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**SOAH DOCKET NO. 473-25-14651
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APPLICATION OF SOUTH TEXAS	§	
ELECTRIC COOPERATIVE, INC. TO	§	
AMEND ITS CERTIFICATE OF	§	STATE OFFICE
CONVENIENCE AND NECESSITY	§	
FOR THE CASTROVILLE-TO-RIO	§	OF
MEDINA-TO-SAN GERONIMO 138-	§	
KV TRANSMISSION LINE IN	§	ADMINISTRATIVE HEARINGS
MEDINA COUNTY	§	

**POST-HEARING INITIAL BRIEF OF KEITH ECHTLE INDIVIDUALLY AND ON
BEHALF OF DOUGLAS ECHTLE AND PATRICK ECHTLE**

COMES NOW, Intervenor, Keith Echtle, Individually and on behalf of Douglas Echtle and Patrick Echtle (“Mr. Echtle”) and files his Post-Hearing Initial Brief. Following the hearing on the merits on May 19, 2025, the Administrative Law Judge requested that Mr. Echtle file a proposed post-hearing briefing outline by May 21, 2025. Mr. Echtle prays that the Administrative Law Judge (“ALJ”) issue a Proposal for Decision (“PFD”) recommending the Texas Public Utility Commission (“PUC”) approve Route South B and Route North F.

I. INTRODUCTION AND SUMMARY

Echtle Ranch is located at at 1921 FM 471 N, Castroville, Texas. The Property has been in the Echtle family for multiple generations. Mr. Echtle and his siblings were born and raised on the Property. The land is currently used for coastal hay production. The Property is bordered by the Medina River on its western border. The river and the riverbottoms support natural vegetation and an abundance of wildlife (fish, white-tailed deer, etc.) Mr. Echtle also uses the land as an airstrip for his small airplanes. In order to sustain the Property’s natural integrity and uphold Mr. Echtle’s family values of land stewardship and agriculture, Mr. Echtle supports Route South B and Route North F, because they are more environmentally sustainable routes

that perform well under the Public Utility Regulatory Act (“PURA”) § 37.056(c) and 16 TAC § 25.101(b)(3)(B) and should be selected as the “best-meets” routes in this Application.

II. PROCEDURAL HISTORY

Not addressed.

III. JURISDICTION

Not addressed.

IV. PRELIMINARY ORDER ISSUES

A. Application – Not addressed.

B. Notice – Not addressed.

C. Public Input – Not addressed.

D. Need – Not addressed.

E. Route

8. *Weighing the factors set forth in PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), which proposed transmission-line route is the best alternative?*

PURA § 37.056(c) lays out the criteria in which the Commission is to consider when granting certificates of convenience and necessity: “community values, recreational and park areas, historical and aesthetic values, [and] environmental integrity.”¹ They must also consider parallelling, costs, engineering restraints, and the policy of prudent avoidance.²

Considering the factors set forth in both PURA § 37.056(c) and 16 TAC § 25.101(b)(3)(B), Route South B is the alternative route that best meets these factors, not

¹ PURA § 37.056(c).

² 16 TAC § 25.101(b)(3)(B).

Route C. Amongst other reasons, Route South B impacts few habitable structures, has fewer river crossings, and parallels an existing transmission line for 1.03 miles of its 5.49 mile length.³

a. Effect of Granting Certificate on Joint Applicants and Any Electric Utility Serving the Proximate Area

Not addressed.

b. Community Values

The Commission has defined “community values” to mean “a shared appreciation of an area or other natural human resource by a national, regional, or local community.”⁴ To ascertain what the community values of the Study Area are, Applicant held public open-house meetings in which the public could come forth and express their concerns. There were 86 attendees at the public meeting. The following were some of the public’s greatest concern: “maximize distance from residences,” “maximize length along existing transmission lines,” and “minimize length across cropland.”⁵

Route South B has one less habitable structure on its path than STEC’s proposed Route South C.⁶ Route South B parallels existing transmission lines for 1.03 miles more than Route South C’s 0 length paralleling.⁷ Route South B also cuts through less cropland than Route South C.⁸

³ STEC Exhibit #1, Attachment 1 Table 4-1 and Table 4-2.

⁴ PUC Docket No. 43878, *Application of Brazos Electric Power Cooperative, Inc. To Amend a Certificate of Convenience and Necessity for A 138-kv Double Circuit Transmission Line In Collin and Denton Counties*, Final Order, para. 46.

⁵ STEC Exhibit #1, at Attachment 1, pages 5-5 – 5-6.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

c. Recreational and Park Areas

Routes K and M are the only two routes that are mapped across parks/recreational areas.⁹ They each go through .11 miles of such areas. Route L has one park within 1,000 feet of the ROW centerline.¹⁰ Routes South B and North F do not cross parks/recreational areas; nor do they have parks within 1,000 feet of their ROW centerlines.¹¹

d. Aesthetic Values

PURA § 37.056(c)(4)(C) requires the Commission to consider “historical and aesthetic values” of the proposed route, and how the proposed line will affect those historic values and aesthetic qualities.¹² To make evaluations about the aesthetic impact of the transmission lines, the Applicant estimates the following numbers:

- Length of ROW within foreground visual zone of US and State Highways¹³
- Length of ROW within foreground visual zone of FM/RM roads¹⁴
- Length of ROW within foreground visual zone of parks/recreational areas¹⁵

⁹ STEC Exhibit #1, Attachment 1 Table 4-1 and Table 4-2.

¹⁰ *Id.*

¹¹ *Id.*

¹² PURA § 37.056(c)(4)(C).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

Comparing Route South B and South C, there is a clear superior route when it comes to aesthetics. While neither route is within the visual foreground of a US or State highway, Route South C has 3,326.4 feet of ROW within the foreground visual zone of parks/recreational areas; Route South B has zero.¹⁶ Further, Route South B has .22 miles less of ROW within the visual foreground of FM/RM roads.¹⁷ Route North F has .96 miles of ROW within the foreground visual zone of FM/RM roads, the lowest of the Northern routes.¹⁸

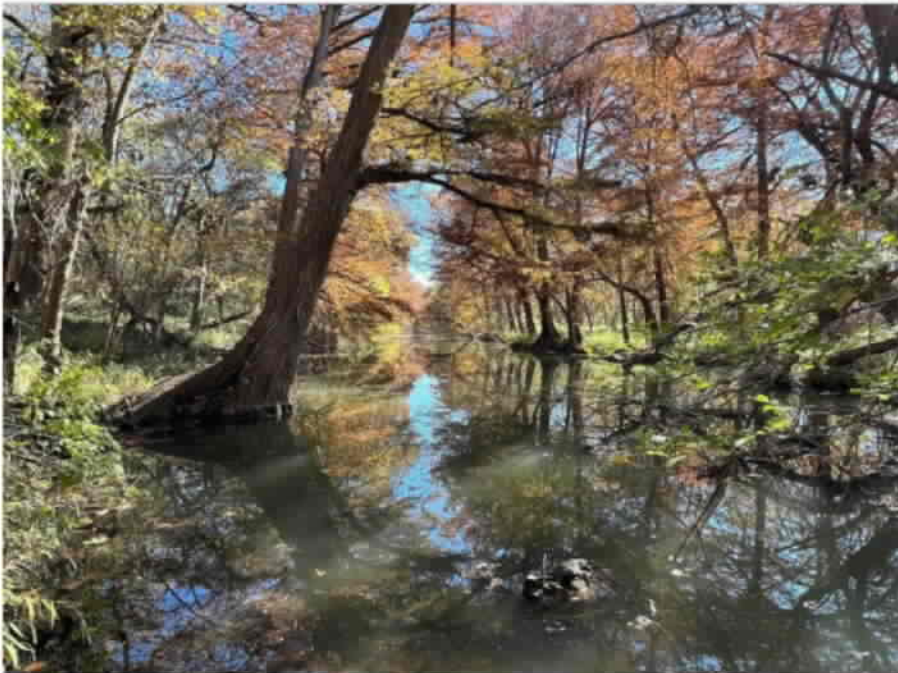


Photo of Medina River where proposed transmission lines would be running parallel to this natural resource. They would be visible from this view.

Attachment 5

The above and below photos¹⁹ demonstrate the view that would be negatively impacted by the proposed transmission lines. Route South C would entirely alter the views and aesthetic values of the Echtle Ranch in ways that Route South B would not. Route South B avoids Echtle Ranch, and is the Route that upholds the aesthetic values far more than Route South C.

¹⁶ STEC Exhibit #1, Attachment 1 Table 4-1 and Table 4-2.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Echtle Exhibit #1, p.18, 20.



e. Cultural and Historical Values

PURA § 37.056(c)(4)(C) also requires the Commission to consider cultural and historical values.²⁰ These values are measured by the following:

- Number of recorded cultural resource sites within 1,000 feet of ROW centerline;²¹
- Number of cemeteries within 1,000 feet of ROW centerline;²²
- Number of NRHP-listed or determined-eligible sites within 1,000 feet of ROW centerline;²³ and

²⁰ PURA § 37.056(c)(4)(C)

²¹ STEC Exhibit #1, Attachment 1, Table 4-1 and Table 4-2.

²² *Id.*

²³ *Id.*

- Length of ROW crossing areas of high archeological/historical site potential²⁴

Route North F is the route that best preserves cultural and historical values, as that route registers a zero on all the above metrics, except the length of ROW crossing areas of high archaeological/historical site potential.²⁵ Yet, even in that category, Route North F has the lowest estimate at just 2.23 miles.²⁶

Routes South B and South C are almost identical in their cultural and historical measurables.²⁷ Route South B has three cultural resource sites within 1,000 feet of ROW centerline; Route South C has one.²⁸ Route South B has 2.84 miles of ROW crossing areas of high archeological/historical site potential; Route South C has 2.82 miles.²⁹

f. Environmental Integrity

From an environmental integrity standpoint, the Environmental Analysis (EA) suggests the “potential for soil erosion is generally greatest during the initial clearing of the ROW.”³⁰ The EA states “where existing land cover includes woody vegetation within the ROW, much of this vegetation will be removed to provide adequate space for construction activities and to minimize corridor maintenance and operation problems. In these areas, only the leaf litter and a small amount of herbaceous vegetation would remain, and both would be temporarily disturbed by the necessary movement of heavy equipment.”³¹

²⁴ *Id.*

²⁵ STEC Exhibit #1, Attachment 1, Table 4-1 and Table 4-2.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 118.

³¹ *Id.*

As seen in the photographs previously included, Route South C would go through much of these environmentally diverse regions of woody vegetation on the Echtle Ranch, disrupting the Medina River's bottomlands. Route South C crosses a river or stream nine times; Route South B makes just six of such crossings.³² Further, Route South B goes through just .73 miles of FEMA-mapped 100-year floodplains, while Route South C goes through 1.3 miles of FEMA-mapped 100-year floodplains.³³

For reasons concerning the environmental integrity of the area and the use of existing utility corridors, which will be discussed further in Section i., it is far more sustainable and practical for the Commission to utilize Route South B.

g. Engineering Constraints

Not addressed.

h. Cost

A project's cost estimate includes engineering and design costs, materials and equipment to be used during construction, labor, costs of obtaining rights-of-ways and acquiring land. The cheapest route is Route North F at \$16,069,000.³⁴ The most expensive route is Route South A at \$26,491,000.³⁵ Route South C is estimated to cost \$20,100,000.³⁶ Route South B is estimated to cost \$22,639,000.³⁷ The roughly \$2.5 million difference between Routes South B

³² STEC Exhibit #1, Attachment 1, Table 4-1 and Table 4-2.

³³ *Id.*

³⁴ *Id.* at 361.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

and South C is insignificant, considering how much better Route South B performs within other criteria. Route North F costs \$16,069,000, the least expensive of the Northern routes.³⁸

i. Use of Existing Corridors

16 TAC § 25.101(b)(3)(B) requires the Commission to consider the following: (i) whether the routes parallel or utilize existing compatible rights-of-way, (ii) whether the routes parallel or utilize other existing compatible rights-of-way; and (iii) whether the routes parallel property lines or other natural or cultural features.³⁹ In this Application, there are *some* existing corridors to parallel, but their locations are scattered at best. Route North E has the highest percentage of paralleling at 83.22%, while the lowest percentage belongs to Route South F at just 49.28%.⁴⁰ Route South B (63.75%) and Route South C (63.89%) are almost identical in their total paralleling percentage.⁴¹

However, it is *where* they parallel that matters. Route South B parallels more than a mile of existing transmission line ROWs; Route South C does not use any existing transmission line ROWs.⁴² Route South C parallels more apparent property lines, but those property lines are not in line with existing ROWs. Further, Route South B has a longer net total of existing corridors used compared to Route South C. While their total paralleling *percentages* are close, the devil is in the details, and it is Route South B that performs better than Route South C.

³⁸ PUC Staff Exhibit #1, 00030-31.

³⁹ 16 TAC § 25.101(b)(3)(B).

⁴⁰ STEC Exhibit #1, Attachment 1, Table 4-1 and Table 4-2.

⁴¹ *Id.*

⁴² *Id.*

j. Prudent Avoidance

Under 16 TAC § 25.101, the Commission must adhere to the “policy of prudent avoidance,” so that the selected route may “moderate the impact on the affected community and landowners.”⁴³ Route North C has the fewest habitable structures, with just one. Route South L has the most at twenty-five. Route South B has twelve, which is one less habitable structure on its path than STEC’s proposed Route South C.⁴⁴

Yet, because one of the affected landowners’ biggest concerns was maximizing distance from homes,⁴⁵ Route South C’s extra habitable structure makes it the inferior route in this category.

k. Additional Routing Concerns

Mr. Echtle has a FAA registered private airstrip on his property, Echtle Airfield (99TA) that would be negatively impacted if Route South C is constructed.⁴⁶ After working and farming for 40 years, Mr. Echtle planned to enjoy his retirement on the land, using the airstrip for his retirement goals.⁴⁷ Link 2 and Link 6 would be too close to the airstrip for him to safely use the airstrip.⁴⁸ The transmission line would prevent Mr. Echtle from landing at a safe angle and speed, and he would no longer be able to use the airstrip. As he explains below,

The height of the transmission lines on either end of the field would create an obstruction making it difficult and dangerous for takeoff and landing. This obstruction would make it impossible to safely perform operations in this area. There are currently electrical power lines on the east end bordering FM 471, but these electrical lines are much lower, and this was taken into consideration when planning runway layout. Anything higher would place the touchdown point too far

⁴³ 16 TAC § 25.101(b)(3)(B).

⁴⁴ STEC Exhibit #1, Attachment 1, Table 4-1 and Table 4-2.

⁴⁵ STEC Exhibit #1, Attachment 1, p.153-154.

⁴⁶ Echtle Exhibit #1, 6:10-15.

⁴⁷ *Id.* at 10:33-35.

⁴⁸ *Id.* at 6:13-15, 14-16.

down the landing strip significantly shortening the runway. Similarly, taking off to the east would not be possible due to the height of the transmission lines.⁴⁹

Mr. Echtle's airstrip was not included in the Application, but in the cross-examination testimony of Thomas Ademski, he admits to the existence of the airstrip.⁵⁰ That testimony confirms the airstrip would be within 10,000 feet of Route South C (specifically Segment 2).⁵¹ While Mr. Ademski believes Mr. Echtle would still be able to use his airstrip, the angle created by Segment 2 on Route South C would be one that would be considered unsafe for public airports.⁵² However, Mr. Echtle has a Commercial Pilot license and instrument and multiengine rating, along with an AAS in Avian Technology and Diesel Technology.⁵³ His familiarity of his property, along with his knowledge and background, gives his assessment about the safety and his inability to use the airstrip if the transmission lines are built much greater weight.⁵⁴ Additionally, along Segment 2, "Transmission lines, poles, and easements would reduce the coastal field productions, interfere with equipment and farming operations and limit the movement of the sprinkler systems" on Echtle Ranch. Due to the interference with the airstrip and disruptions to coastal hay production and irrigation, the Commission should select a route that does not cross Echtle Ranch.

I. Summary of Routing Recommendation

Route South B outperforms Route South C by aligning better with community values, impacting one fewer habitable structure, paralleling existing transmission lines, and crossing

⁴⁹ *Id.* at 6:21-28.

⁵⁰ *See Hearing on the Merits Transcript* 24:6 – 26:12.

⁵¹ *Id.* at 26:13-24.

⁵² *Id.* at 26:25 – 28:13.

⁵³ Echtle Exhibit #1 4:25-28.

⁵⁴ *See generally* Echtle Exhibit #1

less cropland. It preserves aesthetic values with no right-of-way in the visual foreground of parks/recreational areas and has less impact on FM/RM roads. On the contrary, Route South C has 3,326.4 feet visible from the foreground of parks/recreational areas. Environmentally, Route South B crosses fewer rivers (6 vs. 9) and floodplains (0.73 vs. 1.3 miles) and avoids sensitive areas like the Echtle Property's woody vegetation. Despite a \$2.5 million higher cost, Route South B's advantages, including avoiding disruption to a private airstrip, make it the superior choice.

9. *Are there alternative routes or configurations of facilities that would have a less negative effect on landowners? What would be the incremental cost of those routes or configurations of facilities?*

Not addressed.

10. *If alternative routes or configurations of facilities are considered because of individual landowners' preferences, please address the following issues:*

- a. *Have the affected landowners made adequate contributions to offset any additional costs associated with the accommodations?*

Not addressed.

- b. *Have the accommodations to landowners diminished the electric efficiency of the line or reliability?*

Not addressed.

F. Cost to Consumers – Not addressed.

G. Best Management Practices – Not addressed.

H. Texas Parks and Wildlife Department

16. *Did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with section 12.0011(b) of the Texas*

Parks and Wildlife Code? If so, how should the Commission respond through its order?

As of the filing of this brief, Texas Parks and Wildlife has not provided recommendations or informational comments regarding this application.

- I. Permits** – Not addressed.
- J. Costal Management Program** – Not addressed.
- K. Limitation of Authority** – Not addressed.
- L. Other Issues** – Not addressed.

V. CONCLUSION

Routes South B and North F offer the most balanced, cost-effective, and environmentally responsible route, aligning with statutory criteria and community values, while avoiding the constraints and safety concerns of the airstrip on Echtle Ranch.

FOR THESE REASONS, Mr. Echtle respectfully requests that the Proposal for Decision recommend Routes South B and North F as the routes that best meet the overall community values and PURA § 37.056(c)(4) and 16 TAC § 25.101(b)(3)(B).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 30, 2025, in accordance with Public Utility Commission Procedural Rule 22.74 and Orders issued in Docket No. 57737.

/s/Carly Barton

Carly Barton