be suitable for residential development. Based on my
14 understanding, a 50-acre tract is far more valuable (on a per acre basis) for residential
15 development than two smaller tracts separated by a transmission line. While I do not know
16 the exact amount of these damages, I do know that it would greatly exceed the estimated
17 amount used by Oncor in the application, which did not account for such higher costs
18 Please remember, the location of segment M8 places our entire 50 acres within 500 feet of
19 the of its centerline.

20 **Q. COULD YOUR CONCERNS ABOUT THE EFFECT ON YOUR PROPERTY BE**
21 **MITIGATED IF ONCOR MOVED THE LINE FARTHER AWAY FROM YOUR**
22 **HOME?**

1 A. While moving the line closer to the southern boundary of our property would mitigate,
2 somewhat, our concerns about the adverse effect on our home and the need for Oncor to
3 compensate us for damages to the remainder of our property, it would create additional
4 problems because there are at least 16 homes (tracts 2174 to 2190 on the north side of
5 Helen Road) that would be more directly affected by electric and magnetic fields, counter
6 to the PUC policy of prudent avoidance. Additionally, moving the line to the southern
7 boundary will ADD another 14+ NEW habitable structures within 500 feet of the center
8 line of M8. Moving the line to the north would not mitigate the effect on our home because
9 our home is located closer to the northern boundary. Furthermore, moving the line to the
10 north would put it farther into protected air space of the Propwash Airport, as I will discuss
11 later.

12 **Q. DO YOU BELIEVE THAT ONCOR ADEQUATELY ASSESSED THE RISKS**
13 **ASSOCIATED WITH LOCATING SEGEMENT M8 SO CLOSE TO THE**
14 **RUNWAY AT PROPWASH AIRPORT?**

15 A. No I do not. Based on information in the application, Oncor's proposed Segment M8 is
16 located approximately 1,935 feet from the end of the Propwash runway. Oncor assumed a
17 20:1 glide slope when determining the appropriate distance from the end of the runway to
18 locate the proposed line. This distance is consistent with the Federal Aviation
19 Administration standards. With a 20:1 glide slope, the height of a tower along the proposed
20 Segment M8 would have to be less than 96.75 feet. Oncor's proposed tower design calls
21 for towers of 120 to 175 feet in height. Oncor has not explained how its proposed line can
22 be located this close to the Propwash runway.

Additionally, I am concerned about the location of the line in relation to Propwash based on the comments filed in this docket by Propwash's Airport Manager Russell Sherwood (Exhibit B). According to Mr. Sherwood, Oncor submitted a notice to the FAA regarding this proposed line, and the FAA determined that the proposed structure would violate Propwash's protected airspace and would be a "Hazard to Air Navigation." While I cannot validate Mr. Sherwood's opinion since I am not an airspace expert, his conclusion causes me a great deal of concern, particularly since Oncor's application only contains a one sentence conclusion that "No substantial impact is anticipated to airports or heliports from the proposed project" with no additional explanation. Oncor's response to our RFI provided no analysis demonstrating how the project could be built at the proposed location without creating a hazard to air navigation.

I expect that Oncor will argue that they can avoid violating Propwash's protected airspace by reducing the height of the towers and the line. Given the clearances required for the 345-kV conductors and the proposed 138-kV underbuild, I do not see how Oncor can avoid the Propwash airspace and still maintain safe ground clearance. Also, it should be noted that the western area of our property where the proposed tower would be located contains a producing gas well that is located near the center line of segment M8. Heavy oil field equipment servicing the well will be dangerously close to those overhead power lines that have been lowered to accommodate Propwash Airport.

IV. CONCLUSION

Q. PLEASE SUMMARIZE YOUR POSITION IN THIS PROCEEDING REGARDING ONCOR'S PROPOSED ALTERNATE ROUTES.

1 A. My wife and I do not oppose Oncor's preferred Alternative Route 179. We are, however,
2 very opposed to any route that uses Segment M8, including Alternative Routes 1, 65, 67,
3 68, 69, 72, 96, 142, 143, 191, and 192. Segment M8 will destroy our ability to use or occupy
4 any of our 50 acre property. Additionally, Oncor failed to accurately estimate the right-of-
5 way costs associated with Segment M8 because it did not account for costs associated with
6 damages to the properties bisected by the line. Oncor also failed to demonstrate that the
7 proposed transmission line can be located within 2,000 feet of the Propwash Airport
8 runway without being a hazard to air navigation or creating a very dangerous situation for
9 oil field maintenance on the existing gas well.

10 **DOES THIS CONCLUDE YOUR TESTIMONY?**

11 A. Yes. However, due to on-going discovery, I reserve the right to supplement or amend my
12 testimony as may be needed.

Exhibit A

Oncor RFI Responses

**SOAH DOCKET NO. 473-23-21216
PUC DOCKET NO. 55067**

APPLICATION OF ONCOR	§	BEFORE THE
ELECTRIC DELIVERY COMPANY	§	
LLC TO AMEND ITS CERTIFICATE	§	
OF CONVENIENCE AND	§	
NECESSITY FOR THE RAMHORN	§	PUBLIC UTILITY COMMISSION
HILL TO DUNHAM 345 KV	§	
TRANSMISSION LINE IN DENTON	§	
AND WISE COUNTIES	§	OF TEXAS

**RESPONSE OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO
WILKERSON'S FIRST REQUEST FOR INFORMATION**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

Oncor Electric Delivery Company LLC ("Oncor") files this response to the aforementioned requests for information.

I. Written Responses

Attached hereto and incorporated herein by reference are Oncor's written responses to the aforementioned requests for information. Each such response is set forth on or attached to a separate page upon which the request has been restated. Such responses are also made without waiver of Oncor's right to contest the admissibility of any such matters upon hearing. Oncor hereby stipulates that its responses may be treated by all parties exactly as if they were filed under oath.

II. Inspections

In those instances where materials are to be made available for inspection by request or in lieu of a written response, the attached response will so state. For those materials that a response indicates are voluminous, materials will be provided in electronic format through an Oncor FTP file sharing site upon request. Requests for voluminous materials should be directed to Regulatory@oncor.com. To review materials that a response indicates may be inspected at their usual repository, please call Joni Price at 214-486-2844. Inspections will be scheduled so as to accommodate all such requests with as little inconvenience to the requesting party and to company operations as possible.

Respectfully submitted,

By: /s/ Jared M. Jones

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Winston P. Skinner
State Bar No. 24079348
Jared M. Jones
State Bar No. 24117474

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**ATTORNEYS FOR ONCOR ELECTRIC
DELIVERY COMPANY LLC**

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has been filed with the Commission and served on all parties of record via the PUC Interchange, as well as via e-mail on all parties from whom any action is required, pursuant to SOAH Order No. 2 filed in this docket, on this the 18th day of July, 2023.

/s/ Michele M. Gibson

Request

Provide the dollar amount used by Oncor in determining the Right-of-Way and Land Acquisition" cost associated with Route Segment M8, as used in Attachment 3 – Cost Estimates, and explain the basis for the determination of that amount.

Response

The following response was prepared by or under the direct supervision of Amy L. Zapletal, the sponsoring witness for this response.

The dollar amount used in determining the "Right-of-Way and Land Acquisition" cost associated with Segment M8 was \$1.30 per square foot. This amount is exclusive of acquisition costs, including appraisals and legal fees, which are determined on a route-by-route basis, and is based on estimated land values in southwestern Denton County and southeastern Wise County and Oncor's experience acquiring transmission line right-of-way.

Request

Explain the basis for the conclusion that "no substantial impact is anticipated" to the Propwash Airport as stated in Section 7.7.5, pages 7-23 and 7-24 of Attachment 1 – Environmental Assessment and Alternative Route Analysis. To the extent that Oncor assumed specific glide slopes for Propwash Airport, please provide the glide slopes used in the analysis.

Response

The following response was prepared by or under the direct supervision of Amy L. Zapletal, the sponsoring witness for this portion of the response.

No substantial impact is anticipated to Propwash Airport based on Oncor's determination that structure heights and locations can be selected along link M8 that will not violate the Federal Aviation Administration's ("FAA's") obstruction standards. Oncor assumed a 50:1 glide slope for FAA notice criteria and a 20:1 glide slope for FAA obstruction standards. After the Commission approves a route, Oncor will submit the final design to the FAA for review.

Exhibit B

Propwash's Concerns

Ramhorn-Dunham Power Line segment M8, PUCT Docket #55067.

In November of 2022, Oncor Electric Delivery reported to the Federal Aviation Agency (FAA) on Form 7460-1 for ASN 2022-ASW-22411-OE that a new tall structure was planned just south of a public airport and requested a determination if the proposed structure would be a Hazard to Air Navigation. After examination the FAA returned the form to Oncor with the report status of "Interim" and explained why the proposed structure received the Interim Status. An Interim Status indicates that the FAA found the proposed structure would violate the "Avigation Easement" or protected airspace of Propwash Airport (16X), a public airport, and would be a Hazard to Air Navigation.

I have watched the status of this Oncor report. The report kept the Interim Status and eventually was removed from the FAA web site. To the best of my knowledge, Oncor never resolved the Interim Status. If Oncor chooses segment M8 with no corrections to keep the structure(s) out of the Avigation Easement, the safety risk to not only aircraft but the surrounding community is significant.

Russell Sherwood
Airport Manager
Propwash Airport (16X)



Form 7460-1 for ASN 2022-ASW-22411-OE

Overview

Study (ASN): 2022-ASW-22411-OE

Prior Study:

Status: Interim

Letters:

Received Date: 11/15/2022

Entered Date: 11/15/2022

Completion Date: 12/08/2022

Expiration Date:

Map: [View Map](#)

Sponsor Information

Sponsor: Oncor - Pearl Frazier

Attention Of: Pearl Frazier

Address: 115 W 7th St

Address2:

City: Fort Worth

State: TX

Postal Code: 76102

Country: US

Phone: 682-305-6874

Fax:

Sponsor's Representative Information

Representative: Oncor Electric Delivery

Attention Of: Pearl Frazier

Address: 777 Main Street

Address2:

City: Fort Worth

State: TX

Postal Code: 76102

Country: US

Phone: 682-305-6874

Fax:

Construction Info

Notice Of: CONSTR

Duration: PERM (Months: 0 Days: 0)

Work Schedule: 01/01/2024 to 05/15/2024

Date Built:

Structure Summary

Structure Type: Utility Pole

Structure Name: M8 - 80 - PW

FCC Number:

Structure Details

Latitude (NAD 83): 33° 04' 16.59" N

Longitude (NAD 83): 97° 21' 29.96" W

Horizontal Datum: NAD 83

Survey Accuracy: 4D

Marking/Lighting:

Other Description:

Current Marking/Lighting: N/A Proposed Structure

Current Marking/Lighting Other Description:

Name:

City: Dallas

State: TX

Nearest County: Denton

Nearest Airport: 16X

Distance to Structure: 3397.2 feet

On Airport: No

Direction to Structure: 179.51°

Description of Location: Urban areas

Description of Proposal: Adding new transmission line poles at these locations. These locations are not connected on the same line, but proposals for future lines

Height and Elevation

	Proposed	DNE	DET
Site Elevation:	785		
Structure Height:	80	48	80
Total Height (AMSL):	865	833	865

Frequencies

Low Freq	High Freq	Unit	ERP	Unit
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