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TEIXEIRA EXHIBIT NO. 2

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

JOINT APPLICATION OF THE CITY OF	§	
SAN ANTONIO, ACTING BY AND	§	
THROUGH THE CITY PUBLIC	§	BEFORE THE
SERVICE BOARD (CPS ENERGY), AND	§	
SOUTH TEX. ELEC. COOP., INC. (STEC)	§	STATE OFFICE
TO AMEND THEIR CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY FOR	§	OF ADMINISTRATIVE HEARINGS
THE PROPOSED HOWARD ROAD-TO-	§	
SAN MIGUEL 345-KV TRANS. LINE IN	§	
BEXAR AND ATASCOSA COUNTIES	§	

**CROSS-REBUTTAL TESTIMONY OF CLAY TEIXEIRA
ON BEHALF OF
CLAY TEIXEIRA AND TEIXEIRA HOLDINGS LLC**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	2
II. PURPOSE OF CROSS-REBUTTAL TESTIMONY	2
III. POSITION OF TEIXEIRA REGARDING ROUTE U	3
IV. POSITION OF TEIXEIRA REGARDING ROUTE N	7
V. POSITION OF TEIXEIRA REGARDING ROUTE R	8
VI. POSITION OF TEIXEIRA REGARDING ROUTES Q, T, AND AB	13
VII. POSITION OF TEIXEIRA REGARDING ROUTE M	15
VIII. POSITION OF TEIXEIRA REGARDING ROUTE N-AB	16
IX. CONCLUSION	16

1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME.**

3 A. Clay Teixeira.

4 **Q. ARE YOU THE SAME CLAY TEIXEIRA WHO PROVIDED DIRECT**
5 **TESTIMONY ON BEHALF OF TEIXEIRA IN THIS DOCKET?**

6 A. Yes.

7 **Q. IS YOUR CROSS-REBUTTAL TESTIMONY BASED ON PERSONAL**
8 **KNOWLEDGE, EDUCATION, AND EXPERIENCE?**

9 A. Yes. It is based on my personal knowledge, my education in Agriculture Systems
10 Management that I described in my direct testimony, and my experience in the family's
11 agricultural activities, including information that I rely on in the conduct of the Teixeira
12 operations.

13 **Q. IS THE INFORMATION IN YOUR TESTIMONY TRUE AND CORRECT TO**
14 **THE BEST OF YOUR PERSONAL KNOWLEDGE AND BELIEF?**

15 A. Yes.

16 **II. PURPOSE OF CROSS-REBUTTAL TESTIMONY**

17 **Q. WHAT IS THE PURPOSE OF THIS CROSS-REBUTTAL TESTIMONY?**

18 A. The purpose of my cross-rebuttal testimony is to respond to the testimony of other
19 intervenor witnesses who expressed support for Public Utility Commission of Texas
20 ("PUC") approval of transmission line routes which would adversely affect Teixeira.

21 **Q. WHAT, IN SUMMARY, IS YOUR CROSS-REBUTTAL TESTIMONY?**

22 A. Segment 47 would run the transmission line through three of our existing pivot irrigation
23 areas (unlike any intervenor), and segment 44 runs within 500 feet of one of my
24 barn/workshop/gym/sauna and also near my existing house. Therefore, of the routes
25 expressly supported by a few other intervenors, we oppose Routes R, Q, T, and AB,
26 which contain segments 44 and/or 47.

27 All of the over two dozen intervenors in this case either support or do not oppose
28 Route U (with two limited exceptions) or Routes M or N (with one exception). Teixeira
29 does not oppose selection of Applicants' Routes U, M, or N, Rips Ranch's U Alt. 1 or U

Alt. 2, or Frank Allen Ranch's Route N-AB (none of which not contain segment 44 or segment 47).

On Route U, Rips Ranch, LLC, proposes alternative Routes U Alt. 1 and U Alt. 2 to address its concern about segment 62 diagonally crossing its property, by having the alternatives instead hug its property boundaries. Rips Ranch also supports Route N, and is not affected by Route M.

The Steinle Group most "strongly" opposes use of segment 83. But that is not part of Route U (or M or N). The Steinle Group opposes Route U only because of segments 77 and 87, which are its secondary concern. The Steinle Group does expressly support Route N, and is not affected by Route M.

Mr. Wayne Schuchart, a member of the Southwest Landowners Group, opposes segment 74, which is in Routes M and N. The other Southwest Landowners Group members are not affected by segment 74 (or by other segments in Routes M and N). That segment 74 does not cross any pivot irrigation or other agricultural facilities, it only crosses Mr. Schuchart's open land.

The PUC's selection of either Route U, Rips Ranch's Routes U Alt. 1 or Route U Alt. 2, Route N, Route M, or Frank Allen Ranch's Route N-AB will balance and minimize the overall adverse impact on all the landowners in this case.

If I had to rank those routes: Routes M and N should rise to the top, given only one opponent and given favorable costs and other routing data; next would be Frank Allen Ranch's alternative Route N-AB, given only one opponent whose property is crossed along its edge, not diagonally through it; after that would be Routes U Alt. 1 and U Alt. 2, given they address the Rips Ranch's segment 62 diagonal crossing concern; and lastly would be original Route U, given segment 62 does diagonally cross Rips Ranch.

III. POSITION OF TEIXEIRA REGARDING ROUTE U

Q. APPLICANTS IDENTIFIED ROUTE U AS THE ONE FROM AMONG THEIR 34 PROPOSED ROUTES THAT BEST MEETS THE PUC'S ROUTING REQUIREMENTS. WHAT WAS THE APPLICANTS' EXPLANATION FOR WHY THEY IDENTIFIED ROUTE U AS THE "BEST MEETS" ROUTE?

A. In the response to Question No. 17 of the Application, on its page 20, the Applicants stated:

1 CPS Energy and STEC's identification of Route U is informed by
2 a number of considerations (listed below in no particular order),
3 including that Route U:

- 4 • Has a relatively low number of habitable structures
5 within 500 feet of the proposed centerline at 50 (40 is the
6 lowest and 179 is the highest);
- 7 • Has a relatively high percentage of the route parallel
8 and adjacent to existing transmission line right of way,
9 other existing right of way (roadways), and apparent
10 property lines or other natural or cultural features at 56
11 percent (58 percent is the highest and 37 percent is the
12 lowest);
- 13 • Has a relatively short overall length at 49.15 miles
14 (45.32 is the shortest and 58.92 is the longest); and
- 15 • Has a relatively low estimated total project cost at
16 \$293,356,000 (\$274,601,000 is the lowest and
17 \$390,539,000 is the highest).

18
19 The Applicants' direct testimony of Mr. Otto at pages 11-15 and their direct
20 testimony of Ms. Williams at pages 12-20 discuss the numerous PUC routing
21 requirements and criteria and what the routing study provides regarding those which led
22 to the selection of Route U as the "best meets" route. The Applicants addressed over 40
23 different numeric factors in the Application, as summarized in Application Attachment
24 No. 1, Table 4-1.

25 As explained at page 7 of the testimony of Mr. Brian Andrews, with the energy,
26 economic and regulatory consultants Brubaker & Associates, Inc, on behalf of the Frank
27 Allen Ranch, LLC and the Terri Lynn Luensmann Spousal GST Trust:

28 The Commission considers, holistically, all the factors in Section
29 37.056(c)(4)(A-D) of the Texas Utilities Code, Commission
30 Substantive Rule § 25.101, and the Commission's policy of
31 prudent avoidance related to electric and magnetic fields.

32 **Q. MOST INTERVENORS SUPPORT SELECTION OF ROUTE U, A FEW**
33 **INTERVENORS OPPOSE IT. WHAT IS TEIXEIRA'S POSITION REGARDING**
34 **THE SELECTION OF ROUTE U (THE ROUTE WHICH APPLICANTS**
35 **INDICATED "BEST MEETS" THE PUC'S ROUTING REQUIREMENTS AND**
36 **CRITERIA)?**

1 A. As the Application and the direct testimonies noted above indicate, the PUC requires that
2 the Applicants to evaluate numerous PUC routing requirements and other criteria.
3 Therefore, on its face, the routing decision is a balancing of many considerations, and no
4 single routing factor can be determinative. It appears that the Applicants engaged in that
5 balancing approach in selecting which of the over 30 routes best meet the PUC's
6 requirements.

7 Consistent with its direct testimony, Teixeira does not oppose selection of Route
8 U. In part, this non-opposition to Route U is because the Applicants and their outside
9 consultant utilized their routing expertise and experience in considering the over 40
10 factors by which to identify Route U as the one out of all the total 34 routes which best
11 meets the PUC routing requirements. In part, this non-opposition to Route U is because
12 Route U does not include segments 44 and 47, which run near my personal residence and
13 barn/workshop/gym/sauna and which run through three of Teixeira's existing pivot
14 irrigation areas. (Route U includes segment 41, on a different part of Teixeira's property,
15 and as my direct testimony explained we do not object to a Route like U that contains
16 segment 41.)

17 All of the over two dozen intervenors in this case either support or do not oppose
18 Route U, with *only two* exceptions.

19 Several intervenors expressly support Route U. This includes Hoffman Growers,
20 LLC, CCS Ranch Properties, LLC, Mr. Wilson, the Moody Family, JTR Farms, LLC,
21 Mr. Nicholson, Frank Allen Ranch, LLC, the Springers, and the Terri Lynn Luensmann
22 Spousal GST Trust.

23 Other intervenors like the Mitchell Family Alliance, The Farmacy LLC, Capitol
24 Aggregates, Inc., the Southwest Landowners Group, the Joneses, First Memorial Park
25 Inc., the Perry Feeders Intervenors, Ms. Barlow, Mr. Toudouze, the Wittler Intervenors,
26 Coble Road Group, the Gossetts, JJBAK, LTD. and Dos Mavericks, LLC do not oppose
27 selection of Route U.

28 The Steinle Group, because of segments 77 and 87, and Rips Ranch, LLC,
29 because of segment 62, do oppose selection of Route U, since it contains those segments.

1 However, the Steinle Group's Mr. Andrus "strongly" opposes any route using
2 segment 83, because it has the highest negative impact on its ranches, and then "further"
3 opposes any route using segments 77 and 87:

**I strongly oppose any route utilizing Segment 83, including without limitation
Route Q. This Segment has the highest negative impact on the Ranches.**

I further oppose any route utilizing Segment(s) 77 and 87, including without
4 limitation Route(s) U, I, W, X, A, and B.

5 Route U contains segments 77 and 87, but not segment 83. Therefore, Route U has a
6 lesser impact on the Steinle Group, because it does not contain the segment with the
7 highest negative impact on its ranches.

8 And Rips Ranch (in discovery) proposed two new routes for consideration,
9 denominated Route U Alt. 1 and Route U Alt. 2, using alternative segments 62MOD and
10 62MOD2, to address the Rips Ranch's concern about segment 62 cutting diagonally
11 across its ranch. The Rips Ranch concern is the same kind of concern we have about a
12 line cutting diagonally across our property and its pivot irrigation areas. However, in our
13 case, we thought about an alternative location for segment 47 on our farming property,
14 and as I discussed in my direct testimony such an alternative provides no reduction in the
15 adverse impact to our existing pivot irrigation crop production and investment economics
16 from the use of original segment 47. So unlike Rips Ranch, we are not able to propose an
17 alternative to segment 47 that would address the diagonal crossing of our property
18 through its existing pivot irrigation areas.

19 Accordingly, while we do not oppose selection of Route U, we also do not oppose
20 selection of Route U Alt. 1 or Route U Alt. 2, since they are similar to Route U but
21 without a transmission line cutting diagonally across the Rips Ranch.

22 As a result, selection of Route U or its variations Route U Alt. 1 or Route U Alt. 2
23 would minimize the adverse impacts to the over two dozen intervening landowners,
24 including the adverse impact to the Teixeira pivot irrigation areas that the Application
25 somehow missed.

1 **IV. POSITION OF TEIXEIRA REGARDING ROUTE N**

2 **Q. SOME INTERVENORS IDENTIFIED ROUTE N AS ONE THAT COULD BE**
3 **CONSIDERED IN LIEU OF ROUTE U. WHICH INTERVENORS HAVE**
4 **EXPRESSED SUPPORT FOR ROUTE N?**

5 A. The following have expressed support for approval of Route N: Rips Ranch; the
6 consultant Mr. Brian Andrews on behalf of Frank Allen Ranch and the Terri Luensmann
7 Spousal GST Trust; the Wittler Intervenors; and the Steinle Group.

8 Like Route U, most intervenors support or are not opposed to Route N. Unlike
9 for Route U, the Steinle Group expressly supports selection of Route N, because
10 segments 77, 83, and 87, which they oppose, are not part of Route N. And unlike for
11 Route U, Rip Ranch supports Route N, because segment 62, which it opposes, is not part
12 of Route N.

13 The only intervenor opposing Route N is one member of the Southwest
14 Landowners Group, Mr. Wayne Schuchart, who is affected by Route N's segment 74.
15 The other Southwest Landowners Group members are not affected by segment 74. Mr.
16 Schuchart does not oppose Route N by name, only by opposition to segment 74. Mr.
17 Schuchart's property does not have any pivot irrigation or other agricultural facilities that
18 segment 74 crosses, just open land.

19 **Q. WHAT IS TEIXEIRA'S POSITION REGARDING THE SELECTION OF ROUTE**
20 **N INSTEAD OF ROUTE U?**

21 A. Like Route U, Route N does not include segments 44 and 47 which run near my house
22 and barn/workshop/gym/sauna and which run through three of Teixeira's existing pivot
23 irrigation areas. (Route N also includes segment 41, which as my direct testimony
24 explained we do not object to being part of an approved transmission line route).
25 Therefore, we also do not oppose selection of Route N.

26 As far as how Route U and N compare to each other, Mr. Brian Andrews, the
27 consultant Mr. Brian Andrews on behalf of Frank Allen Ranch and the Terri Luensmann
28 Spousal GST Trust., at page 7 of his direct testimony stated:

29 If the Commission is seeking to approve the least cost route for this
30 Project, Route N is a very reasonable choice as well. Route N is
31 the 17th least impactful route, with 78 habitable structures within

1 500 feet. Route N is the least expensive route, with an estimated
2 cost of \$274.60 million, representing savings of \$18.76 million
3 relative to Route U. Route N is also an excellent route for
4 paralleling, ranking 4th, with 22.05 miles not parallel to existing
5 compatible right of way or property lines. While Route N does
6 impact 28 more habitable structures than Route U, the savings of
7 \$18.76 million cannot be discounted, as this represents nearly \$670
8 thousand per habitable structure.
9

10 Either Route U or Route N are reasonable selections as the
11 route that best addresses the requirements of the PURA and the
12 PUC Substantive Rules.

13 As a result, selection of Route N would also minimize the adverse impacts to the
14 over two dozen intervening landowners, including the adverse impact to the Teixeira
15 pivot irrigation areas that the Application somehow missed.

16 The adverse impact tradeoff between using Route U versus Route N will be
17 between Route U's segments 77 and 87 impacting the Steinle Group (but to a lesser
18 degree than segment 83 which they most strongly oppose) and its segment 62 impacting
19 Rips Ranch (but its alternative Route U Alt. 1 or Route U Alt. 2 address its diagonal
20 crossing concern) *versus* Route N's segment 74 impacting only Southwest Landowners
21 member Mr. Schuchart's open land.

22 **V. POSITION OF TEIXEIRA REGARDING ROUTE R**

23 **Q. ONLY TWO INTERVENORS IDENTIFIED ROUTE R AS ONE THAT COULD**
24 **BE CONSIDERED IN LIEU OF ROUTE U. WHICH INTERVENORS HAVE**
25 **EXPRESSED SUPPORT FOR ROUTE U?**

26 **A.** Rips Ranch and the Wittler Intervenors are the only ones that have expressed support for
27 approval of Route R.

28 However, Rips Ranch has proposed Route U variations to address its segment 62
29 diagonal crossing concern. And the Wittler Intervenors who oppose segment 53 are not
30 affected by Route U, by the Rips Ranch's Route U variations, by Route M, by Route N,
31 or by Frank Allen Ranch's Route N-AB.

32 **Q. WHAT IS TEIXEIRA'S POSITION REGARDING ROUTE R?**

1 A. Route R contains both segment 44, running by my habitable structures, and segment 47,
2 running through three of our existing pivot irrigation areas. Therefore, we oppose
3 selection of Route R.

4 I note that JJBAK, LTD. and Dos Mavericks, LLC both expressly oppose
5 selection of a route with segments 50 and 51; segment 51 is a part of Route R.

6 I also note that Southwest Landowners Group's Mr. Wayne Schuchart expressly
7 opposes use of segment 74, which is a component of Route R (as well as Route N, but not
8 of Route U).

9 Rips Ranch supports consideration of Route R as an alternative to Route U. As I
10 indicted above, Rips Ranch has proposed alternative Routes U Alt. 1 and U Alt. 2 to
11 address its segment 62 diagonal crossing concern from Route U. Rips Ranch also
12 supports selection of Route N. While we oppose use of Route R, we do not oppose use of
13 Routes N, U Alt. 1, or U Alt. 2, as previously discussed.

14 The Wittler Intervenors, who oppose use of segment 53, expressly state support
15 for approval of Route R. They also expressly support Routes D, E, F, M, N, T, Q, Z, AB,
16 and AH. We oppose use of Route R (as well as Routes Q, T, and AB which contain 44
17 and 47). This is because those routes would run near my habitable structures and/or run
18 through three of Teixeira's existing pivot irrigation areas. But we do not oppose use of
19 Routes D, E, F, M, N, Z, and AH, which the Wittler Intervenors support.

20 **Q. WHAT IS YOUR RESPONSE TO THE SPECIFIC RIPS RANCH TESTIMONY**
21 **REGARDING SELECTION OF ROUTE R?**

22 A. First, Teixeira opposes use of Route R because it includes segments 44 and 47 which run
23 along both my habitable structures and through our existing pivot irrigation. No other
24 intervenor has brought forth evidence of a line running not only diagonally across a
25 property but through existing pivot irrigation areas. That includes Rips Ranch.
26 Therefore, Route R is one of the routes that, using segment 47, would impose one of the
27 most severe adverse impacts on a landowner of any of the proposed routes.

28 Second, the Hoffman Growers, Mr. Nicholson, the CCS Ranch, Mr. Wilson, the
29 Moody Family, and JTR Farms, oppose segments 38, 48, and 49. While those segments
30 are not part of Route R, they express support for approval of only one route, which is
31 "best meets" Route U. So by logical extension they do not support use of Route R.

1 Third, the Jones family is on segment 44, a part of Route R. Thus it also
2 adversely affects them.

3 Fourth, one member of the Southwest Landowners' Group, Mr. Wayne Schuchart,
4 who is on segment 74, he expressly opposes any route using that segment. Route R
5 includes that segment.

6 Fifth, Rips Ranch suggests that Routes N and R are straighter, shorter, and less
7 costly than Route U. However, this is elevating routing criteria which favors Rips Ranch
8 above the many other criteria that are required to be considered, evaluated, and balanced
9 in this case, including the impacts to landowners.

10 In this case, Route R's segment 47 crosses three active pivot irrigation areas,
11 which the Application somehow missed (given it shows -0- irrigation land crossed for
12 segment 47 in Application Attachment 1 Table 4-2). Even if Route R may be straighter,
13 shorter, and cheaper than Route U, that does not take into account the adverse impact of
14 having Route R run through three of Teixeira's existing pivot irrigation areas. And with
15 Routes U Alt. 1 and U Alt. 2, Rips Ranch has proposed how to address its segment 62
16 diagonal crossing concern from Route U. As I described in my direct testimony, there is
17 no alternative segment across the Teixeira pivot irrigation property that addresses its
18 segment 47 diagonal crossing concern. So the only way to address that diagonal crossing
19 concern for Teixeira is not to approve a route with segment 47, and thereby not to
20 approve Route R.

21 Sixth, reliance on relative estimates of route costs is fraught because the cost
22 information for each route and its segments are estimates only, before the utility has even
23 come upon a property to do an actual survey to see what is involved in crossing the
24 property (including soil conditions, other constraints, etc.), and before the actual
25 engineering, procurement, and construction has been undertaken. At this early stage in
26 the transmission line project's life, and given the variability in the accuracy of a
27 construction project's cost estimates as actual circumstances unfold, it is not appropriate
28 to rely solely on initial cost estimates in selecting a transmission line route.

29 Seventh, because the Application missed the existence of our existing pivot
30 irrigation, the compensation for the right-of-way using segment 47 will have to involve
31 compensation for the adverse impacts to the existing pivot irrigation including crop

1 production losses, pivot irrigation equipment modifications, etc. This makes the cost
2 estimates even more uncertain relative to Route R versus other routes not using segment
3 47 (like Route U, Route U Alt. 1, Route U Alt. 2, Route M, Route N, and Route N-AB.)

4 Eighth, while the estimated (and uncertain) cost of Route R may be less than the
5 estimated (and uncertain) cost of Route U, the PUC does not select routes based solely on
6 lowest cost, as its public website Interchange Filer shows. In PUC Docket No. 55728,
7 the most recent transmission line routing case for CPS Energy (the co-Applicant here),
8 the PUC rejected the Proposal for Decision's recommended route, and instead went with
9 the Applicant's "best meets" route, even though the "best meets" route's estimated cost
10 was more than the estimated cost for the Proposal for Decision's recommended route.
11 This recent decision is publicly available at
12 [https://interchange.puc.texas.gov/search/filings/?UtilityType=A&ControlNumber=55728](https://interchange.puc.texas.gov/search/filings/?UtilityType=A&ControlNumber=55728&ItemMatch=Equal&DocumentType=ALL&SortOrder=Ascending)
13 [&ItemMatch=Equal&DocumentType=ALL&SortOrder=Ascending](https://interchange.puc.texas.gov/search/filings/?UtilityType=A&ControlNumber=55728&ItemMatch=Equal&DocumentType=ALL&SortOrder=Ascending). Route U (or its
14 variations Route U Alt. 1 and Route U Alt. 2) may not have the lowest estimated (and
15 uncertain) cost, but Applicants through their expert consultant balanced cost and other
16 routing factors and designated Route U as the one which best meets the PUC's various
17 routing requirements.

18 Ninth, out of all the routes Applicants proposed, the one with the least estimated
19 cost is Route N, which is about \$791 thousand less than Route R (and the difference in
20 favor of Route N could potentially be even more given the Application having missed our
21 existing pivot irrigation systems on segment 47). So if estimated cost is made into the
22 determinative factor for this case, then that would make Route N the one to be selected.
23 And Rips Ranch supports approval of Route N.

24 Tenth, the difference between the three lowest estimated (and uncertain) costs is
25 each less than \$1 million on a transmission line with an estimated cost ranging from over
26 to \$251 million to over \$361 million, or a difference between the three routes compared
27 to total costs of less than one-half of one percent. As a result, in context the routes with
28 the three lowest costs estimates, being Routes M, N, and R, are approximately equal in
29 cost, rather than Route R being a compelling choice on cost.

30 Eleventh, length by itself is not better simply because it is shorter or straighter. A
31 shorter and straighter route could include diagonal crossing of properties, sometimes

1 called in geometry the “cutting the hypotenuse.” Following property boundaries without
2 cutting the hypotenuse across a property would result in longer lengths compared to the
3 diagonal crossings that do cut the hypotenuse.

4 The diagonal crossing by segment 47 of Rips Ranch is a prime example of how
5 shorter length may not be better. That is in fact manifested by Rips Ranch proposing
6 alternatives Routes U Alt. 1 and U Alt. 2. Just as it should not be OK for there to be a
7 diagonal crossing of the Rips Ranch by segment 62, it should not be OK for there to be a
8 diagonal crossing of our pivot irrigation farming land by segment 47 (part of Route R).
9 So the Rips Ranch statement about Route R being shorter and straighter is inconsistent
10 with its own position regarding Route U’s segment 62 crossing diagonally on its
11 property, and inconsistent also with its justification for proposing alternative Routes U
12 Alt. 1 and U Alt. 2.

13 Therefore, in the event the PUC decides not to select Route U, then instead of
14 selecting Route R the PUC should approve either Route M, Route N, Route U Alt. 1,
15 Route U Alt. 2, or Router N-AB.

16 **Q. WHAT IS YOUR RESPONSE TO THE SPECIFIC TESTIMONY OF THE**
17 **WITTLER INTERVENORS?**

18 A. Mr. Michael Wittler for the Wittler Intervenors says that he thinks several other routes,
19 including Route R, should be considered instead of those which use segment 53, claiming
20 they have an overall lower cost and minimal impact on habitable structures and the
21 environment. As to Route R, he lists its projected cost as \$275.4 million and the number
22 of habitable structures impacted as 81.

23 As discussed regarding the Rips Ranch testimony: cost estimates are inherently
24 uncertain since they are estimates made at a very early stage of the project; the cost
25 estimate for routes with segment 47 in it (like Route R) are even more uncertain given
26 that the Application somehow missed Teixeira’s existing pivot irrigation areas; cost is not
27 the single determinative factor as the most recent PUC transmission line routing decision
28 for CPS Energy shows; and in context Route R’s estimated cost is approximately equal to
29 those for Routes M and N.

30 With regard to habitable structures within 500 feet of the route centerline, Route
31 U has 50, Route M has 77, Route N has 78, and Route R has 81. In other words, Routes

1 U, M, and N are better than Route R on the number of habitable structures. While Mr.
2 Wittler claims that Route R has minimal impacts on habitable structures, Routes U, M,
3 and N have even less of an impact on habitable structures.

4 Finally, segment 53, the only segment the Wittler Intervenors oppose, is **not** a part
5 of Route U (the best meets route), of Route M (which the Wittler Intervenors do support),
6 of Route N (supported by the Frank Allen Ranch, LLC, the Terri Lynn Luensmann
7 Spousal GST Trust and Rips Ranch), of Rips Ranch's proposed alternative Routes U Alt.
8 1 and U Alt. 2, or of Frank Allen Ranch's proposed alternative Route N-AB.

9 Therefore, selection of Route U, Route M, Route N, Route U Alt. 1, Route U Alt.
10 2, or Route N-AB, instead of selecting Route R, would not adversely affect the Wittler
11 Intervenors (and in the case of Route M, would be consistent with what they expressly
12 support).

13 **VI. POSITION OF TEIXEIRA REGARDING ROUTES Q, T, AND AB**

14 **Q. WHO SUPPORTS ROUTES Q, T, AND AB?**

15 A. The Wittler Intervenors, affected by segment 53, support Routes D, E, F, M, N, Q, T, Z,
16 AB, and AH. Routes Q, T, and AB contain 44 and 47, and we oppose using them
17 because those routes would run near my habitable structures and/or run through three of
18 Teixeira's existing pivot irrigation areas. But we do not oppose use of Routes D, E, F, M,
19 N, Z, and AH, which are the other routes which the Wittler Intervenors support.

20 I note that in addition to segment 44, Routes T and AB contain segment 50, and
21 Route Q contains segment 51. JJBAK, LTD. and Dos Mavericks, LLC both oppose
22 selection of a route with segments 50 and 51, and the Coble Road Group opposes use of
23 segment 50.

24 I also note that Southwest Landowners Group's Mr. Wayne Schuchart "strongly"
25 opposes use of segment 74, including expressly opposing Route Q, of which segment 74
26 is a component.

27 In addition, the Joneses are affected by segment 44, and segment 44 is a
28 component of Routes Q, T, and AB.

29 Moreover, Rips Ranch opposes use of segment 62, and that is a component of
30 Route T.

1 Furthermore, the Frank Allen Ranch opposes Route T, because it contains
2 segment 70.

3 And the Steinle Group opposes use of segments 77, 83, and 87. Route Q contains
4 segments 83 and 87, while Route AB contains segments 77 and 87.

5 Thus, we are not the only intervening landowners who oppose selection of Routes
6 Q, T, and AB.

7 **Q. WHAT IS YOUR RESPONSE TO THE TESTIMONY OF MR. WITTLER FOR**
8 **THE WITTLER INTERVENORS?**

9 A. Similar to the discussion above regarding the Wittler Intervenors' support for Route R,
10 Mr. Michael Wittler believes the other routes he supports should be considered based on
11 their supposedly more cost-effective estimated costs and their supposed minimal impact
12 on habitable structures and the environment. As to Routes Q, T, and AB, he lists their
13 projected costs (apparently including substation costs) and number of habitable structures
14 impacted as:

15 Route Q: Total cost: \$286.9 million, 73 habitable structures impacted

16 Route T: Total cost: \$284.5 million, 68 habitable structures impacted

17 Route AB: Total cost: \$285.2 million, 62 habitable structures impacted

18 As discussed regarding the Rips Ranch and Wittler testimony about Route R: the
19 cost estimates in this case are inherently uncertain since they are estimates made at a very
20 early stage of the project; the cost estimate for routes with segment 47 in it like Routes Q,
21 T, and AB are even more uncertain given that the Application somehow missed
22 Teixeira's existing pivot irrigation areas; estimated cost is not the single determinative
23 factor as the most recent PUC transmission line routing decision for CPS Energy shows;
24 and in context Route R is approximately equal in cost to Routes M and N.

25 In addition, while Route U is higher than Routes Q, T, and AB on the (uncertain)
26 estimated costs, Routes M and N are lower than Routes Q, T, and AB on such (uncertain)
27 cost estimates. In the context of this case, the cost estimates for the Applicants' proposed
28 routes range from over \$250 million to over \$360 million, or a difference between the
29 Routes Q, T, U and AB compared to total costs of less than four percent. While Mr.
30 Wittler claims that Routes Q, T, and AB are more cost-effective, Route U has "a

1 relatively low estimated total project cost” according to the Application at p. 20, and
2 Routes M and N have estimated costs that are less than those for Routes Q, T, and AB.

3 With regard to habitable structures within 500 feet of the centerline of the route,
4 Route U has 50, Route M has 77, and Route N has 78, while Route Q has 73, Route T has
5 68, and Route AB has 62. In other words, Route U is somewhat lower than Routes Q, T,
6 and AB on the number of habitable structures, and Routes M and N are somewhat higher
7 than Routes Q, T, and AB on such habitable structures. The context of this case is one in
8 which, per Application Attachment 1, Table 4-1, the 34 routes the Applicants proposed
9 range from 40 to 179 habitable structures within 500 feet of the transmission line route.
10 While Mr. Wittler claims that Routes Q, T, and AB have minimal impacts on habitable
11 structures, in full context Routes U, M, and N have approximately the same or even less
12 impacts on habitable structures.

13 Finally, as previously discussed, segment 53, the only segment the Wittler
14 Intervenor oppose, is **not** a part of Route U (the best meets route), of Route N (supported
15 by the Frank Allen Ranch, LLC, the Terri Lynn Luensmann Spousal GST Trust, and Rips
16 Ranch), of Route M (which the Wittler Intervenor expressly do support), of Rips
17 Ranch’s alternative Routes U Alt. 1 and U Alt. 2, or of Frank Allen Ranch’s alternative
18 Route N-AB.

19 Therefore, selection of Route U, Route M, Route N, Route U Alt. 1, Route U Alt.
20 2, or Route N-AB, instead of selecting Routes T, Q, and AB, would not adversely affect
21 the Wittler Intervenor.

22 **VII. POSITION OF TEIXEIRA REGARDING ROUTE M**

23 **Q. THE WITTLERS INTERVENORS SUPPORT APPROVAL OF ROUTE M.** 24 **WHAT IS TEIXEIRA’S POSITION REGARDING ROUTE M?**

25 A. Route M contains segment 41, like Routes U, U Alt. 1, U Alt. 2, and N. Also like those
26 routes, Route M does not contain segment 44, running by my current habitable structures,
27 or segment 47, running through three of our existing pivot irrigation areas. Therefore, we
28 do not oppose selection of Route M.

29 I note that Route M appears to minimize adverse impacts on intervening
30 landowners. This is because Route M was not opposed by any intervenor except for Mr.
31 Wayne Schuchart, one member of the Southwest Landowners Group. He is on segment

74, which is part of Route M. Again, Segment 74 does not cross any pivot irrigation or other agricultural facilities, only Mr. Schuchart's open land.

I further note that the Wittler Intervenor expressly support selection of Route M.

Finally, I note that, according to Application Attachment 1, Table 4-1, Route M is: the second shortest in length; the third lowest in estimated cost; the second highest in percent of total paralleling of transmission lines, roadways, and apparent property lines; and one less habitable structure within 500 feet of the line compared to Route N.

Therefore, Route M, like Route N, is one of the routes with the least adverse impact on intervening landowners.

VIII. POSITION OF TEIXEIRA REGARDING ROUTE N-AB

Q. WHO PROPOSES ROUTE N-AB?

A. The Frank Allen Ranch, in discovery.

Q. WHAT IS ROUTE N-AB?

A. Route N-AB consists of the combination of segments 3-6-15-21-30-34-39-40-41-45A-45B-52-54-55-58-59-65-68B-71-75-77-87-94-99-107-108-110.

It is composed of Route N segments up to segment 68B, and then starts using as the rest of its segments those in Route AB starting with segment 71.

Q. WHAT IS TEIXEIRA'S POSITION REGARDING ROUTE N-AB?

A. Route N-AB contains segment 41, like Routes U, U Alt. 1, U Alt. 2, N, and M, and also like those routes does not contain segment 44, running by my habitable structures, or segment 47, running through three of our existing pivot irrigation areas. Therefore, we do not oppose selection of Route N-AB.

I note that Route N-AB, given the segments it uses, appears to minimize adverse impacts on intervening landowners. This is because none of Route N-AB's segments is opposed by any intervenor except for the Steinle Group. As previously discussed, the Steinle Group most "strongly" opposes use of segment 83, but that is not part of Route N-AB; Route N-AB only contains segments 77 and 87, which are its secondary concern.

IX. CONCLUSION

Q. WHAT IS YOUR CONCLUSION REGARDING THE DIRECT TESTIMONY OF THE INTERVENORS?

1 A. As indicated in my direct testimony, segment 47 would run the transmission line through
2 three of our existing pivot irrigation areas. No other intervenor has a line crossing its
3 segment pivot irrigation areas. This segment 47 impact on Teixeira is one of the most
4 severe of the adverse transmission line impacts on landowners that the testimonies in this
5 case present.

6 As also discussed in my direct testimony, segment 44 runs near the existing house
7 for my pregnant wife and me, and is even closer (within 495 feet) of the
8 “barndominium,” which is currently used as a barn/workshop/gym/sauna and which is
9 being converted to be our new, larger home for our growing family.

10 Teixeira does not oppose selection of Route U. That is the route which the
11 Applicants identified as the one which best meets the PUC’s various routing
12 requirements. All of the over two dozen intervenors in this case either support or do not
13 oppose Route U, with *only two* exceptions.

14 One of those, the Steinle Group, the testimony of Mr. Andrus, states (emphasis in
15 original):

I strongly oppose any route utilizing Segment 83, including without limitation
Route Q. This Segment has the highest negative impact on the Ranches.

I further oppose any route utilizing Segment(s) 77 and 87, including without
16 limitation Route(s) U, I, W, X, A, and B.

17 Route U does not use segment 83 which the Steinle Group “strongly” opposes because of
18 its highest negative impact on the Steinle Group. So the Steinle Group’s “further”
19 opposition to the two segments that are part of Route U appears to be a lesser level of
20 opposition than their opposition to the one it “strongly” opposes.

21 Rips Ranch opposes use of segment 62, which is a part of Route U. This is
22 because segment 62 cuts diagonally through its property. Rips Ranch has proposed two
23 alternative segments and resulting route variations, Routes U Alt. 1 and U Alt. 2. Those
24 address its concern about how segment 62 cuts diagonally through its property. To do so,
25 the alternative segments hug its property boundaries. Teixeira does not oppose selection
26 of alternative Routes U Alt. 1 and U Alt. 2.

27 Teixeira additionally does not oppose selection of Route N. Unlike Route U, Rips
28 Ranch and the Steinle Group expressly support approval of Route N. Indeed, all of the

1 over two dozen intervenors in this case either support or do not oppose Route N with *only*
2 *one* exception.

3 That opposing intervenor, Mr. Wayne Schuchart, on segment 74, is one of several
4 members of an intervenor group, the Southwest Landowners Group. The segments in
5 Route N do not affect its other members. Mr. Schuchart does not oppose Route N by
6 name, only its segment 74. Segment 74 does not cross any pivot irrigation or other
7 agricultural facilities, only Mr. Schuchart's open land.

8 Teixeira totally opposes selection of Routes R, Q, T, and AB (containing
9 segments 44 and/or 47). Rips Ranch says that it supports consideration of Route R as a
10 possible alternative to Route U. The Wittler Intervenors, who oppose segment 53, state
11 that they support Route R, Q, T, and AB.

12 Rips Ranch and the Wittler Intervenors cite the relative cost estimate differences
13 between those routes and Route U. But the Application somehow missed the Teixeira
14 pivot irrigation which Route R's segment 47 crosses, one of the most severe landowner
15 impacts in this case. So the data and estimated costs for Route R are not accurate, and the
16 impacts to Teixeira's irrigation operations must be considered rather than ignored. Also,
17 the three routes with the lowest estimated costs are so close together they are
18 approximately equal given the nature of them as uncertain estimates. In addition, cost is
19 not the sole determinant of a route, as the PUC has recently demonstrated in a recent case
20 for one of the co-Applicants, CPS Energy.

21 Furthermore, segment 53, the only segment the Wittler Intervenors oppose, is not
22 a part of Route U (the "best meets" route), is not part of Route M (which the Wittler
23 Intervenors do expressly support), is not a part of Route N (supported not only by the
24 Wittler Intervenors but also by Rips Ranch, the Frank Allen Ranch, the Terri Lynn
25 Luensmann Spousal GST Trust, and the Steinle Group), is not a part of alternative Routes
26 U Alt. 1 and U Alt. 2 (proposed by Rips Ranch to address its segment 62 diagonal
27 crossing concern), and is not part of Route N-AB (proposed by Frank Allen Ranch). So
28 the selection of Routes U, M, N, U Alt. 1, U Alt. 2, or N-AB will not adversely affect the
29 Wittler Intervenors.

30 Moreover, Teixeira does not oppose selection of Route M. All intervening
31 landowners either do not oppose or expressly support approval of Route M, with *only*

1 *one* exception. That opposing intervenor is Mr. Wayne Schuchart on segment 74, a
2 member of the Southwest Landowners Group (the rest of whom are not affected by Route
3 M). Segment 74 does not cross any pivot irrigation or other agricultural facilities, only
4 Mr. Schuchart's open land.

5 Nor does Teixeira oppose selection of Route N-AB proposed by Frank Allen
6 Ranch. Of the over two dozen intervenors in this case, only Mr. Wayne Schuchart,
7 whose open land is on segment 74, is adversely affected by that alternative route.

8 The fact that Route U only has two opponents, one of whom proposes alternative
9 segments to address its Route U diagonal crossing concern and the other whose primary
10 concern is for a segment not in Route U, and the fact that Routes N, M, or N-AB only
11 have one opponent, the PUC's selection of Route U, Route U Alt. 1, Route U Alt. 2,
12 Route M, Route N, or Route N-AB will balance and minimize the overall adverse impact
13 on all of the landowners in this case.

14 **Q. WHAT IS TEIXEIRA'S REQUEST TO THE PUC REGARDING THE ROUTING**
15 **OF THE TRANSMISSION LINE IN LIGHT OF THE INTERVENOR DIRECT**
16 **TESTIMONY, INTERVENOR DISCOVERY REQUESTS, AND YOUR CROSS-**
17 **REBUTTAL TESTIMONY?**

18 A. Teixeira asks that the PUC not approve the use of any transmission routes containing line
19 segments 44, 47, and 50, because of the adverse impacts to our pivot farming from a
20 transmission line running through three of our pivot irrigation areas and from a
21 transmission line running near my current residence and barn/workshop/gym/sauna.
22 Those Applicants' proposed routes that should not be approved, because they contain
23 transmission line segments 44, 47, and 50, are Routes A, C, I, O, P, Q, R, S, T, AB, AC,
24 and AD.

25 Teixeira does not oppose PUC approval of routes that include line segment 41,
26 even though segment 41 would be on a different portion of its property. The Applicants'
27 proposed routes that include segment 41 in them are Routes M, N, U, V, W, X, Y, Z, AA.

28 Similarly, Teixeira does not oppose PUC approval of Rips Ranch's alternative
29 Routes U Alt. 1 and U Alt. 2, even though they contain segment 41, since those
30 alternatives are identical to Route U except for the substitution of segments 62MOD and
31 62MOD2 for original segment 62.

1 Nor does Teixeira oppose PUC approval of Frank Allen Ranch's alternative
2 Route N-AB, even though it contains segment 41, since it does not contain line segments
3 44 and 47.

4 Teixeira also does not oppose PUC approval of Applicants' proposed routes that
5 include none of the line segments affecting Teixeira, i.e., do not contain segments 41, 44,
6 47, and 50. Those are Applicants' Routes B, D, E, F, G, H, J, K, L, AE, AF, AG, and AH.

7 **Q. IF YOU HAD TO RANK THE ROUTES WHICH HAVE GARNERED EXPRESS**
8 **SUPPORT IN INTERVENOR DIRECT TESTIMONY OR PROPOSED IN**
9 **INTERVENOR DISCOVERY AND WHICH TEIXEIRA DOES NOT OPPOSE,**
10 **WHAT WOULD THAT RANKING BE?**

11 A. Routes M and N should rise to the top, given there is only one opponent to them and
12 given their favorable estimated costs and favorable Application Attachment's Table 4-1
13 data.

14 That should be followed by Frank Allen Ranch's alternative Route N-AB, given
15 there is only one opponent to it and segment 74 crosses along the edge of the opponent's
16 property, rather than diagonally through it.

17 Alternative Routes U Alt. 1 and U Alt. 2 should then be next, given they address
18 the segment 62 diagonal crossing concern for Rips Ranch.

19 Finally, original Route U would rank last, given that its segment 62 does
20 diagonally cross Rips Ranch.

21 **Q. DOES THIS CONCLUDE YOUR CROSS-REBUTTAL TESTIMONY?**

22 A. Yes.