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APPLICATION OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC	§ §	BEFORE THE STATE OFFICE
TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO	§ §	OF
REBUILD A 138-KV TRANSMISSION	§	
LINE IN GALVESTON COUNTY	§	ADMINISTRATIVE HEARINGS

POSITION STATEMENT OF HIJO DE PLAYA, LLC
OPPOSITION TO CENTERPOINT ENERGY UTILITY LINE REBUILD PROJECT
AND REQUEST FOR ROUTE ADEQUACY HEARING

TO: Public Utility Commission of Texas
FROM: Hijo de Playa, LLC (Texas Limited Liability Company)
RE: Centerpoint Energy Utility Line Rebuild - FM 3005, Galveston Island
PROPERTY: 21511 FM 3005, Galveston, Texas

Hijo de Playa, LLC respectfully submits this position statement opposing the proposed utility line rebuild project along FM 3005 on Galveston Island, which would replace existing wooden utility poles with substantially larger metal structures directly across from our property.

Generally speaking, this project will create unsightly and much larger electric poles directly across from Intervenor's rental home in Sea Isle, Galveston, Texas. The project will require a wider easement due to the greater height of the poles. This will (a) take time to implement, (b) look unnatural, (c) require a wide easement which may affect the viability of the food truck park across from Intervenor's property which could affect its rental income, and (d) potentially block Intervenor's view northward from the property. For these reasons and those described below, Intervenor is opposed to this project as described, and requests a route adequacy hearing.

REGULATORY FRAMEWORK AND OBJECTIONS

Under Texas Utilities Code § 37.056(c), the Commission must consider whether the proposed construction is necessary for the service, convenience, or welfare of the public. Under 16 Texas Administrative Code § 25.101(b)(3)(B), we assert that this project will cause unreasonable interference with our property's current and planned use as a vacation rental business.

NECESSITY AND ADEQUACY OF EXISTING SERVICE

Centerpoint has not demonstrated that the existing wooden pole infrastructure is inadequate or that replacement with oversized metal structures is necessary for reliable service. The current system appears to function adequately, and no evidence suggests imminent failure or service deficiency. The proposed upgrade appears driven by corporate preference rather than operational necessity, failing the necessity standard required under Texas law.

IMPACT ON UTILITIES AND CUSTOMERS

While Centerpoint may benefit from reduced maintenance costs, the project provides no demonstrable improvement to service reliability or cost reduction for area consumers. The negative impact on adjacent property owners and the local tourism economy outweighs any speculative utility benefits. Our VRBO rental business, which contributes to the local tax base and tourism economy, will suffer direct economic harm from diminished property values and reduced guest satisfaction.

FAILURE TO UTILIZE EXISTING RIGHTS-OF-WAY EFFICIENTLY

The Commission's preference for utilizing existing compatible rights-of-way should favor solutions that minimize visual and environmental impact. Underground installation within the existing right-of-way would achieve the utility's objectives without the visual intrusion of oversized metal poles. Centerpoint has not adequately explored or justified rejection of less intrusive alternatives within the same corridor.

PARALLELING FEATURES AND ROUTE SELECTION

While the proposed route parallels FM 3005, the dramatic increase in pole size and industrial appearance creates new visual impacts that were not present with the existing wooden infrastructure. The route selection process should have considered maintaining visual compatibility with the existing coastal environment rather than introducing industrial-scale structures inconsistent with the area's character.

PRUDENT AVOIDANCE POLICY

The prudent avoidance policy supports limiting exposures when feasible with reasonable investments. Underground installation or reduced-profile structures would achieve prudent avoidance while eliminating the visual pollution created by oversized metal poles. Centerpoint has not demonstrated that such alternatives involve unreasonable investments. It has long been demonstrated that utilities in Galveston may be placed underground. See e.g., Roger N. Anderson, "We Need to Put All Coastal Electricity Underground — NOW," State of the Planet, Columbia Climate School, December 28, 2012[1].

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[1] Linked at: https://news.climate.columbia.edu/2012/12/28/urban-infrastructure-improvement-in-the-face-of-sandy-and-climate-change-we-need-to-put-all-coastal-electricity-underground-now/#:~:text=Galveston%20built%20a%2017%20foot,%2C%20and%20yes%2C%20electricity) and copied and pasted below in its entirety because the link does not seem to work as a hyperlink.

That 2012 article noted:

> "Galveston built a 17 foot-high seawall that has protected the city from subsequent 44 hurricanes. **But they also put all other vital infrastructure underground (natural gas, water, sewage, and yes, electricity).** And they raised the height of the city to >10+ feet above sea level (hope that is enough) behind the seawall by dredging up sand and jacking all remaining structures to enough height so that storm swell around the seawall could not destroy the city.
>
> Hurricane Ike of Sept. 13, 2008, that attacked Texas might have done what Sandy did to the New York, Connecticut and New Jersey shores, but its 11-foot storm surge created the second largest hurricane destruction path to Katrina in New Orleans, and yet Galveston survived thanks to the seawall, **and the fact that all power and other infrastructures were already buried underground.**"

Emphasis added.

COMMUNITY VALUES AND ENVIRONMENTAL INTEGRITY

Galveston Island's economy depends heavily on tourism and the preservation of its coastal character. The proposed metal poles will create visual pollution inconsistent with the island's aesthetic values and recreational appeal. The food truck park across from our property represents community gathering space and local character that will be diminished by industrial-scale utility infrastructure. Historical and aesthetic values strongly favor maintaining the existing visual environment or implementing underground alternatives.

IMPACT ON LANDOWNERS

The route selection fails to moderate impact on affected communities and landowners. Our property operates as a vacation rental where scenic views constitute a material economic asset. The obstruction of views to the food truck park across FM 3005 represents a quasi-taking of our visual access rights, directly impacting our business operations and property values. Grid reliability does not necessitate this level of visual intrusion when alternatives exist.

LANDOWNER INPUT AND PARTICIPATION

As encouraged by the PUCT, we participate in this process to share our knowledge of the impacted area. Our experience operating a vacation rental business provides insight into the economic importance of maintaining the area's visual character. Guest feedback consistently highlights the food truck park view as a valued amenity that contributes to positive reviews and repeat bookings.

THE COASTAL SPINE PROJECT

Finally, the proposal does not seem to address the forthcoming Coastal Spine project and how any such barrier project may interact with the rebuilt line.

REQUESTED RELIEF

We respectfully request the Commission deny approval of this project as proposed, or alternatively, require Centerpoint to implement design modifications including underground installation or reduced-profile structures that preserve existing sightlines, maintain community aesthetic values, and protect the economic interests of adjacent property owners. The current proposal fails multiple regulatory standards and will cause substantial harm to our legitimate business operations without corresponding public benefit.

Hijo de Playa, LLC also requests a route adequacy hearing.

Respectfully submitted,

/s/ Mike Engelhart
Mike Engelhart
SBOT # 00793690
4950 Woodway Drive, Apt. 408
Houston, Texas 77056
713-298-9460

Attorney and manager for Intervenor,
Hijo de Playa, LLC

REPRINT OF LINKED WEB ARTICLE:

State of the Planet

News from the Columbia Climate School

Energy, Natural Disasters

We Need to Put All Coastal Electricity Underground — NOW

Roger N. Anderson

December 28, 2012

As shocking as the coastal devastation caused by Mega-Storm Sandy, the prolonged electrical blackouts of much of coastal New York City, New Jersey and Connecticut were much more troubling. They never should have happened, and if any did, repairs should have taken only 72 hours or so, tops. The climate, it is a'changin', as any logical person living in the world, and certainly the U.S., should attest, whether from Alaska facing an ice-less Arctic Sea, to the far western U.S. with its gigantic rain storms, the West with its unbelievable forest fires, the midland plains with its dust bowl sandstorms and droughts, the Southeast with its category 5 tornadoes, or the eastern through southeastern coasts with their increasingly more devastating hurricanes. And ALL of these events are followed by prolonged electrical blackouts. Why? Because we almost always rebuild with the exact same technology that just got destroyed. And repairing the electric grid is the star of these infrastructure festivities, because electricity is the foundation of our 21st century existence.

Since 1888, every storm that has taken overhead power out, from the smallest to the largest, from New York City to Galveston, Texas (except for these two cities, as I will discuss in a second), has resulted in utilities doing what they are comfortable doing, replacing the destroyed poles, transformers and power lines in exactly the same places, with the same technologies, as they did when they responded to every previous storm. Utility after utility puts overhead electrical wires, poles and transformers in exactly the same places that were just destroyed by high winds knocking down trees (are we surprised?).

Now, finally, a utility is thinking outside the narrow box of that cost-plus, quasi-governmental industry. Historically the last adapters of new technologies since the days of Edison and Tesla (they are surely turning over in their hyper-inventive graves), electric utilities have been late to all the technologies that even their suppliers (ironically) such as GE, Siemens, ABB, Finmeccanica so dominate, such as lean management, smart systems, integrated solutions and machine learning (artificial intelligence).

First, consider New York City: not only were the barrier sands devastated, but the financial district was blacked out along with much of lower Manhattan by Sandy. We continue to be faced

with not seeing the lights on, except for emergency power, in every affected skyscraper until January 2013 at the earliest.

But let's consider the alternative. What if we had overhead power lines in Manhattan, as in the late 19th Century invention of electric power? Well, the Great Ice Storm of 1888 took care of that. After total destruction of a maze of wires going everywhere above every street, New York City, led by the fore-bearers of Con Edison, as well as GE and Westinghouse, decided to put everything in Manhattan underground. And just like that, blackouts dropped to 1/10th of those in any other U.S. city, and all power was back in all of lower Manhattan the fifth day after the Great Storm Sandy.... Except for the newest climate change problem, sea level rise, which flooded electrical switchgears in basements unfortunate enough to be less than an astounding 14 feet 7 inches above sea level (the storm surge height for Sandy). Even five days is a long time, but I'll ask all readers of this column: What is the time utilities are taking to get your lights back on if you have overhead power lines in New York New Jersey or Connecticut? or Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi or Texas these days? For Long Island and New Jersey it was 14 days? The end of November, December, and some into January?

Well, it is going to get very cold soon, and what convinced Manhattan to put all its infrastructure underground in 1888 was the Great Blizzard: from power to water, to gas lines, steam and subways, all went underground, and at great cost at that time. Could this be our clarion call to break from the "business as usual" storm response of today to the breakout moment when we realize that business as usual just won't cut it for our survival as a great city, a great region, a great country, a great planet? Con Edison, to their credit, is convening a committee to decide. It is always about the cost. $40 billion over 10+ years to put every electrical cable in the Con Edison service area of 10 million customers underground. But one storm alone, Sandy, cost that much loss to those same customers, so there is hope that the decision will be made before the next great storm, because it is "a'comin'." And that time is "a'short."

Earlier, I brought up Galveston, Texas. The largest city in Texas at the time, Galveston, was the Wall Street of the South, but was destroyed by a great storm of their own on Sept. 8, 1900. The 8,000+ people killed by that storm, 20 percent of the island's total population, is still the largest single loss-of-life event from a natural disaster in U.S. history. The city, and the Army Corps of Engineers, responded as we hopefully are seeing the Obama administration and god-help-us, Congress, are doing now for Sandy relief: with an all-out effort across party lines to make sure this terrible tragedy does not happen again. Galveston built a 17 foot-high seawall that has protected the city from subsequent 44 hurricanes. But they also put all other vital infrastructure underground (natural gas, water, sewage, and yes, electricity). And they raised the height of the city to >10+ feet above sea level (hope that is enough) behind the seawall by dredging up sand and jacking all remaining structures to enough height so that storm swell around the seawall could not destroy the city.

Hurricane Ike of Sept. 13, 2008, that attacked Texas might have done what Sandy did to the New York, Connecticut and New Jersey shores, but its 11-foot storm surge created the second largest hurricane destruction path to Katrina in New Orleans, and yet Galveston survived thanks to the seawall, and the fact that all power and other infrastructures were already buried underground.

We are now confronted with an even greater threat from Climate Change. The Arctic and Antarctic ice sheets are melting – it's a fact so get used to it. For example, there is finally a Northwest Passage from Europe to China. And sea level is rising even faster than predicted. Bigger and more violent storms than Sandy are imminent here and down along the East Coast, and around the horn of Florida to the Gulf of Mexico and south of our borders. Seawalls everywhere are not possible, but underground electricity and all pipe-or-wire delivered infrastructures are.

Everywhere. Almost all other vital infrastructures are already underground: water, natural gas, sewers, cable, internet. That's why only 25 percent of New Jersey lost internet, even as the power and phones went out in 50 percent of homes and businesses in New Jersey. I don't count landline phones, which are often carried on those same "telephone poles" as the electricity, because cellular service is replacing that old technology, but it is vulnerable to its own new innovation – wireless cell towers. However, the flooding from Sandy came within one foot of knocking out that critical connection of those wireless tower services to the underground fiber optic landlines that transmit all those billions of messages and calls to the rest of the U.S. and overseas.

My challenge to all arguing it is too costly: how long did it take to return your underground power (five days tops), versus your overhead power (two to 12 weeks at the earliest) after Sandy? The excuse to replace downed overhead electrical poles with new poles, in exactly the same places, with overhead cables of exactly the same technology, is always the same from the utilities: cost. They quote the same economic analyses year after year, in state after state, that say it is too expensive for their customers – who ultimately pay the entire cost of restitution of electric service as well as their homes, businesses and livelihoods already. Yet, these economic models never add the cost to those same customers of those lost businesses, lost properties, lost lives from blackouts, and the after blackout fallout. Sandy will cost at least $50 billion to customers of the utilities in New York, New Jersey and Connecticut.

It is time we ask not only the Army Corps of Engineers to again help save us with seawalls, but the utilities to put everything underground, as well as the subways and tunnels to build gates that stop the flooding (not as impractical as sea-gates). In short, we, the customers, must mandate underground power and other climate-proof infrastructure solutions— countrywide – because electricity, clean water, sewage removal, and natural gas are the most important infrastructures that keep us all alive, day after day, year after year.

Roger N. Anderson is Senior Research Scientist at the Center for Computational Learning Sciences of the Fu School of Engineering and Applied Science, and the Lamont-Doherty Earth Observatory of the Earth Institute at Columbia University.

Tags:

climate change, electric grid, Hurricane Sandy, Sandy