



## **Filing Receipt**

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

INITIAL POST-HEARING BRIEF OF PRO SE INTERVENORS  
VIKTOR AND ANZHELA CHOPOVENKO

INDEX OF ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

ALJ	Administrative law judge
EMF	Electromagnetic Field
ELF	Extremely Low Frequency
MF	Magnetic Field
PUCT	Public Utility Commission of Texas
SOAH	State Office of Administrative Hearings
We/Our	Viktor and Anzhela Chopovenko

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES (ALJs),  
STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH),

COMES NOW, Viktor and Anzhela Chopovenko, and file  
this Initial Brief for SOAH DOCKET NO. 473-23-21216,  
PUC DOCKET NO. 55067, Ramhorn Hill-Dunham 345 kV  
Project by the Oncor Electric Delivery Company LLC  
("Oncor")

The evidence presented in this case was clear that  
Link J4 is not a viable option for consideration  
because of the substantial adverse impact on the  
residents, landowners, environmental aspects, and  
cherished community values. In light of this, we  
earnestly beseech the Administrative Law Judges (ALJs)  
and the Public Utility Commission of Texas (PUCT) NOT  
to recommend Link J4 as a suitable route for this  
project.

The evidence presented in the hearing indicated  
that most parties are in agreement that Route 179-C is  
the "best meets" route for the Ramhorn Hill- Dunham  
project considering costs, community impact, and  
environmental impact. While we are generally in  
agreement to this conclusion given the evidence  
provided in the hearing, we would ask that you  
reconsider Link J3 the way it was presented.

Link J3, as currently planned, passes through the  
heart of the Legacy Ranch neighborhood, intersecting  
its central greenbelt. This segment of Link J3 within  
Route 179-C necessitates several sharp turns over a  
short distance, compelling the installation of multiple  
utility poles and a wider easement. Regrettably, this  
configuration would profoundly affect the well-being,  
quality of life, and property values of the landowners  
and the larger community in the vicinity. The presence  
of an increased number of utility structures would be  
visually disconcerting and congest the area, as there

are no existing tall structures to mitigate their visual impact. The wider easement, in addition to limiting land use, poses a potential safety hazard to residents in case of structural damage. Therefore, we implore the ALJs to advocate for a realignment of Link J3, shifting it further southward, away from the Legacy Ranch neighborhood and outside the municipal boundaries of Justin. Our close-knit community not only resides here but also shares a collective life and takes immense pride in our neighborhood.

Our concerns extend to the safety of High Voltage Transmission Lines. Dr. Gelmann, Oncor's expert witness at the hearing, was questioned regarding the safety of these lines, yet provided no reassuring evidence regarding their impact on human health. Dr. Gelmann's assertion that the approximate 2-year lifespan of a laboratory rat is a sufficient model for comparison to the average 70-year human lifespan in the United States is, in our view, insufficient. We contend that there are more biologically analogous specimens with comparable lifespans, genetic profiles, and lifestyles to draw more accurate comparisons. The majority of long-term studies cited in this case, despite presenting evidence of adverse effects, tend to conclude that such effects require further research due to multiple variables. This lack of conclusive safety data raises serious concerns. Dr. Gelmann also acknowledged the potential risks posed to individuals with medical devices and metallic implants. In the absence of definitive proof of safety, a consensus asserting the safety of exposure to EMFs and ELF MFs remains elusive.

Furthermore, we wish to draw attention to concerns surrounding the notification process initiated by Oncor regarding this project. It has come to our attention that while Oncor organized a public meeting on December 7th and 8th, not all directly affected residents were duly informed of this event. Our first awareness of

this case materialized when we received a mailing packet from Oncor, postmarked June 8th, 2023, with an intervention deadline of July 24th, 2023. It was through the City of Justin's town hall meeting and a subsequent city council meeting that many residents in our community were apprised of the project's details and the necessary procedures for intervention. Had the community been promptly and comprehensively notified about this project, and provided with clear guidance on early-stage intervention, it is our firm belief that greater community involvement, additional evidentiary support, and potentially different outcomes in these proceedings would have been realized.

SOAH ORDER No.2, Section V requires the following:

"Service will be by the PUCT Interchange System. However, if a filing requires an action of another party, direct service on that party is required. Email service is a valid method of providing direct service on a party from whom action is required."

Oncor did not provide direct service to parties regarding "NOTICE OF IN-PERSON SETTLEMENT CONFERENCE" (Item# 1643), which they filed into the PUCT Interchange filer August, 14. 2023. This document requires action from other parties, as it requests a reply with a deadline.

"Settling transmission line cases is best achieved when the parties are able to sit in a room together to review maps, discuss routing issues, and build consensus on a settlement route. Accordingly, Oncor strongly encourages all parties who are able to do so to attend the settlement conference in person. If you would like to discuss a specific route at the settlement conference that consists of filed links but is not included in Oncor's CCN application, please email [Regulatory@Oncor.com](mailto:Regulatory@Oncor.com) with the details of such route no later than 5:00 PM on Tuesday, August 15, 2023, to ensure adequate time to prepare exhibits. For those who are unable to attend the settlement conference in person, an option for remote participation via the WebEx videoconferencing platform will be available. If you plan to

participate in the settlement conference remotely, please contact Regulatory@Oncor.com for login information. "

No direct service was given, therefore, in the constant barrage of documents being filed, we can deduce why Intervenorors were not aware, as we were unaware, of this "settlement conference," as well as another "technical conference" held on June 26<sup>th</sup> 2023 (PUCT Item 21), until looking at all the approved exhibits in preparation of this initial post hearing brief.

ONCOR'S response to SOAH ORDER NO. 1 (Regarding intervenors who did not file testimony or a statement of position) stated the following:

"Approximately 400 parties filed requests to intervene in this proceeding, but fewer than a hundred filed documents styled as testimony or a statement of position. "(PUCT Filing 1634, Section II)

and further:

"moves to dismiss all intervenors listed in section III above and all other intervenors the ALJ's deem not to have filed written testimony or a statement of position in this docket."

"Any intervenor who does not file direct testimony or a statement of position by July 31, 2023, will be stricken as a party under 16 Texas Administrative Code sections 22.124 and 22.161" (SOAH ORDER No. 2, Section III).

In this same filing Oncor states the following:

"Oncor appreciates the substantial public participation in this proceeding. In reviewing the parties' filings, Oncor strived to ensure that all intervenor concerns are fully and fairly considered. Yet, the spectrum of formatting choices employed in these filings blurs the distinction between those that satisfy the requirements of SOAH Order No. 1 and those that do not "(PUCT Filing 1634, Section II).

Oncor failed to provide Protestors and Intervenorors with any instructions regarding the formatting of their filings, how to categorize them, or the specific

language required for their 'statement of position.' As a result, Protestors and Intervenorors were left to navigate these procedures independently, often under tight time constraints, and consequently submitted their forms to the best of their understanding.

It's important to note that pro se Intervenorors, who represent themselves in this case, are recognized as parties. Therefore, greater consideration should have been extended to parties lacking legal representation.

This raises the question of why there wasn't an initial effort to provide clear guidance for filing, or alternatively, to address filing issues rather than seeking the dismissal of these parties from the case. Throughout the proceedings, there was evident confusion that could have been alleviated through proactive planning and unambiguous instructions.

#### **CONCLUSION AND RELIEF SOUGHT**

We respectfully request that Your Honors refrain from endorsing Links J4, J3, and J22 to the Commission, and instead recommend one of the southernmost routes within the study area, including links like I12. Route 179-C appears to be under serious consideration. Considered broadly, using the furthest south route would have the least interference with EXISTING development and would be able to utilize EXISTING rights-of-way like railroad and electrical easements along SH114.

We, Viktor and Anzhela Chopovenko, respectfully urge the esteemed Administrative Law Judges (ALJs) to make a determination that the incorporation of routes featuring Links J4 and J3, in their current configuration, should NOT be granted approval. Such routes, if approved, would undoubtedly cast adverse ramifications upon the cherished community values of our modest city. In furtherance of this plea, we

implore the ALJs to abstain from recommending to the Commission the endorsement of any route as the "Best Meets" option if it includes Links J4 and J3, in their existing form.

We expect other parties will submit additional analysis in their briefs and we reserve the right to respond in our reply brief to those analyses.

In conclusion, we appreciate the diligent consideration given to this matter by the ALJs. We trust that your esteemed authority will act judiciously and conscientiously in addressing these concerns and implementing necessary measures to ensure the safety, well-being, and interests of the public are protected.

Respectfully Submitted,

Viktor and Anzhela Chopovenko  
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