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

**INTERVENOR HIJO DE PLAYA, LLC'S OBJECTIONS
TO ALL OF CENTERPOINT'S WITNESSES' DIRECT TESTIMONY**

Intervenor Hijo de Playa, LLC lodges the following evidentiary objections to the direct testimony of Centerpoint witnesses Bradley J. Diehl, Lucas Suelflow, Heather Crowley Caramanica and Denise Williams and would show this honorable Judge the following:

EVIDENTIARY OBJECTIONS TO DIRECT TESTIMONY OF BRADLEY J. DIEHL

I. HEARSAY OBJECTIONS

1. ~~Page 1, Lines 14-17~~ Objection: ~~Hearsay under Texas Rule of Evidence 802~~ **Basis:** ~~Witness testifies about roles held "Outside of CenterPoint Houston" including work for Department of Defense and AIM Electrical Consultants without personal knowledge or proper foundation for business records exception.~~ [THIS OBJECTION IS WITHDRAWN]

2. Page 3, Lines 1-4 Objection: Hearsay under Texas Rule of Evidence 802 **Basis:** Witness testifies that "CenterPoint Houston retained POWER Engineers, Inc. ('POWER') to prepare the EA" without establishing personal knowledge of the retention agreement or providing the contract as evidence.

3. Page 6, Lines 4-8 Objection: Hearsay under Texas Rule of Evidence 802 **Basis:** Witness testifies about ERCOT Protocols Section 3.11.4.3(1)(f) and classification as "Neutral Project" without authenticating the ERCOT Protocols document or establishing personal knowledge of ERCOT's review process.

4. Page 13, Lines 3-12 Objection: Hearsay under Texas Rule of Evidence 802 **Basis:** Witness testifies about public meeting attendance ("eight people signed in") and details of questionnaires without establishing personal knowledge or providing authenticated attendance records.

5. Page 14, Lines 3-7 Objection: Hearsay under Texas Rule of Evidence 802 **Basis:** Witness testifies about information collected by POWER from governmental agencies without personal knowledge and references Ms. Williams' testimony not yet admitted into evidence.

II. BEST EVIDENCE RULE VIOLATIONS

6. Page 6, Lines 6-8 Objection: Best Evidence Rule violation under Texas Rule of Evidence 1002 **Basis:** Witness references ERCOT Protocols Section 3.11.4.3(1)(f) without providing the original document or qualified copy.

7. Page 16, Lines 16-24 Objection: Best Evidence Rule violation under Texas Rule of Evidence 1002 **Basis:** Witness references multiple attachments (6, 7, 8, 10, 11) without providing authenticated copies of the actual notices sent.

III. LACK OF AUTHENTICATION

8. Page 1, Line 17 Objection: Lack of authentication under Texas Rule of Evidence 901 **Basis:** Resume referenced as "Exhibit BD-1" is not properly authenticated and witness has not established the accuracy of information contained therein from sources outside his personal knowledge.

9. Page 3, Lines 15-20 Objection: Lack of authentication under Texas Rule of Evidence 901 **Basis:** References to notices sent to various entities without authenticated copies or proof of actual delivery.

IV. LACK OF FOUNDATION

10. Page 6, Lines 18-23 Objection: Lack of foundation under Texas Rule of Evidence 104(b) **Basis:** Witness testifies about transmission system hardening and pole replacement needs without establishing foundation for how these needs were identified or what criteria were used.

11. Page 7, Lines 1-3 Objection: Lack of foundation under Texas Rule of Evidence 104(b) **Basis:** Witness testifies about anticipated customer benefits including "reduced frequency and number of customers impacted by outages" without foundation for how these benefits were calculated or substantiated.

12. Page 16, Lines 3-5 Objection: Lack of foundation under Texas Rule of Evidence 104(b) **Basis:** Witness testifies about "estimated total project cost...approximately \$105 million" without establishing foundation for cost estimates or referring to supporting documentation.

V. SPECULATION AND OPINION WITHOUT PROPER FOUNDATION

13. Page 5, Lines 15-16 Objection: Improper speculation under Texas Rule of Evidence 701/702 **Basis:** Witness speculates that project timeline "may need to be revised" depending on case resolution without proper foundation for this opinion.

14. Page 6, Lines 20-23 and Page 7, Lines 1-3 Objection: Unsubstantiated expert opinion under Texas Rule of Evidence 702 **Basis:** Witness offers expert opinions about system benefits and

customer impact mitigation without establishing reliability methodology, data analysis, or peer review of conclusions.

15. Page 12, Lines 17-18 Objection: Improper speculation under Texas Rule of Evidence 701 **Basis:** Witness testifies that CenterPoint Houston "does not consider future development in the routing process unless actual construction activities are underway" without establishing foundation for this policy or its application to this specific project.

VI. EXPERT WITNESS QUALIFICATION ISSUES

16. Page 1, Lines 6-7 Objection: Insufficient expert qualification under Texas Rule of Evidence 702 **Basis:** While witness is qualified as "Director of High Voltage Resilience Engineering," no foundation is established for expertise in environmental impact assessment, routing analysis, or community impact evaluation which are central to his testimony.

17. Page 9, Lines 5-17 Objection: Improper expert opinion under Texas Rule of Evidence 702 **Basis:** Witness offers opinions about environmental routing practices and PURA compliance without establishing expertise in environmental law, regulatory compliance, or route analysis methodology.

VII. ADDITIONAL FOUNDATION OBJECTIONS

18. Page 13, Lines 13-18 Objection: Lack of foundation under Texas Rule of Evidence 104(b) **Basis:** Witness testifies about notification methodology using "320 feet to account for the ± 20 feet horizontal accuracy of the aerial photography" without establishing foundation for aerial photography accuracy or survey methodology.

19. Page 17, Lines 3-4 Objection: Lack of foundation under Texas Rule of Evidence 104(b) **Basis:** Witness testifies about mailing notice to "approximately 848 landowners, as stated on the current county tax rolls" without authenticating tax roll information or establishing how this number was determined.

VIII. COMPOUND HEARSAY

20. Page 8, Lines 12-19 Objection: Multiple hearsay under Texas Rule of Evidence 802 **Basis:** Witness references testimony of other witnesses not yet admitted and incorporates their anticipated testimony as if it were established fact, creating multiple levels of hearsay.

EVIDENTIARY OBJECTIONS TO DIRECT TESTIMONY OF LUCAS SUELFLOW

I. OBJECTIONS TO EXPERT WITNESS QUALIFICATIONS

Objection 1: Insufficient Foundation for Expert Opinions on Cost Estimation

Location: Page 9, Lines 1-22
Rule: Tex. R. Evid. 702, 705

Objection: Mr. Suelflow lacks sufficient qualifications to render expert opinions on cost estimation for transmission line projects. While he holds a civil engineering degree and PE license, his testimony fails to establish:

- Specific training or certification in cost estimation methodologies
- Experience with cost overruns or accuracy of previous estimates
- Knowledge of current market conditions affecting materials and labor

The witness admits the estimates are based on "historical information" and "recent manufacturer quotes" but provides no foundation for the reliability of these sources or his methodology.

Objection 2: Lack of Qualification for Environmental and Routing Analysis

Location: Page 3, Lines 14-16; Page 8, Lines 3-10
Rule: Tex. R. Evid. 702

Objection: Mr. Suelflow testifies about providing information for environmental studies and engineering considerations for route determination, but his qualifications show no expertise in environmental science, wildlife biology, or environmental impact assessment. His civil engineering background does not qualify him to opine on environmental matters.

II. HEARSAY OBJECTIONS

Objection 3: Hearsay Statements Regarding Need for Project

Location: Page 4, Lines 8-12; Page 6, Lines 13-18
Rule: Tex. R. Evid. 801, 802

Objection: Mr. Suelflow's testimony contains hearsay when he states that "CenterPoint Houston determined that the Project is needed for system hardening" and references what "the CenterPoint Houston engineering team determined." These are out-of-court statements offered for the truth of the matter asserted. The witness lacks personal knowledge of these determinations and is merely repeating what others told him.

Objection 4: Hearsay Cost Information

Location: Page 9, Lines 5-8
Rule: Tex. R. Evid. 801, 802

Objection: The testimony relies on "historical information gathered from past projects and recent manufacturer quotes" without authentication of these documents or sources. This constitutes hearsay as the witness is relying on out-of-court statements from unnamed manufacturers and unidentified historical data.

III. LACK OF FOUNDATION OBJECTIONS

Objection 5: Insufficient Foundation for Cost Estimates

Location: Page 9, Lines 1-2
Rule: Tex. R. Evid. 602, 701

Objection: The witness states the project cost is \$105,297,000 but fails to provide adequate foundation for this figure. The testimony lacks:

- Detailed breakdown of cost components
- Methodology used to arrive at the estimate
- Identification of sources for pricing information
- Basis for the 10% contingency factor

Objection 6: Lack of Foundation for Schedule Feasibility

Location: Page 6, Lines 5-10
Rule: Tex. R. Evid. 602

Objection: The witness opines that the estimated schedule is "reasonable" but provides insufficient foundation, merely stating it depends on Commission approval scope. No analysis of potential delays, weather impacts, material availability, or construction challenges is provided.

IV. SPECULATION OBJECTIONS

Objection 7: Speculation Regarding Future Market Conditions

Location: Page 9, Lines 15-17
Rule: Tex. R. Evid. 602, 701

Objection: The witness speculates about "changes in market conditions" that "could change the costs for materials and labor" without any factual basis or expert foundation for predicting market fluctuations.

Objection 8: Speculation About Engineering Constraints

Location: Page 8, Lines 7-10
Rule: Tex. R. Evid. 602

Objection: The witness speculates that the Project Route "does not present any known engineering constraints that cannot be resolved" without having completed detailed surveying or engineering design. This constitutes speculation about future conditions.

V. BEST EVIDENCE RULE VIOLATIONS

Objection 9: Best Evidence Rule - Missing Supporting Documents

Location: Page 9, Lines 5-6; Page 5, Lines 14-20
Rule: Tex. R. Evid. 1002

Objection: The witness references "historical information" and "manufacturer quotes" for cost estimates and mentions comparing costs of different structure types, but the actual documents are not produced. The testimony about these documents violates the best evidence rule.

Objection 10: Missing NESC Standards Documentation

Location: Page 7, Lines 12-16
Rule: Tex. R. Evid. 1002

Objection: The witness references specific requirements of the 2017 and 2023 NESC standards but fails to produce the actual standards or relevant portions thereof.

VI. AUTHENTICATION OBJECTIONS

Objection 11: Lack of Authentication for Referenced Studies

Location: Page 3, Lines 14-16
Rule: Tex. R. Evid. 901

Objection: The witness references providing information for "Environmental Study and Route Analysis (EA)" but this document is not properly authenticated or produced as an exhibit.

Objection 12: Insufficient Authentication of Resume

Location: Page 1, Line 18
Rule: Tex. R. Evid. 901

Objection: While Exhibit LS-1 (resume) is referenced, there is insufficient foundation establishing that the witness personally prepared the resume or can authenticate its contents from personal knowledge.

VII. BIAS OBJECTIONS

Objection 13: Financial Interest and Bias

Location: Page 1, Lines 3-6; Throughout testimony
Rule: Tex. R. Evid. 613

Objection: The witness is employed by Burns & McDonnell as Project Manager for CenterPoint Houston projects, creating a clear financial interest in the approval of this project. This relationship should be explored on cross-examination as it affects the weight and credibility of his testimony.

Objection 14: Advocate Bias in Cost Justification

Location: Page 9, Lines 20-22
Rule: Tex. R. Evid. 613

Objection: The witness's conclusory statement that costs are "reasonable" lacks objectivity given his employer's financial interest in the project's approval and construction.

VIII. LACK OF PERSONAL KNOWLEDGE

Objection 15: Lack of Personal Knowledge of Need Determination

Location: Page 4, Lines 8-12
Rule: Tex. R. Evid. 602

Objection: The witness lacks personal knowledge of CenterPoint Houston's determination of project need and is referencing another witness's testimony (Mr. Diehl) rather than testifying from personal knowledge.

CONCLUSION

The testimony of Lucas Suelflow contains numerous evidentiary deficiencies that render substantial portions inadmissible under the Texas Rules of Evidence. The objecting party respectfully requests that the Commission sustain these objections and strike the objectionable portions of the testimony, or alternatively, allow extensive cross-examination to explore these foundational deficiencies.

EVIDENTIARY OBJECTIONS TO DIRECT TESTIMONY OF HEATHER CROWLEY CARAMANICA

I. OBJECTIONS TO EXPERT WITNESS QUALIFICATIONS

Objection 1: Insufficient Foundation for Real Estate Valuation Expert Opinions

Location: Page 5, Lines 19-22; Page 6, Lines 1-2
Rule: Tex. R. Evid. 702, 705

Objection: Ms. Caramanica lacks sufficient qualifications to render expert opinions on real estate valuation and damages assessment. While she has a law degree and land management experience, her testimony fails to establish:

- Certification as a real estate appraiser under Texas law
- Specific training in real estate valuation methodologies (income, cost, or market approaches)
- Experience in calculating just compensation for condemnation proceedings
- Knowledge of Texas eminent domain valuation standards

The witness is not qualified under Rule 702 to provide expert opinions on property valuations totaling \$23,670,000.

Objection 2: Lack of Qualification for Construction Damage Assessment

Location: Page 5, Lines 21-22

Rule: Tex. R. Evid. 702

Objection: The witness testifies about "anticipated surface damages" and "habitable structure demolitions and/or relocations" but lacks qualifications in construction, engineering, or property damage assessment to render such opinions.

II. BIAS OBJECTIONS

Objection 3: Direct Financial Interest and Employment Bias

Location: Page 1, Lines 6-7; Throughout testimony

Rule: Tex. R. Evid. 613

Objection: Ms. Caramanica is directly employed by CenterPoint Houston as "Manager of Surveying and Acquisitions for Transmission Projects," creating an inherent bias. Her employment depends on successful completion of transmission projects, and her testimony consistently supports her employer's position without acknowledging this conflict of interest.

Objection 4: Advocate Bias in Cost Reasonableness Opinion

Location: Page 6, Lines 14-17

Rule: Tex. R. Evid. 613

Objection: The witness's conclusory opinion that CenterPoint Houston's cost estimates are "reasonable" lacks objectivity given her direct employment relationship and financial interest in project approval.

III. HEARSAY OBJECTIONS

Objection 5: Hearsay Regarding Comparable Sales Data

Location: Page 5, Lines 19-20

Rule: Tex. R. Evid. 801, 802

Objection: The witness references "comparable sales in the area" without identifying the specific sales, sources of information, or providing foundation for the reliability of this data. This constitutes hearsay as the witness is relying on out-of-court statements about property sales.

Objection 6: Hearsay Appraisal District Records

Location: Page 5, Lines 20-21

Rule: Tex. R. Evid. 801, 802

Objection: References to "Galveston Central Appraisal District appraisals" constitute hearsay unless properly authenticated and admitted as public records under Rule 803(8). The witness cannot testify about the contents of these records without proper foundation.

Objection 7: Hearsay Contract Pricing Information

Location: Page 6, Lines 1-2
Rule: Tex. R. Evid. 801, 802

Objection: The testimony relies on "existing contract prices with vendors" without authenticating these contracts or establishing the witness's personal knowledge of their terms.

IV. LACK OF FOUNDATION OBJECTIONS

Objection 8: Insufficient Foundation for \$23,670,000 Cost Estimate

Location: Page 5, Line 16
Rule: Tex. R. Evid. 602, 701

Objection: The witness provides no detailed breakdown or methodology for arriving at the \$23,670,000 ROW acquisition cost. The testimony lacks:

- Specific per-acre or per-tract valuations
- Methodology for calculating aerial easement values
- Basis for surface damage estimates
- Documentation supporting the valuation approach

Objection 9: Lack of Foundation for "215 Tracts" Statement

Location: Page 5, Lines 20-21
Rule: Tex. R. Evid. 602

Objection: The witness states that 215 tracts are "traversed by the transmission route" but provides no foundation for this number, how it was determined, or supporting documentation identifying these specific tracts.

Objection 10: Insufficient Foundation for Surveying Completion Claims

Location: Page 5, Lines 8-12
Rule: Tex. R. Evid. 602

Objection: The witness claims "Field work is substantially complete" but provides no specific foundation regarding:

- Percentage of route surveyed
- Which properties were accessed

- What constitutes "substantially complete"
- Status of consent from landowners

V. SPECULATION OBJECTIONS

Objection 11: Speculation About Future Market Conditions

Location: Page 6, Lines 9-11
Rule: Tex. R. Evid. 602, 701

Objection: The witness speculates about "changes in market conditions" that "could change the costs for materials and labor" without any factual basis or expert foundation for predicting market fluctuations in the real estate or construction sectors.

Objection 12: Speculation About Design Changes

Location: Page 6, Lines 7-9
Rule: Tex. R. Evid. 602

Objection: The witness speculates that future surveying and engineering design "could reveal information that requires changes in design and construction" without factual basis for such predictions.

VI. BEST EVIDENCE RULE VIOLATIONS

Objection 13: Best Evidence Rule - Missing Comparable Sales Documentation

Location: Page 5, Lines 19-20
Rule: Tex. R. Evid. 1002

Objection: The witness references "comparable sales in the area" as basis for land valuations, but the actual sales documents, MLS listings, or comparable sales analyses are not produced.

Objection 14: Missing Appraisal District Records

Location: Page 5, Lines 20-21
Rule: Tex. R. Evid. 1002

Objection: The witness references specific appraisals from Galveston Central Appraisal District but fails to produce the actual appraisal records or relevant portions thereof.

Objection 15: Missing Contract Documentation

Location: Page 6, Lines 1-2
Rule: Tex. R. Evid. 1002

Objection: The witness references "existing contract prices with vendors" but fails to produce the contracts or price schedules being relied upon.

VII. AUTHENTICATION OBJECTIONS

Objection 16: Lack of Authentication for Environmental Study

Location: Page 3, Lines 12-13

Rule: Tex. R. Evid. 901

Objection: The witness references providing information for the "Environmental Study and Route Analysis (EA)" but this document is not properly authenticated or produced as an exhibit.

Objection 17: Insufficient Authentication of Survey Data

Location: Page 5, Lines 8-10

Rule: Tex. R. Evid. 901

Objection: The witness references "topographical information and survey data" collected by CenterPoint Houston but provides insufficient foundation for authenticating this data or establishing chain of custody.

VIII. LACK OF PERSONAL KNOWLEDGE

Objection 18: Lack of Personal Knowledge of Company Development History

Location: Page 6, Lines 14-15

Rule: Tex. R. Evid. 602

Objection: The witness states "CenterPoint Houston has developed many transmission line projects" but has only worked for the company since March 2021 (4 years) and lacks personal knowledge of the company's historical project development and cost accuracy.

Objection 19: Lack of Personal Knowledge of Landowner Consent

Location: Page 5, Lines 9-11

Rule: Tex. R. Evid. 602

Objection: The witness references obtaining "written or verbal consent" from landowners but provides no foundation for personal knowledge of these specific interactions or their documentation.

IX. CONCLUSORY OPINIONS WITHOUT FOUNDATION

Objection 20: Conclusory Opinion on Cost Reasonableness

Location: Page 6, Lines 16-17

Rule: Tex. R. Evid. 701, 702

Objection: The witness's opinion that cost estimates are "reasonable" is conclusory and lacks adequate foundation. No comparison to industry standards, other similar projects, or objective benchmarks is provided.

Objection 21: Conclusory Statement About Route Requirements

Location: Page 4, Lines 16-22
Rule: Tex. R. Evid. 602

Objection: The witness makes definitive statements about easement requirements ("will generally conform to 20 feet") and specifications without providing engineering or technical foundation for these determinations.

X. IMPROPER LAY OPINION

Objection 22: Improper Lay Opinion on Property Values

Location: Page 5, Lines 19-22
Rule: Tex. R. Evid. 701

Objection: If the witness is not qualified as an expert appraiser, her opinions about land values and damages exceed the scope of permissible lay opinion testimony under Rule 701, as property valuation requires specialized knowledge beyond common experience.

CONCLUSION

The testimony of Heather Crowley Caramanica contains numerous evidentiary deficiencies that render substantial portions inadmissible under the Texas Rules of Evidence. The witness lacks proper qualifications for real estate valuation opinions, demonstrates clear bias due to employment interests, relies extensively on hearsay and unauthenticated documents, and provides conclusory opinions without adequate foundation.

The objecting party respectfully requests that the Commission sustain these objections and strike the objectionable portions of the testimony, particularly:

- All opinions regarding property valuations and the \$23,670,000 cost estimate
- All references to comparable sales and appraisal district records without proper authentication
- All conclusory statements about cost reasonableness
- All speculative testimony about future conditions

Alternatively, the objecting party requests extensive cross-examination to explore these foundational deficiencies and the witness's bias.

EVIDENTIARY OBJECTIONS TO THE DIRECT TESTIMONY OF DENISE M. WILLIAMS

The following objections are raised under the Texas Rules of Evidence (TRE) to the direct testimony of Centerpoint witness, Denise M. Williams

1. Bias

Objection: Potential Bias Due to Employment and Financial Interest

Page 3, Lines 6–8: Ms. Williams states, “I am employed by POWER Engineers, Inc., a wholly owned subsidiary of WSP USA Inc. (‘POWER’), a consulting and engineering firm, as a Project Manager in the Environmental Division.”

Objection: TRE 616 permits evidence of bias or interest to impeach a witness. Ms. Williams’ employment with POWER, a firm contracted by CenterPoint Houston to conduct the environmental assessment (EA) and routing analysis, creates a potential bias. POWER has a financial interest in supporting CenterPoint’s application, as its business relationship and future contracts may depend on favorable outcomes for CenterPoint. This financial dependency undermines the impartiality of Ms. Williams’ testimony, particularly her conclusions about the Project Route’s compliance with PURA and PUC rules.

Grounds: The testimony may be unduly influenced by POWER’s contractual relationship with CenterPoint, warranting exclusion or limitation unless bias is addressed through cross-examination.

Page 5, Lines 21–22; Page 6, Lines 1–2: Ms. Williams notes, “In 2024, CenterPoint Houston selected POWER to provide environmental and routing consulting services for the Project. POWER’s scope of work for the Project included performing an environmental and route analysis and preparing the EA to support CenterPoint Houston’s Application.”

Objection: This statement reinforces the potential bias, as it confirms POWER was specifically hired to support CenterPoint’s application, suggesting a predetermined outcome favoring the Project Route. The testimony’s objectivity is compromised by this alignment with CenterPoint’s interests.

Grounds: Bias due to the contractual relationship under TRE 616.

2. Hearsay

Objection: Hearsay Statements from Unidentified Sources

Page 9, Lines 5–9: Ms. Williams states, “Data used by POWER in the evaluation of the Project Route were drawn from a variety of sources, including readily available Geographic Information

System ('GIS') coverage with associated metadata, published literature (documents, reports, maps, aerial photography, etc.) and information from local, state, and federal agencies.”

Objection: TRE 801 and 802 prohibit hearsay, defined as out-of-court statements offered for the truth of the matter asserted. The testimony relies on unspecified “information from local, state, and federal agencies” and “published literature” without identifying the sources or their authors, making it impossible to assess their reliability or whether they qualify for a hearsay exception (e.g., TRE 803(8) for public records). These statements are offered to prove the accuracy of the environmental and routing analysis, constituting hearsay.

Grounds: The testimony lacks specificity to establish a hearsay exception and should be excluded unless the sources are identified and authenticated.

Page 12, Lines 7–10: Ms. Williams states, “A summary of responses from local, state, and federal agencies and offices is presented in Section 3.6.2 of the EA, and copies of letters from agencies and officials are included in Appendix A of the EA.”

Objection: The reference to agency responses and letters constitutes hearsay under TRE 801, as these are out-of-court statements offered to support the EA’s conclusions. While TRE 803(8) may allow public records as an exception, the testimony does not establish that the letters meet the criteria (e.g., factual findings from an authorized investigation). Additionally, the letters are not attached to the testimony, preventing verification.

Grounds: Hearsay without a demonstrated exception; exclusion is warranted unless the letters are properly introduced and authenticated.

3. Best Evidence Rule Violations

Objection: Failure to Produce Original or Authentic Copies of Referenced Documents**

Page 4, Lines 18–21: Ms. Williams states, “The purpose of my testimony is to introduce and sponsor the environmental assessment entitled ‘138 kV Stewart to West Bay Project’ (the ‘EA’) and sponsor or co-sponsor specific portions of CenterPoint Houston’s Application. The EA is Attachment 1 to the Application.”

Objection: TRE 1002 (Best Evidence Rule) requires the original document to prove its content unless an exception applies. The EA is referenced as a critical component of the testimony but is not included in the provided document. Without the EA, the testimony’s reliance on its findings violates the best evidence rule, as secondary descriptions of the EA’s content are inadmissible.

Grounds: The EA must be produced and authenticated to support the testimony; otherwise, related statements should be excluded.

Page 6, Lines 11–12; Page 9, Lines 7–11: Ms. Williams references “Exhibit DMW-2: PURA § 37.056” and “Exhibit DMW-3: PUC Substantive Rule 16 Texas Administrative Code (“TAC”) 25.101 ...” and various data sources like “GIS coverage,” “aerial photography,” “USGS topographic maps,” and “TxDOT county highway maps.”

Objection: The testimony relies on these exhibits and data sources to support the EA’s methodology and conclusions, but none are attached or described in sufficient detail to confirm their content. TRE 1002 requires production of the original documents or admissible duplicates. The failure to include these materials violates the best evidence rule.

Grounds: Exclusion of testimony relying on unproduced documents is warranted unless the originals or authenticated copies are provided.

4. Lack of Authentication of Documents

Objection: Unauthenticated Referenced Documents

Table of Contents Page, in the Exhibits section,: Ms. Williams lists exhibits, including “EXHIBIT DMW-1: Resume of Denise M. Williams,” “EXHIBIT DMW-2: PURA § 37.056,” and “EXHIBIT DMW-3: PUC Substantive Rule 25.101.”

Objection: TRE 901 requires authentication of evidence to establish it is what it purports to be. The testimony references these exhibits but does not include them or provide evidence of their authenticity (e.g., certification, affidavit, or testimony verifying their accuracy). Without authentication, the exhibits and related testimony are inadmissible.

Grounds: The exhibits must be authenticated; otherwise, testimony relying on them should be excluded.

Page 12, Lines 8–9: Ms. Williams refers to “copies of letters from agencies and officials are included in Appendix A of the EA.”

Objection: The letters are not included in the provided document, and no authentication is provided (e.g., certification under TRE 902 or testimony verifying their origin). This violates TRE 901, rendering the testimony about agency responses inadmissible.

Grounds: Exclusion is warranted unless the letters are produced and authenticated.

5. Lack of Foundation

Objection: Insufficient Foundation for Environmental and Routing Analysis

Page 5, Lines 3–10; Page 8, Lines 10–23: Ms. Williams describes the EA’s preparation and methodology, stating, “POWER provided environmental and land use information for the Project, which was used to complete several specific questions in the Application” (Page 5, Lines 8–9) and detailing steps like “base map and evaluation criteria development; project scoping and study area delineation; regional inventory and data collection” (Page 8, Lines 10–13).

Objection: TRE 602 requires a witness to have personal knowledge, and TRE 702 requires expert testimony to be based on sufficient facts or data. The testimony lacks foundation because it does not specify the data sources, methodologies, or personnel involved in each step of the EA. For example, the “comprehensive data collection process” (Page 9, Line 5) is vaguely described without detailing how data reliability was ensured. This lack of detail prevents assessment of the testimony’s reliability.

Grounds: The testimony should be excluded or limited unless a proper foundation is laid, specifying the data and methods used.

Page 16, Lines 19–20: Ms. Williams states, “There are 900 habitable structures within 300 feet of the centerlines of the Project Route as shown on Table 4-1 of the EA.”

Objection: The testimony lacks foundation under TRE 602 and 702, as it does not explain how the 900 habitable structures were identified beyond “interpretation of aerial photography and during reconnaissance surveys” (Page 17, Lines 1–2). The methodology (e.g., criteria for “habitable structures,” accuracy of measurements) is not detailed, undermining the reliability of this critical claim affecting homeowners.

Grounds: Exclusion is warranted unless a detailed foundation is provided.

6. Speculation

Objection: Speculative Statements About Environmental Impacts**

Page 13, Lines 19–21: Ms. Williams states, “The Project Route crosses portions of the mapped 100-year floodplains. Construction of the Project Route is not likely to significantly impact the overall function of a floodplain or adversely affect adjacent downstream properties.”

Objection: TRE 602 and 701 prohibit lay or expert testimony based on speculation. The claim that floodplain impacts are “not likely to significantly impact” is speculative without supporting data, such as hydrological studies or modeling. The testimony does not cite specific analyses to justify this conclusion, rendering it conjectural.

Grounds: The statement should be excluded as speculative unless supported by empirical evidence.

Page 14, Lines 17–23; Page 15, Lines 1–11: Ms. Williams discusses impacts on threatened and endangered species, stating, “Once the route is approved, field surveys will be completed, if necessary, to identify potential suitable habitat for each listed plant species, if any, and to determine the need for any additional species-specific surveys” (Page 14, Lines 19–21).

Objection: The testimony speculates about future surveys and their outcomes without current data on species presence. Claims that impacts “are not anticipated to be significant” (Page 14, Line 22; Page 15, Line 11) lack a factual basis, as no surveys have been conducted. This violates TRE 702’s requirement for expert opinions to be based on sufficient facts.

Grounds: Exclusion is warranted for speculative conclusions about species impacts.

7. Objections to Expert Witness Qualifications or Unsubstantiated Expert Opinions

Objection: Insufficient Demonstration of Expert Qualifications

Page 5, Lines 8–9; Page 8, Lines 4–9: Ms. Williams claims, “POWER provided environmental and land use information for the Project, which was used to complete several specific questions in the Application” and that the Project Route best satisfies the routing criteria set forth in the Public Utility Regulatory Act (‘PURA’) and the Commission’s Substantive Rules.

Objection: TRE 702 and 705 require expert opinions to be based on reliable principles and methods applied to sufficient facts. The testimony does not provide the specific data, methodologies, or analyses supporting the claim that the Project Route is optimal. The conclusion is a bare assertion, lacking transparency into the routing criteria’s application or comparative analysis of alternative routes (noting only one route was evaluated, Page 7, Lines 15–18).

Grounds: The opinion should be excluded as unsubstantiated unless detailed methodologies and data are disclosed.

Page 22, Lines 20–23; Page 23, Lines 1–7: Ms. Williams concludes, “The Project Route best meets the requirements of PURA and PUC Substantive Rules” (Page 22, Lines 20–21) based on “41 environmental criteria” (Page 23, Line 6).

Objection: The testimony lacks a detailed explanation of how the 41 criteria were weighed or applied to conclude the Project Route’s superiority. TRE 702 requires expert opinions to demonstrate a reliable analytical process. The absence of alternative route comparisons (Page 7, Lines 15–18) and vague reference to criteria (without listing them in the testimony) renders the opinion unreliable.

Grounds: Exclusion is warranted for lack of a reliable basis for the expert opinion.

Conclusion

The testimony of Denise M. Williams contains multiple evidentiary issues under the Texas Rules of Evidence, including potential bias, hearsay, best evidence rule violations, lack of authentication, insufficient foundation, speculation, and unqualified or unsubstantiated expert opinions. These objections are critical to protecting the homeowner’s interests, as the testimony’s conclusions directly impact property rights and environmental concerns along the Project Route. We request that the Public Utility Commission sustain these objections and exclude or limit the testimony accordingly, unless the proponent remedies the deficiencies through proper authentication, foundation, or substantiation.

WHEREFORE, Intervenor asks that the honorable Judge strike each of the portions of testimony to which Intervenor has objected herein above, and that said testimony not be considered for any purpose in this proceeding.

Respectfully submitted,

/s/ Mike Engelhart

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