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

APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PILOT POINT 138-KV TRANSMISSION LINE IN COLLIN, GRAYSON, AND/OR DENTON COUNTIES	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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H3M PROPERTY HOLDINGS, LP'S WITNESS LIST AND EXHIBIT LIST

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW Harvey M. Mueller, II on behalf of H3M Property Holdings, LP,
("Intervenor") in the above styled case, and pursuant to SOAH Order No. 9, files this Witness
List and Exhibit List for the hearing on the merits, and would show the following:

I. Witness List

WITNESSES FOR DIRECT EXAMINATION	DESCRIPTION
None	None

WITNESSES FOR CROSS-EXAMINATION	DESCRIPTION
None	None

Intervenor does not designate any witness for cross-examination but reserves the right to cross-examine any witness called by any other party and any party that conducts cross-examination of our witness. Unless Intervenor is named as a witness for cross-examination by another party and/or ordered to attend the hearing by the ALJs, all other parties have waived cross-examination of Intervenor and these parties should not be required to attend the hearing.

II. Exhibit List

At the hearing on August 28, 2023, through September 1, 2023, Intervenor may present the following exhibit:

EXHIBIT	DESCRIPTION
A	Direct Testimony of Harvey M. Mueller, II on behalf of H3M Property Holdings, LP

Respectfully Submitted,

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ATTORNEYS FOR INTERVENOR

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, the foregoing document is being electronically filed in the Public Utility Commission's Interchange system in accordance with the Orders in the above-styled proceeding and the Commission's Second Order Suspending Rules in Docket No. 50664.



J. Lindsey Rusler

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

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

DIRECT TESTIMONY OF
of
HARVEY H. MUELLER, II
on behalf of
H3M PROPERTY HOLDINGS, LP

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1 **I. INTRODUCTION**

2 **Q Please state your name and address.**

3 A. "My name is Harvey H. Mueller, II. I am the general partner of H3M Property Holdings,
4 LP. My mailing address is 6467 Southwest Boulevard, Fort Worth, Texas 76132-2777."

5 **Q. Please describe your background, profession and/or experience.**

6 A. "I have extensive experience in commercial development and other aspects of real
7 estate."

8 **Q. Please describe your history with the property potentially affected.**

9 A. "This property was purchased with the intent to develop it commercially because it is
10 located on State Highway 114."

11 **II. PURPOSE OF TESTIMONY**

12 **Q. What is the purpose of your testimony?**

13 A. "The purpose of my testimony is to: (i) describe the property; (ii) describe the expected
14 impact of the proposed transmission line on the property; (iii) voice my opposition
15 against certain links and routes; and (iv) provide information on the route that I prefer."

16 **III. DESCRIPTION OF THE PROPERTY AND IMPACT**
17 **OF THE TRANSMISSION LINE ON THE PROPERTY**

18
19 **Q. Please describe your property.**

20 A. "H3M Property Holdings, LP owns approximately 10.59 acres, which would be affected
21 by the proposed transmission line if any route utilizing Links P1, P4 or O6 were approved
22 by the PUC. This property has been identified as Tract 2330, 2609, 2613, 2617 in this
23 matter."

24 **Q. Are there any habitable structures or other improvements on your property?**

1 A. "There are not habitable structures on the Property, however it is in close proximity to a
2 subdivision known as Shale Creek Subdivision. There are approximately 200 habitable
3 structures within the subdivision and another 800+ planned. I do believe these structures
4 will be impacted by the proposed transmission line."

5 **Q. Please describe your Property's terrain and any ecological features.**

6 A. "The property is typical commercial raw land for the area."

7 **Q. Please describe the Property's current uses and operations.**

8 A. "Currently, there is a vertical natural gas well that is producing on the Property and has
9 approximately 10 more years of profitable economic life remaining. Additionally, there
10 is a grass lease in place for livestock grazing."

11 **Q. Are there planned future uses of the property that are different from the current
12 use(s)? If so, please explain.**

13 A. "The Property is planned to be used for future commercial development. This Property is
14 a large undeveloped tract situated along State Highway 114 and South County Line Road.
15 I would intend that this Property be developed in an environmentally and ecologically
16 friendly manner. Construction of power lines through this Property would be detrimental
17 to that effort. Additionally, use of Links P1, P4, P5, S1, O6 or P3 by Oncor would front
18 onto State Highway 114 and wrap around the Shale Creek Subdivision. Use of any of
19 these links would affect the numerous habitable structures already located in the area, as
20 well as the future development. This would be detrimental to the public by affecting
21 views and devaluation to the Property and the properties located within the Subdivision."

22 **Q. If the transmission line is built on the Property, do you have any concerns about
23 ONCOR having access to the Property?**

1 A. "I have concerns, similar to residents in the Subdivision regarding third party access to
2 the property."

3 **IV. CONCLUSIONS AND RECOMMENDATIONS**

4 **Q. Please summarize your position in this proceeding regarding Oncor's proposed**
5 **alternative routes.**

6 A. "I'm strongly in favor of the placement of the transmission line along Route 179 as
7 proposed by Oncor's Brenda J. Perkins in the Office Memorandum dated May 30, 2023,
8 and attached as Attachment No. 7 to the Application. Route 179 is one of the cheaper
9 alternative routes and would only cost approximately \$175,208,000.00. Additionally, it
10 only has 97 habitable structures within 500 feet of the centerline of the route, which is
11 only 4 more than Route 164 which has the least amount of habitable structures."

12 **Q. Do you have any further statements regarding why you do not support placement of**
13 **the transmission line in the area of your Property?**

14 A. Yes, the effect the transmission line will have on my property as well as the Shale Creek
15 Subdivision is extremely detrimental in terms of the value of the property, use of the
16 property and health of the residents. I am strongly opposed to any route including links
17 P1, O6, P3, P5, S1 and P4. More specifically, I am opposed to Routes 10, 11, 19, 33, 54,
18 92, 117, 154, 175, 178, 186, 187, 191, 192, 216, 217, 218, 219 and 221. All of these
19 routes have significantly more habitable structures on the route than Route 179 with a
20 range from 108-400.

21 **Q. Why are you specifically opposed to link P1?**

22 A. Link P1 will directly affect the Property because it will be placed directly on my property.
23 Portions of my property will be rendered unusable, and it will affect my ability to develop

1 the property for commercial purposes by limiting the area that can be used. Furthermore,
2 P1 has 111 habitable structures on the link, with more planned for the Shale Creek
3 Subdivision. Placing a line on this link will greatly impact those habitats and future
4 residential and commercial development.

5 **Q. Are you aware there are four routes less costly than Route 179? What basis do you**
6 **have to oppose those four routes?**

7 **A.** While they are slightly less costly, they have more than double the amount of habitable
8 structures and include more corners in the route. The 4 less expensive routes have a
9 range of 320-400 habitable structures on them, cross wetlands on an average length of
10 492 - 621 feet and cross streams on average length of 3,000 feet. Route 179 crosses 0
11 streams and is only parallel to streams for approximately 1,351 feet.

12 **Q. Does this conclude your testimony?**

13 **A.** Yes, this concludes my testimony, subject to subsequent correction.
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CERTIFICATE OF SERVICE

I certify 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 orders in this docket, the Commission's rules, and the Commission's orders in Project No. 50664.


Todd W. Boykin