



## **Filing Receipt**

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**Item Number - 196**

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 THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED HOWARD ROAD-TO-SAN MIGUEL 345-KV TRANSMISSION LINE IN BEXAR AND ATASCOSA COUNTIES

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BEFORE THE  
  
  
  
STATE OFFICE OF  
  
  
  
  
  
  
ADMINISTRATIVE HEARINGS

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document is being filed and served on this, the 21st day of November, 2024, in the Public Utility Commission of Texas's Interchange System in accordance with the orders of the presiding officer, SOAH Order No. 2.

/s/ David F. Brown

David F. Brown

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**CROSS-REBUTTAL TESTIMONY OF TRACY HAMMER  
ON BEHALF OF  
RIPS RANCH, LLC**

A. My name is Tracy Hammer, and I am Manager of Rips Ranch, LLC. My address is 302 E. Josephine St., #2101, San Antonio, Texas 78215. I am testifying on behalf of Rips Ranch LLC.

A. Yes.

A. My cross-rebuttal testimony responds to direct case testimony other intervenors filed. Where appropriate, I address the reasons why their testimony correctly or incorrectly analyzes the data in the record. Finally, I address other intervenors' testimony pertaining to certain proposed routes or segments of potential routes.

A. Really, the testimony breaks down into three camps. First, there is the group that argues only that their land should not be affected, wherever it may be located in the Study Area. This is understandable, but provides little evidence that is material under the criteria the Commission must evaluate. Second, there is a group that compounds the testimony of the first group with arguments in support of Route U, the so-called

1 “best-meets” route, but provides limited to no analysis of the route or other  
2 alternatives. These intervenors are uniformly unaffected by Route U (or similar  
3 routes). Third, there is a group of intervenors who analyze the data underlying  
4 various routes, including the facts pertaining to their relative merits, and these  
5 intervenors generally support one of more of the Central Corridor routes, which are  
6 uniformly shorter, less costly, present better paralleling characteristics, and affect a  
7 moderate number of habitable structures. The routes these parties support include  
8 Route M and Route N, among others.

9 **Q. PLEASE DESCRIBE THE TESTIMONY OF OTHER INTERVENORS REGARDING**  
10 **ROUTES.**

11 A. Brian Andrews, a witness for the Frank Allen Ranch and others, agrees that Route N  
12 is among the more-acceptable routes. Andrews Dir. 17:1-18:2. In his testimony, Mr.  
13 Andrews points out that Route N is superior on several mandatory considerations:

- 14 • Route N is the least costly route at \$274.6 million—almost \$19 million less  
15 than Route U.
- 16 • Route N is near the top in paralleling existing compatible rights-of-way and  
17 other compatible corridors, with only 22.05 miles not parallel to such corridors.
- 18 • And, while Route N impacts modestly more habitable structures than Route U,  
19 it is nevertheless in the lowest quartile, with 78, in an Application that ranges  
20 from a low of 40 to a high of 179 habitable structures.

21 Michael Wittler, a landowner who is also a professional engineer with 29 years of  
22 experience in the electric utility industry and a member of the Kerrville Public Utility  
23 Board, also supports Routes M and N, among others, almost all within the Central  
24 Corridor. Wittler Dir. 5. Noting that the routes presented implicate the Commission’s  
25 policy of prudent avoidance, Mr. Wittler contends that the Central Corridor routes  
26 best satisfy the overall test the Commission is required to consider.

27 Others, including Clay Texeira, testify both to the adverse effects of some segments  
28 on their land, Texeira Dir. 3:14-20, 3:26-15:19, but also speak to the benefits of  
29 Central Corridor routes, like Routes M and N, to Texeira relative to others.

30 Specifically, Mr. Texeira testifies that Segment 41, a component of Routes M and N,  
31 among others, is an acceptable alternative. Texeira Dir. at 11:24-12:7.

32 Mr. Texeira opposes routes including Segment 47, in part because it cuts diagonally  
33 through his land, much as Segment 62 cuts through Rips Ranch. In light of this

1 previously unknown information and the confirmation that there are superior routes,  
2 Rips Ranch withdraws its support of Route R, which includes as a component  
3 Segment 47.

4 No party supporting Route U, save one, stated any basis for contesting any of the  
5 Central Corridor Routes, including Route M or Route N. To the contrary, virtually  
6 every party either directly or by implication supported the components of Route M or  
7 Route N as acceptable to them—and, the objective data shows the Central Corridor  
8 Routes to be shorter, to be less costly, and to affect a comparatively modest number  
9 of habitable structures in comparison with either Western Corridor or Eastern  
10 Corridor routes.

11 **Q. HOW DO YOU RESPOND TO WITNESSES WHO ADVOCATE THAT THE**  
12 **COMMISSION APPROVE ROUTE U?**

13 A. We oppose Route U and similar routes, because regardless of their alignment using  
14 existing or modified segments, they cross Rips Ranch on a diagonal path that bisects  
15 the ranch. Even Route U-MOD2, a modification of Route U for which we have  
16 requested that the Applicants provide data, substantially impedes our use and  
17 enjoyment of the ranch.

18 Just as Mr. Texeira testified that routes using Segment 47 bisect his land on a  
19 diagonal, maximizing disruption of his use and enjoyment of the land, so does  
20 virtually any alignment of Segment 62, a component of Route U and others. Texeira's  
21 arguments apply with equal force to Rips Ranch. See Figure 1.

22 **Q. WHAT MODIFICATIONS TO SEGMENT 62 HAVE COME TO LIGHT THAT**  
23 **LESSEN THE BURDEN ON RIPS RANCH?**

24 A. Rips Ranch proposed an alternative to Segment 62 that would lessen the impact  
25 upon it. To be clear, we think that other routes, including Route M and Route N are  
26 superior to any of the routes that consist in part of Segment 62; however, if the  
27 Commission ultimately determines to select a route comprised in part of Segment 62,  
28 it should use the segments and route identified in Rips Ranch's Second RFIs to  
29 Applicants.

30 The following is a depiction of the modified Segment 62:



**Figure 1, Map of Alternative Segment 62, Segment 62-MOD2, on Rips Ranch and surrounding areas.**

This iteration of Segment 62 would reduce the impact upon Rips Ranch while not harming the interests of any other landowner. In addition, it would avoid the home of Rips Ranch's foreman, which was not noted in the Application as being less than 500 feet from the centerline of Segment 62.

**Q. EVEN WITH MODIFICATIONS, DO YOU STILL OPPOSE ROUTES THAT ARE COMPRISED IN PART OF SEGMENT 62, INCLUDING ROUTE U?**

**A.** Yes. Our family has owned Rips Ranch for close to 100 years. The as-filed Segment 62 begins in the northeast of the ranch, travels down our private caliche ranch road within 100 feet or so of our ranch manager's home, and passes by our front gate. It would require our ranch manager to relocate and for us to incur the costs of constructing a new well, a new septic system, and a new service road. While a modified Segment 62 would lessen the impact of any route comprised in part of it, Rips Ranch opposes Route U and other routes that include it. There is no alignment of a route including Segment 62—modified or unmodified—that does not cut diagonally across Rips Ranch.



**Q. WOULD YOU PLEASE COMPARE THE PRIMARY ROUTES MADE THE FOCUS OF DIRECT CASE TESTIMONY IN THIS DOCKET?**

**A.** Yes. As Rips Ranch suggested in my Direct Case Testimony, the Commission's focus should be on routes in the Central Corridor, those routes having in common Segment 59. In particular, the Commission should focus on Route M, Route N, Route N-AB (the subject of intervenor Frank Allen Ranch LLC's Second RFIs), and—as a last resort—Route U-MOD2 (the subject of Rips Ranch LLC's Second RFIs). These routes are superior to Route U, which the Application contends is the so-called “best-meets” route:

Evaluation Criteria		Route M	Route N	Route N-AB	Route U (Corrected)	Route U- MOD2
<b>Land Use</b>						
		\$276,258,000	\$274,601,000	Data to be produced via RFI Responses in Applicants' Rebuttal	\$283,316,000	Data to be produced via RFI Responses in Applicants' Rebuttal
<b>C COST</b>						
1	Length of alternative route	46.99	47.47		49.15	
2	Number of habitable structures <sup>1</sup> within 500 feet of ROW centerline	77	78		51	
4	Length of ROW parallel and adjacent to existing transmission line ROW	9.19	9.19		10.21	
5	Length of ROW parallel and adjacent to other existing ROW (roadways)	1.58	1.58		2.67	
6	Length of ROW parallel and adjacent to apparent property lines <sup>2</sup> (or other	15.81	14.64		14.85	
7	Sum of evaluation criteria 3, 4, 5, and 6	26.59	25.41		27.74	
8	Percent of evaluation criteria 3, 4, 5, and 6	57%	54%		56%	
<b>Aesthetics</b>						
29	Estimated length of ROW within foreground visual zone <sup>6</sup> of US and state highways	2.36	2.36		8.79	
30	Estimated length of ROW within foreground visual zone <sup>6</sup> of FM/RM roads	5.71	5.71		4.11	
31	Estimated length of ROW within foreground visual zone <sup>6)(7)</sup> of parks/recreational areas <sup>9</sup>	2.21	2.21		3.85	

**Figure 2. Table comparing selected Central Corridor Routes with Route U and derivatives.**

As is seen in Figure 2, within the Central Corridor Routes, which are generally shorter, less costly, and less impactful of resources, **Routes M, N, and N-AB** stand out. In contrast with all routes using Segment 62, including Route U and its derivatives. The Central Corridor Routes are among the shortest routes on the map and as such are less disruptive of the land use of the area overall. Route U measures



49.15 miles in length, but Central Corridor Routes M, N, and N-AB are between almost two (2) to almost four (4) miles shorter than Route U. ***Each of these Central Corridor Routes*** affects marginally more habitable structures, but is also projected to ***cost much, much less to build—from \$18 million to \$18.8 million less to build.***

The direct case testimony filed by various intervenors confirms that the Central Corridor Routes are the shortest and should be the least costly, making them stronger candidates for selection under the criteria the ALJs and the Commission must consider. It is clear that the routes best adhering to the Commission's criteria, and in particular the relative cost and other impacts upon both ratepayers and landowners, are Routes M, N, and derivatives of them. While other routes may have isolated, favorable attributes, only Routes M, N, and their derivatives have both broad support and low impacts upon most landowners.

On balance, the ALJs should recommend, and the Commission should approve, either Route M, Route N, or Route N-AB.

**Q. WOULD YOU PLEASE SUMMARIZE YOUR CROSS-REBUTTAL TESTIMONY?**

**A.** Yes. At bottom:

1. The ALJs and the Commission should avoid routes using Segment 62 and derivatives because of the damage such routes do to Rips Ranch and an unidentified habitable structure, our ranch foreman's home, and to the Atascosa River, its nearby tributaries, and the wooded areas through which they flow.
2. The ALJs and the Commission should note that **Routes M and N**, and related derivatives, which utilize segments in the central portions of the Study Area, are straighter, significantly shorter, far less costly than routes in the western portions of the Study Area or eastern portions of the Study Area, including routes that include Segment 62; moreover, opposition to these routes is minimal, as they affect only one intervenor adversely. **The ALJs should, therefore, recommend adoption of Route M, Route N, or Route N-AB.**
3. If the ALJs consider routes including Segment 62, including Route U, to be favorable, they should order modifications to the Segment that straighten it, reduce its number of turning structures, reduce its impact upon the unacknowledged habitable structure on Rips Ranch, and reduce Segment 62's

1 overall impact on Rips Ranch, such as Segment 62-MOD2 and Route U-  
2 MOD2.

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

4 **A. Yes.**