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**SOAH DOCKET NO. 473-25-02531
PUC DOCKET NO. 57115**

JOINT APPLICATION OF THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SOUTH TEXAS ELECTRIC COOPERATIVE, INC. (STEC) TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED HOWARD ROAD-T0-SAN MIGUEL 345-KV TRANSMISSION LINE IN BEXAR AND ATASCOSA COUNTIES	§ § § § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**PREFILED DIRECT EXAMINATION OF
CHARLES J. ERTEL ON BEHALF OF
CHARLES J. ERTEL, LINDA ERTEL, CHARLENE STAHA,
AND PERRY FEEDERS, INC.
“PERRY FEEDERS INTERVENORS”**

SUBMITTED NOVEMBER 12, 2024

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1 **I. INTRODUCTION**

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

3 **A.** Charles J. Ertel, 110847 I.H. 37, Pleasanton, Texas 78064.

4 **Q. On who's behalf are you testifying today?**

5 **A.** My wife, Linda Ertel and myself, my sister, Charlene Staha, and Perry Feeders, Inc. which
6 my sister and I own, and collectively referred to herein as the "Perry Feeders Intervenor."

7 **Q. What is your educational background and current occupation?**

8 **A.** I earned a degree from Texas Christian University's Ranch Management Program in 1981
9 and returned to run the family's agricultural operations and also started a cattle feeding
10 operation on part of the property. I have managed the feedlot and cattle operations, hay
11 production and wildlife for over 43 years. I am proud of the fact that six generations of
12 our family have been involved in production agriculture in Atascosa County. Four
13 generations have been involved at this location.

14 **Q. Prior to this case have ever testified in a Public Utility Commission of Texas
15 proceeding?**

16 **A.** No, I have not.

17 **Q. Are you familiar with the property owned by all the Perry Feeders Intervenor?**

18 **A.** Yes. My grandfather, D.T. Perry, started purchasing land at this location in 1954. Three
19 generations have purchased additional contiguous acres. The properties are all operated
20 together as a farm, ranch, and cattle feeding operation. The parties collectively own 768.25
21 contiguous acres. Of that total acreage, Perry Feeders owns 464.97. Charles J. Ertel and
22 Charlene Staha jointly own 283.28 acres. Charlene Staha owns a ten acre tract where she
23 lives, and my wife Linda and I own a ten acre tract where we live.

1 **Q. Would the property owned by you and your wife, you and Charlene Staha, Perry**
2 **Feeders and Charlene Staha be directly impacted by the proposed transmission line**
3 **in this case?**

4 **A.** Yes, the property would be directly impacted by construction of the transmission line on
5 Segment 57.

6 **II. DESCRIPTION OF PROPERTY**

7 **Q. Can you describe the property owned by you and your wife, you and Charlene Staha,**
8 **Charlene Staha and Perry Feeders?**

9 **A.** The parties collectively own 768.25 contiguous acres that are depicted in Exhibit A. Of
10 that total acreage, Perry Feeders owns 464.97, depicted in Exhibit B. Charles J. Ertel and
11 Charlene Staha jointly own 283.28 acres, depicted in Exhibit C. Charlene Staha owns a ten
12 acre tract where her home is, shown in Exhibit D, and my wife and I own a ten acre tract
13 where our home is, shown in Exhibit E.

14 **Q. Do you all live on the properties and operate the properties together?**

15 **A.** Yes. We live on the properties, and since the 1950's the land has been used in agriculture
16 production. The land is currently used for agriculture production, cattle, including cow-
17 calf and stocker cattle, hay production and wildlife management, including deer, waterfowl
18 as well as other species.

19 **Q. What is Exhibit A?**

20 **A.** Exhibit A is a map from CPS's project website. The map depicts the entire property made
21 up of the 4 tracts used as a single unit or enterprise. The boundary of our property is
22 outlined on Exhibit A in green.

23 **Q. How would you describe the property depicted in Exhibit A?**

1 **A.** It is rural property located in northeast Atascosa County and lies northeast of the town of
2 Pleasanton. Improvements include four homes and numerous other structures used in the
3 agricultural operations conducted on the property. There are many acres of improved
4 pastures and multiple surface water sources constructed on the property. The improved
5 pastures consist of coastal bermuda and native grasses, and we enjoy a well above average
6 cattle carrying capacity, meaning the land is able to support more cattle than most places
7 of similar size. The feedlot utilizes approximately forty acres of land in the north-central
8 part of the property fronting Interstate 37, easily seen in Exhibit A. Tree cover includes
9 tremendous live oak trees, most of which lie within or very near the path of Segment 57.
10 The largest ancient live oak in the extreme western part of the property appears to be within
11 100 feet or less from Segment 57. This stunning tree can be seen in the photograph attached
12 as Exhibit F.

13 An estimated 40 plus acres in the southwestern part and in the panhandle area of the
14 property is in secondary brush re-growth for the purpose of a wildlife sanctuary. This brush
15 provides habitat for whitetail deer, turkey, hogs, grey fox and other wildlife. See Exhibit
16 G.

17 **Q. Is there any surface water on the property, including creeks?**

18 **A.** There are four ponds on the property that provide water for both livestock and wildlife.
19 See Exhibits H, I, J, K. The location of the ponds is identified in Exhibit A. The two ponds
20 depicted in Exhibits H & I are connected by an underground waterline to one of the water
21 wells on the property. There are also three separate creeks that traverse the property and
22 intersect the path of Segment 57. These creeks can be seen in Exhibit A. A branch of the
23 Galvan creek crosses the northern part of the property coursing from east to west.

1 According to FEMA Map Number 48013C225C and Map Number 48013C0215C, an
2 estimated 36 acres on the northern end of the property along the branch of the Galvan creek,
3 are in the Zone A – 100-year flood plain.

4 A 1.106-acre state owned channel floodway easement is also located on the Interstate 37
5 frontage which crosses the southeast corner of the property. If placed on Segment 57, the
6 transmission line would cross this waterway.

7 **Q. Are the residences, feedyard, and other structures shown in Exhibit A?**

8 **A.** Yes. In Exhibit A, you can see four separate residences, but they are not specifically
9 identified. The properties include 4 residences, an office building, a feed mill, a shop, and
10 7 barns. The Ertel residence is located approximately 510 feet from proposed Segment 57.
11 See Exhibit E. The Staha residence is located approximately 1,698 feet from Segment 57.
12 See Exhibit D. The location of these residences is shown on the aerial image of this portion
13 of the property and attached as Exhibit A. A transmission line on Segment 57 would be
14 visible from both residences.

15 In the area of Perry Feeders' headquarters there are two other residences located very near
16 Segment 57, along with an office building, feed mill, shop, and multiple barns. Exhibit L
17 is an aerial image of this portion of the property showing the residences and structures in
18 relation to proposed Segment 57. As you can see in Exhibit L, one residence is less than
19 300 feet from Segment 57, and the other is less than 600 feet from Segment 57.

20 North of the headquarters there is also a concrete silage pit that would be under the
21 transmission line and within the Segment 57 easement boundaries. Exhibit M is an aerial
22 image of the area of the property where the pit is located. The silage pit is ten feet tall on
23 each side. It needs clearance on top the height of a dozer or large farm tractor to drive on

1 top to pack feed in. Also depicted in Exhibit M is a water well that is near proposed
2 Segment 57 that is not included on the CPS map and is not referenced in the CPS
3 Application. See Exhibit A.

4 **Q. Is there pivot irrigation on the property that does not appear to be on the CPS project**
5 **map which is the basis of Exhibit A?**

6 **A.** Yes, there is a pivot irrigation system that does not appear on the CPS project map and
7 does not appear to have been considered or included in the CPS Application. An image of
8 the mobile pivot system is attached as Exhibit N. Exhibit O is aerial map that shows four
9 separate locations that can be irrigated with the mobile pivot system, two to the north of
10 the feedlot, and two to the south. Segment 57 bisects the circle that is closest to the feedlot
11 to the south.

12 **Q. Are there any pipelines located on the property?**

13 **A.** We have an underground irrigation pipeline that runs from the headquarters water well to
14 the two irrigation ponds. This line is depicted in Exhibit P and it crosses the path of
15 Segment 57. This is the main water supply for the livestock ponds and the irrigation
16 system. In addition to irrigation, the ponds provide wildlife habitat for migratory birds
17 including various waterfowl species and dove.

18 Segment 57 also crosses a natural gas pipeline owned by Energy Transfer Company as
19 shown in Exhibit A.

20 **Q. Are there currently any electrical distribution lines on the property? If so, where are**
21 **those lines located on your property and where are they in relation to the proposed**
22 **transmission lines?**

1 **A.** Yes, a Karnes Electric Cooperative overhead electrical service line on single wooden poles
2 runs east and west abutting the lower southern boundary of the property and then turning
3 north and running along the eastern boundary of the property to a point just south of the
4 main entrance to the feedlot. From that point, the line turns west into the property, and
5 east, crossing Interstate 37. See Exhibits Q & R. Exhibits S & T are photographs of the
6 Karnes Electric line where it coincides with proposed Segment 57. Karnes Electric has an
7 existing easement running that entire span.

8 The Karnes Electric line that turns west at the entrance of the feedlot is a three-phase
9 service running to the water well in the headquarters area. Starting 126 feet west of the
10 property line this power line turns north and runs parallel to the proposed Segment 57. It
11 ends 178 feet south of the silage pit and at that location it is approximately 100 feet from
12 Segment 57. Exhibit U is an illustration of the location of the that power line in relation to
13 Segment 57.

14 North of Crane Road, another Karnes Electric three phase power line comes across the
15 interstate just north of Crane Road and runs north along the entire east boundary of the
16 property that lies north of Crane Road and provides three phase service to the water well
17 and single-phase service lines to the Ertel and Staha homesites. See Exhibit V. The Karnes
18 Electric power line bisects the northern part of the property and crosses Casarez Road to
19 provide power to the recently constructed two hundred fifty-foot (250') cell tower. See
20 Exhibit W.

21 Most of the east boundary of the Perry Feeders property and the entire boundary of the
22 property beginning at Crane Road running north to the intersection of Casarez Road would
23 host both the Karnes Electric line and the proposed new transmission line.

1 **Q. Are there any historical sites or cemeteries on the property?**

2 **A.** Yes. A historical marker is on the property line in the location of proposed Segment 57.
3 The historical maker is for San Augustine Church, and a photograph of the marker is
4 attached at Exhibit X. The location of the marker is also shown on Exhibit Y. The one-
5 acre historic San Augustine Cemetery is also on the property located near proposed
6 Segment 57. Exhibit Z is a photograph of the cemetery and Exhibit A shows its location
7 on the property. The cemetery is situated in the eastern part of the property and is accessed
8 from Interstate 37. A small Perry family cemetery is adjacent to the San Augustine
9 Cemetery and is shown in Exhibit AA.

10 **Q. Have there been any towers constructed within or in close proximity to Segment 57**
11 **in recent months?**

12 **A.** Yes. There is a new cell phone tower that was recently constructed directly across the
13 Casarez Road from the northeast corner of our property that the Karnes Electric power line
14 that runs north and south on the eastern boundary of our property energizes. The tower is
15 two hundred fifty feet (250') tall. It lies approximately three hundred thirty feet (330')
16 from the property boundary that is adjacent to the interstate and approximately one hundred
17 fifty feet (150') from the property line on Casarez Road. Exhibit BB is a photograph of
18 the tower taken from Casarez Road. The approximate location of the tower is identified in
19 Exhibit CC.

20 **Q. Was the new cell tower referenced at all in the application?**

21 **A.** Not that I am aware of. I reviewed Table 4-2, the Land Use and Environmental Data for
22 Segment Evaluation. Row 26 seeks the "Number of FM Radio transmitters, microwave
23 towers, and other electronic installations within 2000 feet of the right of way centerline.

1 The value entered for Segment 57 is zero (0), incorrectly indicating that no such structures
2 exist.

3 **Q. Is the new tower within 2000 feet of the path of Segment 57?**

4 **A.** It is. If the north/south line was placed as close as possible to the east property boundary
5 that is adjacent to the interstate, the tower would be less than 300 feet from the transmission
6 line.

7 **Q. Do Charles J. Ertel, Linda Ertel, Charlene Staha, and Perry Feeders, Inc. oppose any**
8 **of the routes or segments proposed by CPS and South Texas Electric Cooperative?**

9 **A.** Yes, we oppose the transmission line being placed on Segment 57 and any routes that
10 incorporate that segment.

11 **III. IMPACT OF TRANSMISSION LINES**

12 **Q. How will the property and your operations be affected by the construction of the**
13 **proposed lines using Segment 57?**

14 **A.** Placing the line on Segment 57 will negatively impact our standard agricultural operating
15 practices, and construction of and the presence of the transmission lines will destroy habitat
16 and food sources for both livestock and wildlife and will disrupt the natural landscape and
17 topography. The subject property is a two plus mile long narrow strip of land running
18 parallel to Interstate 37. If placed on Segment 57, the proposed transmission line will
19 occupy a large swath of the east side of the property. In addition, Segment 57 turns west
20 into the southern end of the property and bisects the property in two separate places.

21 **Q. How would construction of the proposed transmission line affect your agricultural**
22 **operations?**

1 **A.** If the transmission line utilizes Segment 57, we will have limited additional pastures to
2 move cattle to during construction and maintenance to avoid interfering with the work.
3 The construction will increase the risk of exposure to liability for cattle escaping the
4 property, especially since it is all adjacent to the interstate highway.

5 Hay production on the property would be decreased and it would be difficult to operate hay
6 baling equipment around the transmission lines, especially where the line bisects the
7 property in two places. If placed on our property, the proposed transmission line would
8 have a devastating effect on our ability to earn a living in agriculture.

9 **Q.** **Are you concerned about the removal and loss of the large oak trees that are directly**
10 **in the path of Segment 57?**

11 **A.** The majority of the ancient oak trees on the property lie within the path of Segment 57 and
12 would be destroyed during the clearing of the right of way for the line. The loss of the trees
13 would not only severely diminish the value of the property, but their removal, along with
14 the mesquite trees and other brush in the path of Segment 57, would eliminate the wildlife
15 habitat.

16 **Q.** **Would placement of the line on Segment 57 negatively affect the public?**

17 **A.** Yes, the historic marker honoring a church that was built by the family of a man that died
18 at the Battle of the Alamo is located on the east boundary of the property north of Crane
19 Road and south of the road used to access the cemeteries and the Ertel residence. We often
20 see people stop to read the story. The marker lies in the path of Segment 57. In addition,
21 visitors to the cemetery would be impacted given the cemeteries proximity to the path of
22 Segment 57 and because the road to the cemetery intersects Segment 57.

1 **Q. In your opinion, would placement of the proposed line on Segment 57 negatively affect**
2 **the value of the property?**

3 **A.** The property value of the personal residences and the 748 acres owned by Charles J. Ertel,
4 Charlene Staha and Perry Feeders will be negatively impacted by installation of the
5 transmission line on Segment 57. A transmission line and easement taking a large swath
6 of the property and bisecting two other portions of the property not only has a negative
7 impact on the agricultural operations of the property affecting its value, the aesthetic impact
8 of having a large transmission line traversing the property clearly negatively affects value.
9 My personal residence is shielded from the interstate by a barrier of brush and trees. The
10 removal of that barrier to accommodate the line if placed on Segment 57 would
11 dramatically increase the noise from and visibility of the interstate from both our homes.
12 In addition, the primary entry into the feedlot would be directly under the transmission line
13 if placed on Segment 57.

14 **Q. Do you have any concerns of the power company having access to your property if a**
15 **transmission line is constructed?**

16 **A.** Past experiences cause us great concern. We take the responsibility of owing cattle on
17 property adjacent to Interstate 37 very seriously. Public safety is our number one priority.
18 We have never had any fatalities or injuries caused by livestock escaping our fences and
19 getting on the public roads. However, we have had livestock escape due to employees of
20 utilities leaving gates open. During construction of the distribution lines that run along the
21 east edge of the property, fences were damaged and not repaired, giving livestock the
22 opportunity to escape. We have also suffered injuries to livestock resulting from utility
23 companies failing to clean up debris created by construction or repairs.

1 Communication is also an issue during and after construction of utility lines. We are rarely,
2 if ever, informed when utility representatives access the property giving us no opportunity
3 to relocate cattle or change operational plans. We have also had problems with utility
4 company employees roaming well beyond the boundaries of their access easement.

5 **Q. Do you have any safety concerns if the transmission line is constructed on your**
6 **property?**

7 **A.** Yes. There are the obvious concerns that come with a transmission line including potential
8 for fires. There is also the concern about liability for people having access to your property
9 without needing permission and without any notification of their presence where there is
10 active hunting and livestock operations.

11 In addition, we use an airplane to apply herbicide on an annual basis, and pesticide on an
12 as needed basis. If constructed on Segment 57, the proposed line would create an extreme
13 hazard for the aerial applicator, especially where the line bisects the property.

14 **IV. CONCLUSION**

15 **Q. In summation, please conclude your testimony concerning the Perry Feeders**
16 **Intervenors' position on the placement of the proposed transmission line on a route**
17 **that includes Segment 57.**

18 **A.** Starting with our grandfather, Mr. D.T. Perry, in 1954, four (4) generations of Perry family
19 ranchers have managed our property for intensive and diversified agricultural production
20 of beef and forage. I have managed the operation for the last forty-three (43) years and
21 intend to pass the operation and the property down to my son in the years to come.

22 The placement of the proposed transmission line on Segment 57 would severely impact the
23 agricultural operational value of the property, adding an unnecessary economic burden and

1 making it more difficult for my family to earn a living producing beef and crops as our
2 ancestors did and expected us to continue doing. The aesthetic value would also plummet
3 if the giant line is imposed into the now pleasant rural landscape. And while the value of
4 our property would only diminish for both these reasons, the additional burdens of dealing
5 with both the construction and the presence of the line, as well as liability risks only
6 increase. Finally, we have been good stewards of the wildlife and precious water resources
7 with which we have been entrusted and I feel burdened with the responsibility to do
8 everything in our power to protect those resources from the impacts of this transmission
9 line. Thank you for the opportunity to share our thoughts and I appreciate your
10 consideration.

CERTIFICATE OF SERVICE

This is to certify that on the 12th day of November 2024, a true and correct copy of this documents was served in accordance with SOAH Order Nos. 1 and 2 in this docket.

Trace R. Blair

Trace R. Blair

EXHIBIT A

EXHIBIT B

464.97 Acres owned by Perry Feeders Inc.



EXHIBIT C

Adjacent property of Charles and Linda Ertel

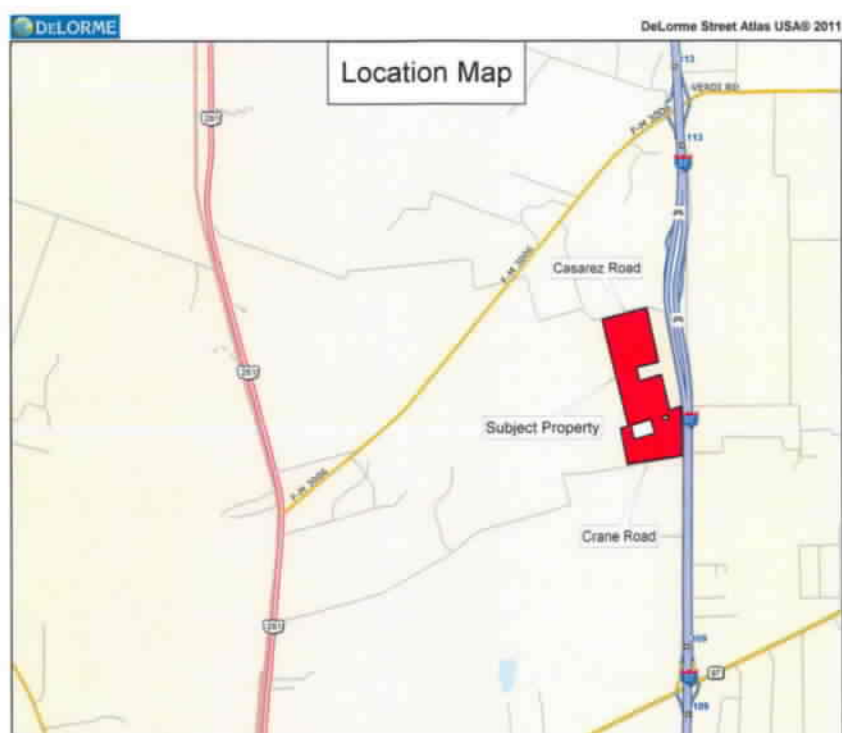


EXHIBIT D

Staha residence



EXHIBIT E

Ertel residence



EXHIBIT F



Live oak in the panhandle area

EXHIBIT G







MOULTRIE **MOBILE** Feed Lot

10/21/24 02:35 AM ● 59 °F

EXHIBIT H



1.0 acre earthen reservoir adjacent to the well

EXHIBIT I



One of two stock ponds in the southeast part of the property

EXHIBIT J



One of two earthen ponds/reservoirs

EXHIBIT K



Water well and earthen reservoir near the cemetery

EXHIBIT L

Structure A: Perry Feeders Business Entrance – 0 Feet from Property / Transmission line

Structure B: Grain Silo – 471 Feet from Property / Transmission line

Building 0: House / Residence #1 – 291 Feet from Property / Transmission line

Building 1: House / Residence #2 – 576 Feet from Property / Transmission line

Building 2: Horse Barn – 654 Feet from Property / Transmission line

Building 3: Barn & Horse Stable – 711 Feet from Property / Transmission line

Building 4: Barn – 762 Feet from Property / Transmission line

Building 5: Barn – 810 Feet from Property / Transmission line

Building 6: Office Building – 810 Feet from Property / Transmission line

Building 7: Shop Building – 810 Feet from Property / Transmission line

Building 8: Barn – 762 Feet from Property / Transmission line

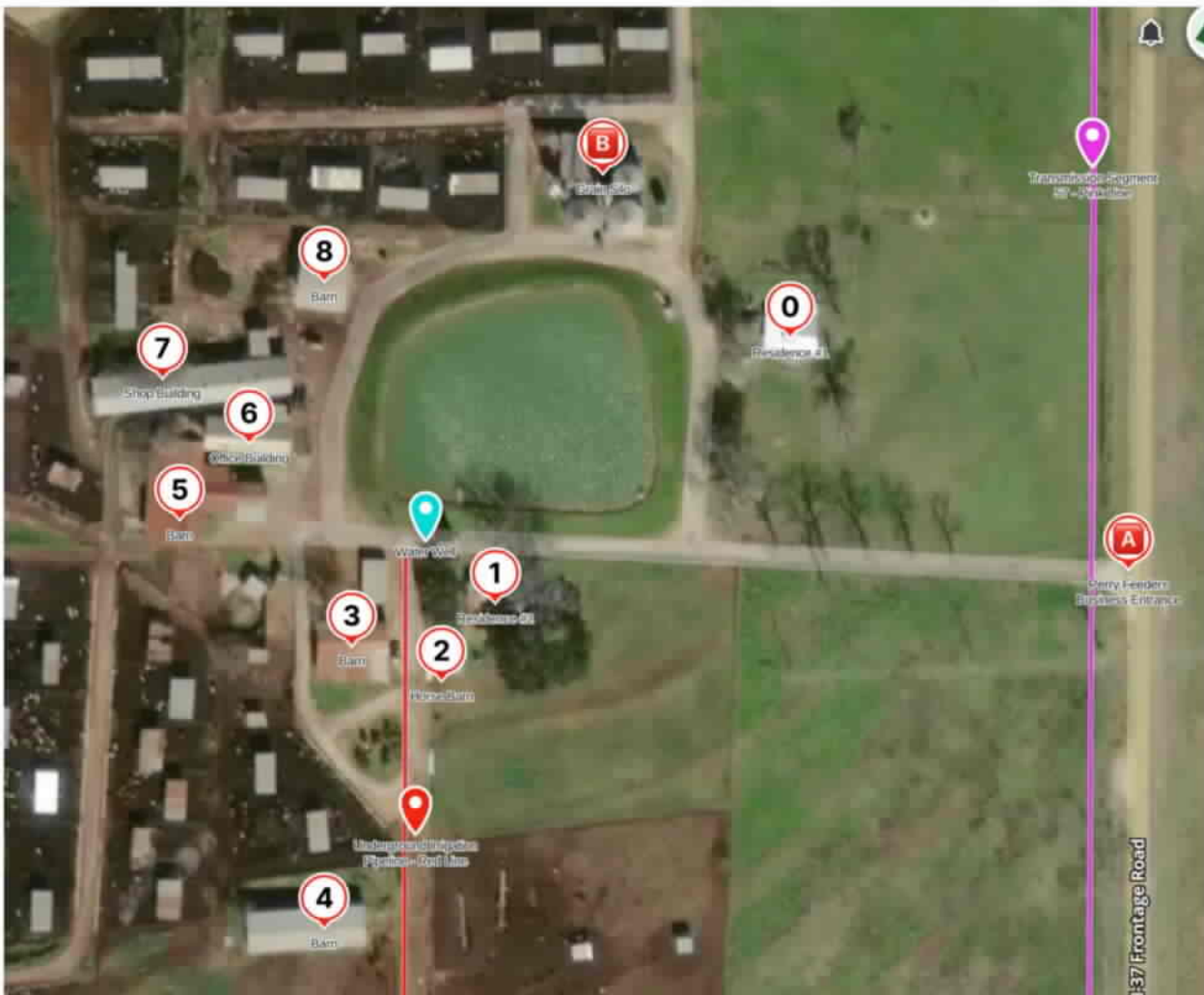


EXHIBIT M

Silage Pit and Well vs. Proposed Transmission Line

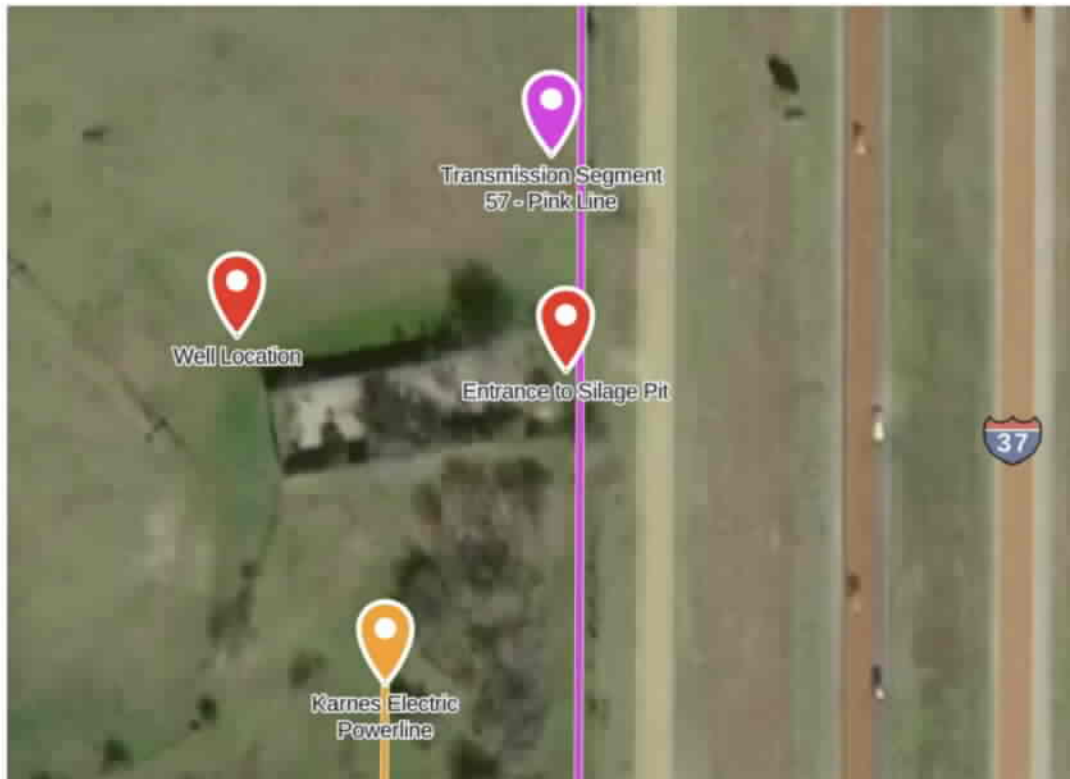


EXHIBIT N



EXHIBIT O



EXHIBIT P



EXHIBIT Q



EXHIBIT R

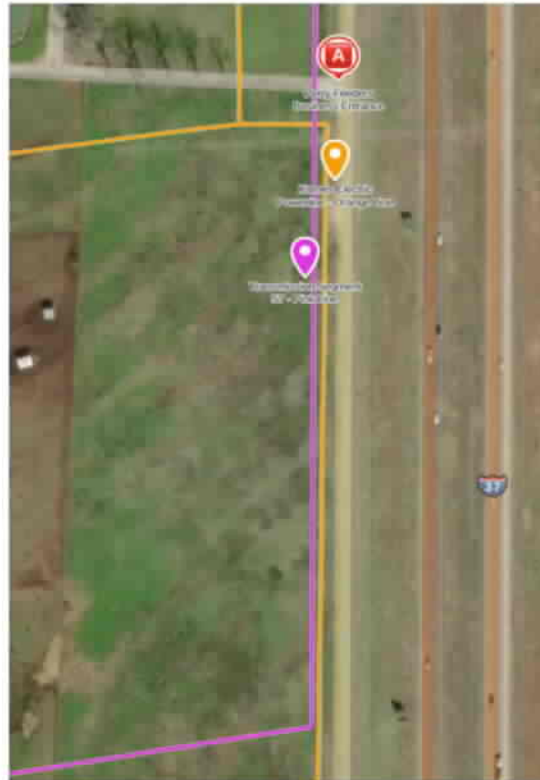


EXHIBIT S

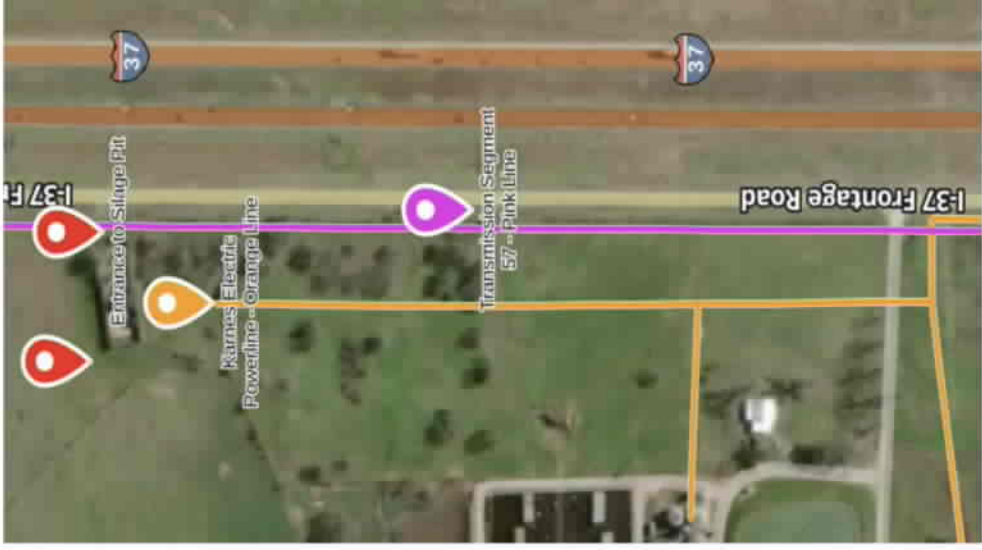


IH 37 frontage road looking south from

EXHIBIT T



EXHIBIT U



[illegible]

EXHIBIT W

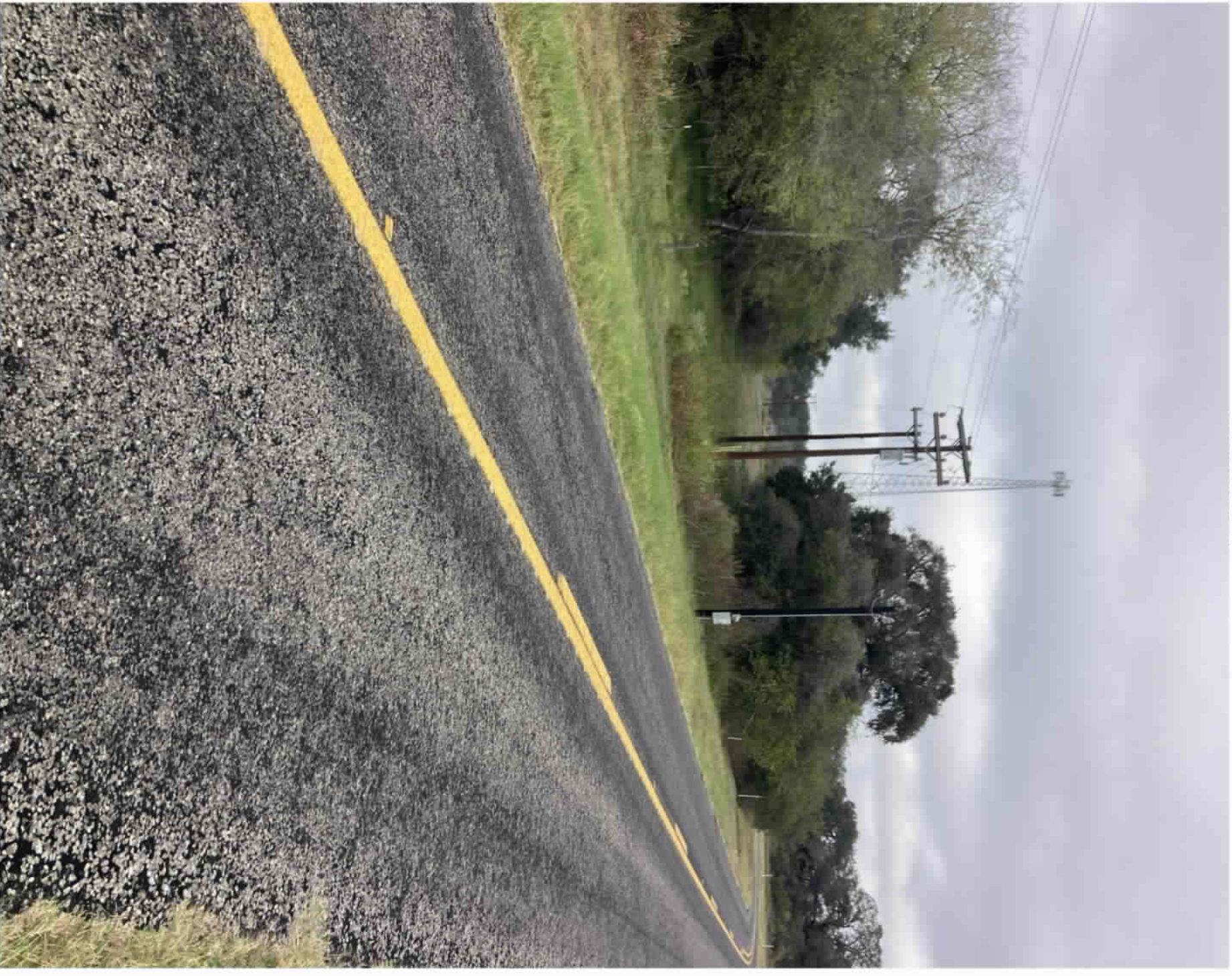


EXHIBIT X



CHARLES J. ERTEL & CHARLENE STAHA - JOINT OWNERSHIP 283.28 ACRES

Google Maps



Imagery ©2014 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2014 SIO H

PINK LINE - PROPERTY LINE

RED LINE - CREEKS

GREEN LINE - NATURAL GAS PIPELINE

1 RESIDENCE - CHARLES J. & LINDA ERTEL

2 RESIDENCE - CHARLENE & JOHN STAHA

3 HISTORICAL MARKER

4 CEMETERIES

FIGURE # 1

EXHIBIT Z



1.0 acre cemetery (San Augustin) located on the subject property

EXHIBIT AA



EXHIBIT BB



EXHIBIT CC



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**JOINT APPLICATION OF THE CITY
OF SAN ANTONIO, ACTING BY AND
THROUGH THE CITY PUBLIC
SERVICE BOARD (CPS ENERGY) AND
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COOPERATIVE, INC. (STEC) TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
FOR THE PROPOSED HOWARD
ROAD-T0-SAN MIGUEL 345-KV
TRANSMISSION LINE IN BEXAR
AND ATASCOSA COUNTIES**

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

STATE OF TEXAS §

COUNTY OF ATASCOSA §

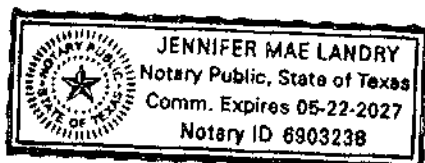
AFFIDAVIT OF CHARLES J. ERTEL

On this day, before the undersigned authority, personally appeared Charles J. Ertel, who, being first duly sworn, deposes and states:

1. My name is Charles J. Ertel. I am one of the landowners in the above matter. I am at least 21 years of age, fully competent, and authorized to make the statements herein and in the Direct Testimony of Charles J. Ertel on behalf of the Perry Feeders Intervenor, filed in the above styled proceeding.
2. By signing this Affidavit, I swear and affirm that the statements contained in my Direct Testimony provided on behalf of the Perry Feeders Intervenor in the above-styled proceeding are true and correct and based on my personal knowledge.

CHARLES J. ERTEL

Subscribed and sworn before me on the 12th day of November 2024.



Notary Public, State of Texas

My Commission Expires: 5-22-2007