



## **Filing Receipt**

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

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

**REBUTTAL TESTIMONY**

**OF**

**DANIEL T. OTTO**

**ON BEHALF OF APPLICANTS**

**CPS ENERGY AND SOUTH TEXAS ELECTRIC COOPERATIVE, INC.**

**November 27, 2024**

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

**REBUTTAL TESTIMONY OF DANIEL OTTO**

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**REBUTTAL TESTIMONY OF DANIEL OTTO**

**I. INTRODUCTION**

**Q. PLEASE STATE YOUR NAME AND OCCUPATION.**

A. My name is Daniel T. Otto. I am employed by CPS Energy as the Manager of the Substation and Transmission Regulatory Support group.

**Q. ARE YOU THE SAME DANIEL T. OTTO THAT PROVIDED DIRECT TESTIMONY IN THIS DOCKET?**

A. Yes, I am.

**Q. WAS YOUR REBUTTAL TESTIMONY PREPARED BY YOU OR BY KNOWLEDGEABLE PERSONS UPON WHOSE EXPERTISE, JUDGMENT, AND OPINIONS YOU RELY IN PERFORMING YOUR DUTIES?**

A. Yes, it was.

**Q. IS THE INFORMATION CONTAINED IN YOUR REBUTTAL TESTIMONY TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE?**

A. Yes, it is.

**Q. HAVE YOU HAD AN OPPORTUNITY TO REVIEW THE TESTIMONY FILED BY THE INTERVENORS IN THIS DOCKET?**

A. Yes, I have read the direct and cross-rebuttal testimonies filed by all the intervenors. I understand the concerns expressed by many of the intervenors. I understand that many of the intervenors do not want a new transmission line on their property nor do they want one that is visible from their property. While few intervenors desire this new line to be located on or near their property, ultimately, it must be placed somewhere.

1 **Q. HAVE YOU REVIEWED THE TESTIMONY FILED BY STAFF IN THIS**  
2 **DOCKET, AND IF SO, DO YOU HAVE ANY GENERAL REMARKS IN**  
3 **RESPONSE TO ALL OF THE NON-APPLICANT TESTIMONY?**

4 A. Yes, I have also reviewed Staff's testimony. After having reviewed the testimony filed by  
5 Staff and intervenors, I believe that all 34 routes and 109 segments filed by CPS Energy  
6 and STEC in the Joint Application are viable and acceptable routes and segments. In  
7 addition, as addressed in the rebuttal testimony filed by the Joint Applicants in this  
8 proceeding, Segment 62MOD2 and routes U ALT 2 and N-AB are also viable and  
9 acceptable routes and segments. All of the 36 routes can be constructed, operated, and  
10 maintained by the Joint Applicants, and any one of 36 routes would meet the need for the  
11 Project.

12 **II. PROPERTY ACCESS**

13 **Q. SEVERAL INTERVENORS EXPRESSED CONCERNS ABOUT GRANTING**  
14 **ACCESS TO THEIR PROPERTIES TO THIRD PARTIES. HOW DO YOU**  
15 **RESPOND?**

16 A. Many intervenors expressed concerns about third parties having access to their property. I  
17 understand their apprehension, especially those who do not have infrastructure facilities  
18 located on their property and do not have previous experience to draw on. The Joint  
19 Applicants operate thousands of miles of transmission lines, almost all of which is  
20 located across the property of others. Both utilities have been and will continue to be  
21 respectful when accessing their facilities located on private property.

22 **III. PROPERTY DEVALUATION**

23 **Q. SEVERAL INTERVENORS EXPRESS CONCERN REGARDING THE**  
24 **POTENTIAL IMPACT ON PROPERTY VALUES IF THE PROJECT IS**  
25 **LOCATED ON OR NEAR THEIR PROPERTY. WHAT IS THE JOINT**  
26 **APPLICANTS' POSITION REGARDING THIS CONCERN?**

27 A. I appreciate that the intervenors value their property. However, the Commission's CCN  
28 process is based on the routing criteria specifically identified in the applicable statutes  
29 and rules. A landowner's concern about impacts to their property values is not a factor

1 identified in those statutes or rules and, it is not directly considered by the Commission  
2 when making a certification decision. Property value issues are fully addressed during  
3 easement acquisition proceedings involving those landowners whose property is crossed  
4 by the approved route.

#### 5 **IV. FUTURE DEVELOPMENT**

6 **Q. SEVERAL INTERVENORS RAISED CONCERNS ABOUT IMPACTS TO**  
7 **FUTURE DEVELOPMENT. WHAT IS THE JOINT APPLICANTS' POSITION?**

8 A. As is the case for property values, future development is not a criterion identified in the  
9 applicable statutes and rules. Further, a recent statement from Chairman Gleeson  
10 provided that "Commission precedent is clear that when making routing decisions, the  
11 Commission may not prioritize a landowner's concerns about future development of his  
12 undeveloped property over existing constraints."<sup>1</sup> Finally, Consistent with the Final  
13 Order, CPS Energy and STEC will work with directly affected landowners to make  
14 feasible minor route modifications to minimize impacts of the approved route on future  
15 development plans.

#### 16 **V. PROPERTY OWNERSHIP**

17 **Q. PLEASE ADDRESS THE PROPERTY OWNERSHIP MATTER THAT WAS**  
18 **ADDRESSED IN THE DIRECT TESTIMONY OF REAGAN MITCHELL**  
19 **MARBLE.**

20 A. Mr. Marble stated that B0430 (Property ID 184647) was identified in Application  
21 Attachment No. 7 as "B0762."<sup>2</sup> Mr. Marble's testimony provides that B0430 (Property ID  
22 184647) is owned by Bret and Venetia Mitchell, who also own B0430 (Property ID

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<sup>1</sup> *Application of the City of the City of San Antonio, acting By and Through the City Public Service Board (CPS Energy), to Amend Its Certificate of Convenience and Necessity for the Proposed SAT15 138-kV Transmission Line Project in Bexar County*, Docket No. 55728, Commission Memorandum (Oct. 2, 2024) (citing *Application of I.C.R.A. Transmission Services Corporation to Amend Its Certificate of Convenience and Necessity for the Proposed Cushman to Highway 123 138-kV Transmission Line in Guadalupe County*, Docket No. 39479, Order at Finding of Fact No. 125 ( June 20, 2012 ); *Application of I.C.R.A. Transmission Services Corporation to Amend A Certificate of Convenience and Necessity for the Round Rock Leander 138-kV Transmission Line Williamson County*, Docket No. 45866, Order on Rehearing at Conclusion of Law 11A (Jul. 28, 2017); and *Application of I.C.R.A. Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Cooks Point 138-kV Transmission Line in Burleson County*, Docket No. 48358, Commissioner Memorandum (Jun. 11, 2019)).

<sup>2</sup> Direct Testimony of Reagan Mitchell Marble at 23, Interchange Filing No. 142 (Nov. 12, 2024).

1 184634). Property records indicate that their mailing address is “1619 New Bond St., San  
2 Antonio Texas 78231-2417,”<sup>3</sup> which is the same address that the notice for this  
3 proceeding was sent by the Joint Applicants.<sup>4</sup> Both Bret Mitchell and Venetia Mitchell  
4 have been granted intervention in this docket.<sup>5</sup>

5 **VI. CONCLUSION**

6 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

7 A. Yes, it does.

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<sup>3</sup> Joint Application at 651, Attachment No. 7 at 32.

<sup>4</sup> Joint Application at 677, Attachment No. 7 at 58.

<sup>5</sup> SOAH Order No. 2 (“Memorializing Prehearing Conference, Ruling on Motions to Intervene, Adopting Procedural Schedule, and Scheduling Hearing” at 2) (Oct. 25, 2024). See also *Motion to Intervene of 5M Cattle Co., Ltd.; et al (aka the “Mitchell Family Alliance”)* Oct. 8, 2024, interchange item no. 15; *Motion to Intervene of Julie Gail Mitchell Marble as Trustee of the Julie Gail Mitchell Marble GST Trust; Janet Corn Ivy, Individually and as Trustee of the Janet Ivy Corn GST Trust; and Venetia Mitchell* Oct. 11, 2024, Interchange Item No. 19.