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Filing Date - 2023-08-14 02:48:37 PM

Control Number - 55067

Item Number - 1647

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

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY, LLC TO	§	
AMEND ITS CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY FOR	§	
THE RAMHORN HILL-DUNHAM 34-J	§	ADMINISTRATIVE HEARINGS
TRANSMISSION LINE IN DENTON	§	
COUNTY	§	

CROSS-REBUTTAL TESTIMONY OF FINLEY EWING

ON BEHALF OF

INTERVENOR LA ESTANCIA

INVESTMENTS, L.P.

August 14, 2023

I. INTRODUCTION OF WITNESS AND PURPOSE OF TESTIMONY

Q. Please state your name and business address.

A. My name is Finley Ewing. My business address is 6425 Dallas Parkway; Plano, Texas 75024.

Q. On whose behalf are you providing cross-rebuttal testimony?

A. I am testifying on behalf of La Estancia Investments, L.P. ("La Estancia"), a family-owned entity that owns over 900 acres in the area affected by Oncor Electric Delivery Company, LLC's ("Oncor") proposed transmission line. That property, which I will refer to as the "La Estancia Property," consists of the Northeast Parcel, North Parcel and South Parcel, as shown on Exhibit A.

Q. Are you the same Finley Ewing that filed direct testimony in this docket?

A. Yes. I filed direct testimony in this docket on July 31, 2023.

Q. What is the purpose of your cross-rebuttal testimony?

A. The purpose of my cross-rebuttal testimony is to respond to recommendations by certain Intervenor witnesses regarding potential routes for the Oncor transmission line. I explain how those recommendations would affect the La Estancia property if they were accepted by the Public Utility Commission of Texas ("Commission"). In some instances, I propose modifications that would make a particular route more acceptable to La Estancia. I also address the recommendation set forth in Texas Park and Wildlife's ("TPWD") July 21, 2023 letter to the Commission.

Q. Before addressing Intervenor witnesses' recommendations, please summarize La Estancia's positions with regard to the potential transmission line routes.

A. As I explained in my direct testimony, La Estancia requests that the Commission approve an alternative to Oncor's preferred route for the C-23 link in the Northeast Parcel.

La Estancia supports C-21 along the existing power line so long as it connects to C-22 and then either C-8 or C-5. La Estancia objects to the C-23 link, which bisects the tract. In the alternative, La Estancia would support the C-3 link along the F.M. 1171 right of way.

The South Parcel is affected by Oncor's preferred route of E-1, E-6, G-1 and F-5. La Estancia requests that Oncor instead utilize links E-7 and F-1, which run to the north of the F.M. 1171 right of way. In the alternative, La Estancia requests that links F-5 and G-1 be located within the IH 35W right of way rather than through usable land at the hard corner.

With respect to the North Parcel, La Estancia prefers Oncor's preferred route, which avoids this parcel.

II. RESPONSE TO ROUTE RECOMMENDATIONS

Q. What is the purpose of this section of your cross-rebuttal testimony?

A. In this section of my cross-rebuttal testimony, I respond to recommendations by TPWD and Intervenor witnesses regarding the route for the Oncor transmission line.

Q. Please summarize the TPWD recommendation on where to site the Oncor transmission line.

A. As I understand TPWD's July 21 letter, TPWD recommends Route 137 instead of Oncor's preferred Route 179.¹ Route 137 consists of the following links: A0-A4-B1-B61-B62-C1-C21-C22-C8-C9-E8-F2-F1-F5-G1-G3-H41-H42-H8-I8-J3-K1-L5-L4-L3-L2-M1-M2-4-R5-U3-V3-V4-Z.

Q. Please explain how TPWD's recommended route would affect the La Estancia Property and describe La Estancia's position with regard to the effect on each route.

A. Route 137 includes the following links on La Estancia's tracts:

- The Northeast Parcel would be affected by Links C-21, C-22. This is consistent with La Estancia's preferred route, as stated in my direct testimony. It avoids the bisection of the parcel with Link C-23 and is an acceptable option to La Estancia.
- The North Parcel would be affected by Link E-8 on the northern boundary and Link F-2 on the western boundary. While this is not optimal from La Estancia's standpoint, La Estancia would not oppose this option so long as Link C-23 is

¹ Docket No. 55067, Item No. 457.

removed from the Northeast Parcel and Link E-8 is moved to the north property line of the North Parcel.

- The South Parcel would be affected by several links. TPWD's preferred option of Links F-1, F-5 and G-1 addresses our concern with Link E-6, which runs along the northern boundary and appears to result in undevelopable property between the Oncor easement and the FM 1171 right of way.

Q. Please turn now to the Intervenor witnesses' recommendations and explain how they would affect the La Estancia Property.

A. I will first address the testimony of the City of Northlake ("Northlake") mayor David A. Rettig.² As I understand Mr. Rettig's testimony, Northlake supports Route 179, except that he recommends that Links E-1, E-2 and C-7 be eliminated and that Links C-6 and C-4 should be substituted in their place. In addition, Northlake opposes the use of Link C-9 simply because it runs across a lawn, which is not a compelling reason in my view. To the extent that this substitution would necessitate the use of Link C-23 on the Northeast Parcel, La Estancia opposes the Northlake route. La Estancia is currently considering purchase offers from residential developers that would result in hundreds of residents being located within 1,000 feet of the C-23 link (500' on each side of the Oncor easement).

In addition, Northlake supports Link E-6 over Link F-1 because its larger setback from FM 1171 "is helpful as pad sites can be developed in the setback area and the transmission link on Link E-6 would provide a transition into heavier industrial uses further to the south of Link E-6."³ I have not had communications with Northlake about the impact of Link E-6 on the South Parcel. In my direct testimony, I expressed a concern about the

² Docket No. 55067, Item No. 1451, Direct Testimony of David A. Rettig.

³ *Id.* at 12.

location of Link E-6 on Oncor's Area Development Overview Map because it appears that there will be insufficient land between the FM 1171 and Oncor rights-of-way for economically feasible development. If the Oncor line can be located along the southern right of way for FM 1171, which is the northern property line of the South Parcel, La Estancia would not object to the use of Link E-6.

Q. Do any other Intervenor witnesses offer recommendations that would affect the La Estancia tracts?

- A. Yes. Jeremy and Kate Young oppose Links C-5, C-7, C-8, C-9, C-23, E-2, E-3, E-5 and E-8, primarily due to perceived adverse impacts on one residential house, which are primarily visual.⁴ La Estancia agrees that C-23 should not be approved because it bisects the Northeast Parcel and would adversely impact hundreds of future residential units.

If a goal of the Commission is to parallel property lines and rights-of-way, then the logical route as it relates to the Northeast Parcel is to utilize Links C-21, C-22, C-5, C-4 and C-6. Link C-22 parallels the existing transmission line and the others parallel the Northeast Parcel property lines. It will not impact Argyle High School because its buildings are more than 500' from Link C-22. Links C-5 and C-4 impose a relatively small impact on the houses located to the north and west in Canyon Falls. This number of houses pales in comparison with the hundreds, if not thousands, of residential units proposed on

⁴ Docket No. 55067, Item No. 1465, Direct Testimony of Jeremy and Kate Young.

the northeast Parcel. In addition, this route avoids the apartment project under construction in Northlake at the location of Links E-1, E-2 and E-3.

It is important to note that the Northeast Parcel would bear the burden to locate Links C-21, C-22, C-5 and C-4 which are all on La Estancia's property. But this is an acceptable alternative to Link C-23 bisecting the property.

If this route option proves to be unacceptable, I request the Commission consider Link C-3 on the southern boundary of the Northeast Parcel. This link is parallel to the FM 1171 right-of-way. There would be a negligible impact to the homes in the Trailwood subdivision to the south of FM 1171. Those houses are about 200 feet south of the 100-foot FM 1171 right-of-way. In addition, none of the houses face FM 1171. If this route is considered, I would request that the spacing of the towers consider the street intersections on the Northeast Parcel at FM 1171. This option is not optimal but it avoids the bisection caused by Link C-3.

Q. Does this conclude your cross-rebuttal testimony?

A. Yes.