

CASE SUMMARY

TIMELINE

2009-05-15 LCRA Open Houses Landowners notified
2009-06-01 CVA goes live on world wide web
2009-09-24 Motion to Delay & Expand Study Area
2010-02-15 1/4 scale model lattice tower tours region
2010-02-15 LCRA Open Houses second round
2010-04-19 LCRA / Fish & Wildlife Scoping Meetings
2010-07-28 Filing of CCN
2010-09-01 Hearing on the Merits, Austin Conv. Center
2010-12-17 ALJ issued PFD recommendation to PUC
2010-12-23 CVA filed Exceptions to PFD
2011-01-13 PUC routing deliberations / Final Order

TERMS

PFD Proposal for Decision
ALJ Administrative Law Judge
CVA Clear View Alliance
LCRA Lower Colorado River Auth
PUC Public Utilities Commission
CCN Certificate of Convenience & Necessity
TPWD Tx Parks & Wildlife Dept.
PURA Public Utility Regulatory Act
CREZ Competitive Renewable Energy Zones
CTO CREZ Transmission Optimiz

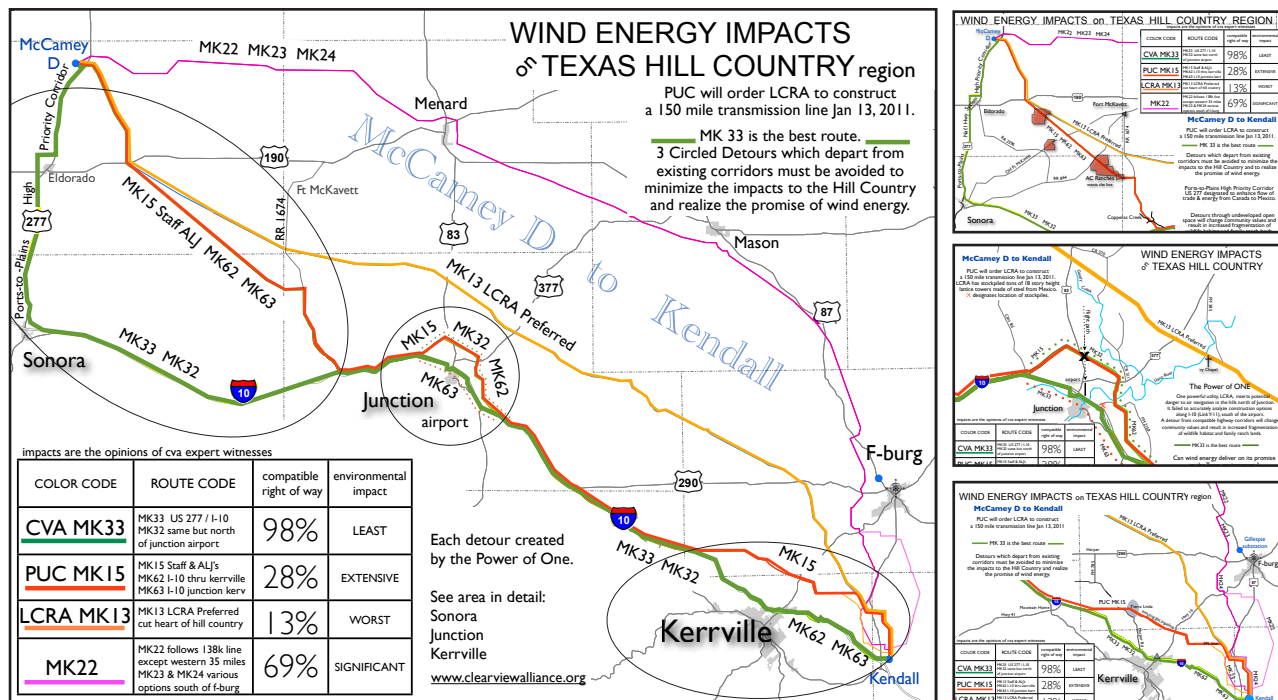
Best Route is MK33 www.ClearViewAlliance.org

CVA KEY ARGUMENT SUMMARY



The best route in this case starts by paralleling Highway 277 and then parallels I-10 instead of cutting diagonally through ranchland where no compatible right-of-way exists and fragmenting the Hill Country. The best route in this case continues along I-10 south of the Kimble County Airport utilizing cost-effective and feasible above-ground construction instead of detouring into the central part of the Hill Country and crossing the Llano River where a 114-year old pecan grove is located. The best route in this case stays on I-10 through Kerrville and avoids exacerbating oak wilt concerns. The best route in this case is more expensive, but that greater initial expenditure is worth the investment in protecting a special part of Texas. Although the central routes are less expensive to build, placing a transmission line on any of them will have a significant, adverse impact on an area that otherwise has been touched lightly by man-made infrastructure. **Damage to the Hill Country, to its environment and its beauty, cannot be avoided if the best route is not utilized.**

THE BEST ROUTE IS MK33 WITH CONSTRUCTION ABOVE GROUND ON LINK Y11



The best route is MK33 with construction above ground on Link Y11

The PFD states that, after weighing the factors, Staff MK15 is the best alternative because it best balances all of the relevant criteria. While MK32 and MK33 are better choices environmentally, the PFD states, they sacrifice cost and habitable structures to parallel existing highway. While cost must be considered, the ALJs appear to have placed an understandable but disproportionate emphasis on cost compared to other factors and characteristics that make the Hill Country unique and both widely appreciated and highly valued by Texans.

Environmental issues, considered in the broadest sense, are especially important and should be given great weight in this case. The Hill Country of the Edwards Plateau is the least cultivated, least developed, and least disturbed, ecoregion in the state of Texas. Much of this area exists today as when Europeans migrating into what was to become the Republic of Texas encountered the beautiful vistas of this unspoiled landscape.

Beautiful vistas from MK13 in the Llano River Valley of the unspoiled landscape in the Texas Hill Country





***a glimpse of the Austin Convention Center hearing room with Clear View legal team,
front and center of the Administrative Law Judges***

The ALJs recognize the importance of environmental integrity in their discussion of a number of specific concerns raised by the parties at hearing, and as a foundation for their decision to recommend Staff MK15. In their discussion of fragmentation, the greatest concern of the Texas Parks and Wildlife Department (“TPWD”), the ALJs state that “the absence of a major highway or transmission line for much of the central study area argues against placing the line there and favors paralleling the I-10 corridor.” Yet, Staff MK15 detours away from the compatible right-of-way of Highway 277 and I-10 and instead cuts diagonally through a large portion of the study area on links b14a, b14ba, b84, b86, and b90.

The ALJs further point to parties’ arguments that routes along the I-10 corridor, such as MK32, MK33, and variants of MK15, and other previously disturbed areas should be used to the greatest extent practicable to minimize the impact and spread of oak wilt. The ALJs agree and identify minimizing the spread of oak wilt as another reason the I-10 corridor is superior from an ecological perspective. Yet, Staff MK15 turns away from I-10 through an area sensitive to oak wilt instead of utilizing the compatible right-of-way corridor along I-10 that is already infected by oak wilt.

The ALJs expressly agree with TPWD, Weinzeirl, and CVA that paralleling Highway 277 and the I-10 corridor is the best way to avoid major fragmentation associated with the line’s new right-of-way. As a result, they recommend MK32 or MK33 as the routes best designed to avoid all of the negative consequences of habitat fragmentation. But then, the ALJs pull back from recommending that the Commission approve either MK32 or MK33, recognizing that other factors weigh against selecting routes MK32 or MK33. “As a result, the ALJs recommend Staff MK15 as clearly preferable to any of the central routes in terms of minimizing habitat fragmentation.”



The I-10 routes are far superior in protecting the environment of the Hill Country from the effects of the proposed transmission line. A review of the ALJs' conclusions illustrates just how strong the record in support of MK32 and MK33 and I-10 routes is compared to other routes, particularly LCRA TSC's preferred route and other routes in the middle of the study area. From an historical and archaeological perspective, the ALJs prefer routes parallel to I-10 as opposed to the central routes. "[T]he routes along I-10 are better suited for the line than central routes such as MK13." Aesthetically, the ALJs conclude that placement along a highway is a far better choice from an aesthetic values perspective. The ALJs discuss several recreation and park areas of concern: Old Tunnel WMA, Fort McKavett, Camp Sol Meyer, Tierra Linda Ranch, and Flat Rock Ranch. The I-10 routes avoid all of those areas.

Importantly, the I-10 routes parallel existing compatible rights-of-way for the vast majority of their lengths. There is very little compatible right-of-way along the other routes LCRA TSC proposed other than the northern routes that parallel an existing 138 kV transmission line for much of their length. The I-10 routes are the routes that best comport with the important, expressed community value of paralleling existing rights-of-way.

The best route in this case starts by paralleling Highway 277 and then parallels I-10 instead of



US Highway 277, also called Ports-to-Plains, is a High Priority Corridor in the Nat'l Hwy System slated for extensive widening to enhance flow of commerce and energy between Canada and Mexico ▲

cutting diagonally through ranchland where no compatible right-of-way exists and fragmenting the Hill Country. The best route in this case continues along I-10 south of the Kimble County Airport utilizing cost-effective and feasible above-ground construction instead of detouring into the central part of the Hill Country and crossing the Llano River where a 114-year old pecan grove is located. The best route in this case stays on I-10 through Kerrville and avoids exacerbating oak wilt concerns. The best route in this case is more expensive, but that greater initial expenditure is worth the investment in protecting a special part of Texas. Although the central routes are less expensive to build, placing a transmission line on any of them will have a significant, adverse impact on an area that otherwise has been touched lightly by man-made infrastructure. Damage to the Hill Country, to its environment and its beauty, cannot be avoided if the best route is not utilized. The best route in this case is MK33 with construction above ground on Link Y11 and it should be approved for construction of the transmission line proposed in this case.



THE OLIVER PECAN

YOUNG P. OLIVER (1857-1925) CAME TO THIS AREA IN 1876 FROM HIS NATIVE GUADALUPE COUNTY. IN 1896, OLIVER PURCHASED THIS SECTION (640 ACRES) OF LAND, ON WHICH GREW HUNDREDS OF PECAN TREES, AND BECAME A PIONEER IN THE PECAN INDUSTRY. THE GROVE CONTAINED "OLD OLIVER", A GIANT TREE WHICH PRODUCED 350-400 POUNDS OF SOFT-SHELLED NUTS PER YEAR; 800 POUNDS IN 1906. BY GRAFTING BUDS FROM "OLD OLIVER" ON SEEDLINGS FROM ITS PECANS, THE WELL-KNOWN OLIVER PECAN STRAIN WAS DEVELOPED. A FLOOD IN 1935 DESTROYED THE TREE, BUT ITS PECANS ARE STILL PRODUCED COMMERCIALY. NUT HARVESTING IS A MAJOR KIMBLE COUNTY INDUSTRY.

(1973)

***114-year old pecan grove in the path of MK15, MK32 and MK62
on the Junction Detour north of I-10***