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

APPLICATION OF ONCOR ELECTRIC DELIVERY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RAMHORN HILL – DUNAHM 345-KV TRANSMISSION LINE IN DENTON AND WISE COUNTIES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**MATTHEW SPAETHE’S NOTICE OF CROSS-EXAMINATION
AND EXHIBIT LIST**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, Matthew Spaethe and pursuant to SOAH Order No. 2 files this notice of cross-examination and list of exhibits that will be offered at the hearing commencing on August 28, 2023.

I. Notice of Cross-Examination

Matthew Spaethe does not designate any intervenor witnesses for cross-examination, but reserves the right to cross-examine any witness called by any other party for cross-examination.

II. Exhibit List

At the hearing, Matthew Spaethe will offer the following exhibits. Pursuant to SOAH Order No. 2, these exhibits will be provided to the parties via a file-sharing site provided by Oncor Electric Delivery, LLC. All exhibits listed have been pre-filed on the Public Utility Commission of Texas Interchange.

EXHIBIT NO.	DESCRIPTION	INTERCHANGE NO.
Spaethe Exhibit 1	Direct Testimony of Intervenor Matthew Spaethe	1428
Spaethe Exhibit 2	Oncor Electric Deliver Company, LLC’s Response to Matthew Spaethe’s First Request for Information	1631

Respectfully submitted,

BRAUN & GRESHAM, PLLC

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ATTORNEYS FOR MATTHEW SPAETHE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing document will be served on all parties of record on August 23, 2023, in accordance with PUC Procedural Rule 22.74 and Orders issued in Docket No. 55067.

/s/Patrick L. Reznik
Patrick L. Reznik

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APPLICATION OF ONCOR ELECTRIC DELIVERY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE RAMHORN HILL – DUNHAM 345-KV TRANSMISSION LINE IN DENTON AND WISE COUNTIES	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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INTERVENOR MATTHEW SPAETHE’S EXHIBIT LIST

EXHIBIT	DESCRIPTION	OFFERED	ADMITTED
Spaethe Exhibit 1	Direct Testimony of Intervenor Matthew Spaethe		
Spaethe Exhibit 2	Oncor Electric Delivery Company, LLC’s Response to Matthew Spaethe’s First Request for Information		

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

DIRECT TESTIMONY OF INTERVENOR MATTHEW SPAETHE

Intervenor Matthew Spaethe files this Direct Testimony, which is attached. Matthew Spaethe stipulates that this Direct Testimony can be treated by all parties as if the answers were filed under oath.

Respectfully submitted,

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ATTORNEYS FOR MATTHEW SPAETHE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on all parties and counsel of record on July 31, 2023, in accordance with PUC Procedural Rule 22.74 and Orders issued in Docket No. 50067 to date.

/s/Patrick L. Reznik _____
Patrick L. Reznik

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1 **I. INTRODUCTION**

2
3 QUESTION: PLEASE STATE YOUR NAME AND CURRENT ADDRESS FOR THE
4 RECORD.

5
6 ANSWER: My name is Matthew Spaethe, and my current address is 613 Blue Mound
7 Rd E, Haslet TX 76052.

8
9
10 QUESTION: ARE YOU AN INTERVENOR IN SOAH DOCKET NO. 473-23-21216
11 AND PUC DOCKET NO. 55067 AND ON WHOSE BEHALF ARE YOU TESTIFYING?

12
13 ANSWER: Yes, and I'm testifying on behalf of myself.

14
15 QUESTION: HAVE YOU EVER TESTIFIED IN A PUBLIC UTILITY COMMISSION
16 OF TEXAS ("PUC" OR "COMMISSION") PROCEEDING?

17
18 ANSWER: Yes. In SOAH Docket No. 473-14-2252/PUC Docket No. 42087.

19
20 QUESTION: BRIEFLY DESCRIBE YOUR OCCUPATION, EDUCATIONAL AND
21 WORK HISTORYS.

22
23 ANSWER: I am an Engineer with Bachelor's and Master of Science in Electrical
24 Engineering. I have been a design engineer at Motorola, Nokia, GE Transportation, and
25 now Wabtec.

26
27 QUESTION: WHERE IS YOUR PROPERTY LOCATED?

28
29 ANSWER: My property is located at 15167 S County Line Rd, Justin TX 76247.

30
31 QUESTION: HOW LONG HAVE YOU OWNED THE PROPERTY?

32
33 ANSWER: I have owned the property for seven years this August.

34
35 QUESTION: ARE YOU FAMILIAR WITH THIS AREA OF TEXAS?

36
37 ANSWER: I am familiar mainly with my property and the area south and east from it.

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ANSWER: The purpose of my testimony is to (a) describe my property, (b) describe the expected impact of the proposed transmission line on my property and (c) voice my opposition against Segments Q1, Q2, Q5, and O8 and Routes 67, 68, and 69 which utilize these Segments.

(a) **Property Description:** My future homesite is located on this property. I chose this location due to its rural nature, topology, and proximity to employment. In the fall of 2020, my dad and I installed an approximately 2000' driveway complete with geogrid and geofabric from S County Line Rd. In the fall of 2021, I had two building sites professionally prepared for structures. This involved soil samples, engineering analysis, and an on-site technician during moisture conditioning and compaction. Since then, I have purchased the garage doors and windows for the first structure. I have also placed a non-refundable deposit on the building. There is also a FAA registered airstrip (XS05) located on this property which completed the Specific Use Permit application phase with the city of New Fairview before Oncor's filing with the PUC.

(b) **Impact Statement:** Link Q5 bisects my property, not following any natural feature or property line. It will separate the north half from the south half for the Wise County portion of my property. In fact, link Q5 will be located between my homesite and my pond. A walk to the pond from the home will involve crossing under link Q5. More importantly, this link directly crosses FAA registered airstrip XS05. Additionally, link Q1 likely encroaches on approach and departure from FAA registered airstrip XS05 and will need further aeronautical study. Link Q2 directly crosses my driveway, about 800' from S County Line Rd. Link Q2 also runs parallel to the "front" of the second pad site. The view from the structure on the second pad will be mainly link Q2.

1 (c) **Opposition:** I hereby voice my opposition to any route that uses Segments Q1, Q2, Q5,
2 and O8 for reasons stated in (a) and (b) above.

3
4
5 **III. DESCRIPTION OF PROPERTY AND THE LINE'S IMPACT**
6

7
8 QUESTION: ARE THERE ANY HABITABLE STRUCTURES ON THE PROPERTY?
9

10 ANSWER: Not currently. I expect construction to commence this fall on my
11 barndominium. The site and land preparation has been ongoing since purchase of the
12 property.

13
14
15 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S TERRAIN AND ITS
16 ECOLOGICAL OR BIOLOGICAL FEATURES.

17
18 ANSWER: The property is actually very diverse for this area of Texas. It was one of
19 the items that drew me to the property. It is crossed by Harriet Creek, wooded area,
20 planted crop, Bermuda coastal, and 1+ acre pond. I also have access to W County Line
21 Rd and S County Line Rd. **See Exhibit A.**

22
23
24 QUESTION: PLEASE DESCRIBE YOUR PROPERTY'S CURRENT USES,
25 INCLUDING BRIEFLY DESCRIBING ANY RANCH OR SPECIALIZED
26 OPERATIONS.

27
28 ANSWER: The property is currently agriculture with a FAA registered airstrip. **See**
29 **Exhibit B.**

30
31
32 QUESTION: HAVE YOU OR YOUR FAMILY UNDERTAKEN ANY EFFORTS TO
33 RESTOR THE LAND OR THE ENVIRONMENTAL QUALITY OF THE PROPERTY?

34
35 ANSWER: No.
36

37
38 QUESTION: ARE THERE ANY WATER WELL SITES ON THE PROPERTY? IF SO,
39 DESCRIBE THE GENERAL LOCATION.

1
2 ANSWER: Not currently. I do plan a water well to support homesite.

3
4 QUESTION: ARE THERE ANY GAS WELLS ON THE PROPERTY? IF SO,
5 DESCRIBE THE GENERAL LOCATION.

6
7 ANSWER: No. Not directly on my property. There are some located on neighboring
8 properties adjacent to my property lines.

9
10
11 QUESTION: ARE THERE ANY PIPELINE EASEMENTS ON THE PROPERTY? IF
12 SO, DESCRIBE THE GENERAL LOCATION.

13
14 ANSWER: Yes. They follow the north, south, east, and west property lines. There is also
15 a petroleum pipeline easement that runs in a general southeast / northwest direction located
16 toward the western side of the property.

17
18
19 QUESTION: PLEASE DESCRIBE ANY PLANNED FUTURE USES OF YOUR
20 PROPERTY IF THOSE USES ARE DIFFERENT FROM THE CURRENT USES
21 PREVIOUSLY DESCRIBED.

22
23 ANSWER: I plan for this property to be my homestead along with supporting private
24 general aviation.

25
26
27 QUESTION: DO ANY EXISTING TRANSMISSION OR DISTRIBUTION LINES
28 CROSS YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY
29 CROSS THE PROPERTY.

30
31 ANSWER: There are no existing transmission lines. There is one distribution line along
32 S County Line Rd right-of-way. I have worked with CoServ and converted this into a
33 defined easement. *See* Denton County Records, 2021-48968 and 2023-28463.

34
35
36 QUESTION: ARE THERE CURRENT PLANS FOR OTHER UTILITY FEATURES ON
37 YOUR PROPERTY? IF SO, PLEASE DESCRIBE HOW AND WHERE THEY CROSS
38 THE PROPERTY.

1 ANSWER: I have discussed with my neighbor, Margaret Chavez's parents, access to
2 the existing CoServ distribution line along the north side of their property. My plan is to
3 go underground approximately 800' to my prepared pads.

4
5 QUESTION: WOULD THE SEGMENTS THAT MIGHT IMPACT YOUR PROPERTY
6 RUN ALONG ANY BOUNDARY LINES OF YOUR PROPERTY?

7
8 ANSWER: No.
9

10
11 QUESTION: HOW WOULD A 345-KV ELECTRIC TRANSMISSION LINE IMPACT
12 YOUR PROPERTY AND ITS OPERATIONS?

13
14 ANSWER: It would force me to abandon FAA registered airstrip XS05. It would also
15 divide the property into "regions" that are not coincident with geography or property
16 boundaries.
17

18
19 QUESTION: WOULD YOU HAVE TO REGULARLY DRIVE UNDER THE
20 TRANSMISSION LINE IF INSTALLED ON YOUR PROPERTY.

21
22 ANSWER: Yes, with each entry and exit. As link Q2 crosses my driveway,
23 approximately 800' from S County Line Rd.
24

25
26 QUESTION: DESCRIBE THE AESTHETIC IMPACT TO YOUR PROPERTY IF
27 STEC INSTALLS A 345-KV TRANSMISSION LINE ON YOUR PROPERTY.

28
29 ANSWER: Link Q5 will be approximately 150' from my pond, and located between
30 my homesite and the pond. Link Q2 will be fully visible from front of a structure located
31 on the second pad, as it runs parallel to the front of this pad.
32

33
34 QUESTION: IS THIS YOUR FIRST EFFORT TO COMMUNICATE YOUR
35 CONCERNS WITH ONCOR?

36
37 ANSWER: No, I participated in the public meeting held on both December 7th and 8th,
38 2022. I attended both evenings. On the second evening, I shared with the head planner of
39 Halff consulting firm airstrip details that had been submitted to the FAA. The location of

1 this airstrip was also entered into Halff engineering's "geo" database by one of their
2 associates.

3
4
5 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
6 YOU HAVE ANY CONCERNS ABOUT ONCOR HAVING ACCESS TO YOUR
7 PROPERTY?

8
9 ANSWER: Yes, I have the general concerns of landowners who are required to give
10 any third-party access to their property.

11
12
13 QUESTION: IF THE TRANSMISSION LINE IS BUILT ON YOUR PROPERTY, DO
14 YOU HAVE ANY OTHER CONCERNS?

15
16 ANSWER: Yes. The link locations bisect my property and essentially carves it into
17 parcels that are not generally supported by access to S County Line Rd and W County Line
18 Rd due to Harriet Creek. It will also force me to abandon FAA registered airstrip XS05.

19
20
21 **IV. CONCLUSION AND RECOMMENDATIONS**

22
23 QUESTION: HOW WOULD YOU SUMMARIZE YOUR POSITION IN THIS
24 PROCEEDING REGARDING ONCOR'S RECOMMENDED ROUTE 179 AND THE
25 PROPOSED ALTERNATIVE ROUTES?

26
27 ANSWER: I specifically oppose any route using Segments Q1, Q2, Q5, and O8 and Routes
28 67, 68, and 69. I fully support Oncor's Recommended Route 179.

29
30
31 QUESTION: DOES THIS CONCLUDE YOUR TESTIMONY?

32
33 ANSWER: Yes.



Matthew W. Spaethe
+/- 151.300 Acres - Denton and Wise Counties



Direct Testimony of Matthew Spaethe
SOAH Docket No. 473-23-21216
PUC Docket No. 55067
Page 10 of 11

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**SOAH DOCKET NO. 473-23-21216
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APPLICATION OF ONCOR	§	BEFORE THE STATE OFFICE
ELECTRIC DELIVERY COMPANY	§	
LLC TO AMEND ITS CERTIFICATE	§	
OF CONVENIENCE AND	§	OF
NECESSITY FOR THE RAMHORN	§	
HILL TO DUNHAM 345 KV	§	
TRANSMISSION LINE IN DENTON	§	ADMINISTRATIVE HEARINGS
AND WISE COUNTIES	§	

**RESPONSE OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO
MATTHEW SPAETHE'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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**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 11th day of August, 2023.

/s/ Michele M. Gibson

Request

Please provide information for "Freedom Airport" in the same format as Table 3-18 Aircraft Landing Facilities in or Near the Study Area, which is contained in Application, Attachment 1, Environmental Assessment and Alternative Route Analysis.

Response

The following response was prepared by or under the direction supervision of Russell J. Marusak, the sponsoring witness for this response.

The requested information is provided below. For sources listed at the end of the table, please refer to Application Attachment 1, Environmental Assessment and Alternative Route Analysis at page 3-75.

AIRCRAFT LANDING FACILITIES IN OR NEAR THE STUDY AREA

Facility Name	FAA ID ¹	Facility Use	County	Relative Location
FAA Registered Airport with Runway Less than 3,200 Feet				
Freedom	XS05	Private	Wise	Northwestern portion of the study area near the Denton-Wise County line
SOURCES: AirNav, 2023; FAA, 2023.				
NOTES:				
1. Identification code assigned to facilities registered with the FAA.				

Request

Please explain why Freedom Airport was not included in Table 3-18, even though it is a FAA registered airport in the study area.

Response

The following response was prepared by or under the direct supervision of Russell J. Marusak, the sponsoring witness for this response.

Freedom (XS05) was not included in Table 3-18 because at the time of researching airport locations, it was not a registered facility. For additional information, see Oncor's response to Spaethe RFI Set No. 1, Question No. 1-03.

Request

Please explain and describe Oncor's process for preparing Table 3-18. When was the data pulled to complete table and does Oncor update prior to filing its Application?

Response

The following response was prepared by or under the direct supervision of Russell J. Marusak, the sponsoring witness for this response.

As documented in Section 2.3 in of the Environmental Assessment, constraints data are researched early in the routing study process. Airport GIS shapefile data were initially downloaded in August 2022 after which research of individual facility data through various sources began in September 2022. Over the course of a project, Halff utilizes feedback from the landowners, continuous review of aerial imagery, and field inspections of the study area to verify the physical limits of a constraint and to search for changes that may alert them to potential new constraints. Halff and Oncor made route modifications based on the confirmation of physical constraints (e.g., active construction) after initial records research. On a case-by-case basis, Halff or Oncor may contact facilities directly or FAA offices to confirm active status on a particular facility.

In the case of Freedom (XS05), Halff analyzed updated January 2023 aerial imagery. As of that date, no runway existed that matched what was provided in the Spaethe public meeting questionnaire. More recent post-filing imagery from May 2023 shows similar conditions. Thus, the most recent aerial imagery available shows that no such runway has been constructed.

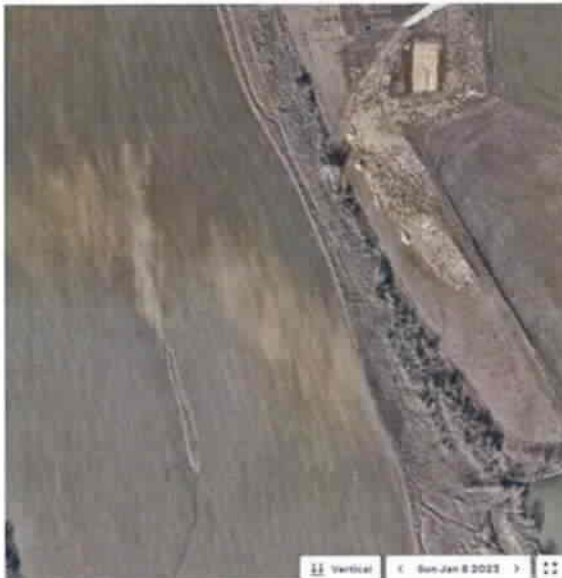


Figure 1: January 8, 2023



Figure 2: May 31, 2023

Source: Nearmap 2023 aerial imagery

Request

Please explain if Freedom Airport prevents Segment Q5 from being constructed. If it does not, please explain why and what conditions would Oncor not construct a transmission line bisecting an airport.

Response

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

Unknown. Oncor cannot reliably assess potential impacts to speculative future development plans. Once the Commission approves a route, Oncor will conduct detailed engineering accounting for any relevant existing constraints. After Oncor completes final design of the Commission-approved route, Oncor will submit the design to the FAA for review.

Request

Will any airspace permits be necessary to construct any of the proposed routes? If so, which of the proposed Segments will require an airspace permit?

Response

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

Oncor does not know what, if any, permits will be required following FAA review of Oncor's final designs. Oncor will coordinate as necessary with the FAA to obtain any required permits following receipt of an FAA determination.