important that we be clear that we've got one big landowner that really wants the line running through his property, for a variety of personal reasons. So I think that that is an interesting situation, at least for me, that is compelling on the western edge of the study territory.

You know, I guess my last question for you is the one similar to the one I've put to the other elected officials, is as between the line that runs down I-10 or the one that is recommended by the Judge, which of those would you support?

MAYOR WAMPLER: We would support the line recommended by the Judge, without hesitation.

CHAIRMAN SMITHERMAN: Okay. All right. And we've done this a lot around here, and there's some ground rules. We know everybody feels strongly about their position. We're going to try to give as many people as possible an opportunity to speak, but we really can't have anybody commenting audibly about someone else's comments. You wouldn't want them doing that to you, so let's be respectful in that regard.

I pulled out the testimony -- I don't know if this is all your testimony, but my folder says City of Kerrville. And there is Kerr County Exhibit No. 3, I believe, which is this car dealership picture.
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MAYOR WAMPLER: Yes, sir.

CHAIRMAN SMITHERMAN: Was that part of your testimony, Mayor?

MAYOR WAMPLER: Yes, sir.

CHAIRMAN SMITHERMAN: Okay.

MAYOR WAMPLER: And the owner of the car dealership, Cecil Atkission, is here today.

CHAIRMAN SMITHERMAN: Okay.

MAYOR WAMPLER: And that is the habitable structure that I referred to in my comments earlier.

CHAIRMAN SMITHERMAN: Okay. So this big cross, is that associated with the dealership or is there a church up there?

MAYOR WAMPLER: Neither.

CHAIRMAN SMITHERMAN: Okay. Tell me about it.

MAYOR WAMPLER: There is a local nonprofit religious organization in Kerrville and Kerr County that established itself some years ago for the purposes of raising money to establish a prayer garden and a, I guess for lack of a better description, a religious site on that hillside overlooking I-10, and they have been successful in purchasing property. In fact, there was a legal case that was taken up by neighbors of that area that did not want that use to be adjacent to their

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property. That was mediated and settled, and that group continues to raise money. They erected the cross late in 2010, I guess summer of 2010, and continue to raise money for their purposes.

CHAIRMAN SMITHERMAN: So is this the roadway that leads up to there? I assume that you can take this roadway up and you can walk around or pray or reflect or whatever --

MAYOR WAMPLER: Yes. There is an access point off of Benson Drive. Benson Drive runs along the front of the car dealership and carries on, and you can access the cross site from a roadway that they've constructed to go up to the top of the hill.

CHAIRMAN SMITHERMAN: You know, only someone in my position, you know, the first thing I saw on this map is a big transmission tower right here.

MAYOR WAMPLER: Right.

CHAIRMAN SMITHERMAN: Any other questions of the Mayor?

COMM. ANDERSON: I have one.

CHAIRMAN SMITHERMAN: Ken.

COMM. ANDERSON: You heard my question, I hope, of the County Judge --

MAYOR WAMPLER: Yes, sir.

COMM. ANDERSON: -- the Kerr County Judge
about the LCRA observation or comment in their replies to the exceptions, about for a brief period going south over I-10 and through what amounts to parking lots and then going back across I-10, picking up, which would appear to avoid a number of habitable structures as well as the car dealership.

And I was looking at a photo, and I'm going to have more questions for LCRA about that. If -- and I understand you don't want it; nobody wants it. I'm not trying to detract -- but if we ultimately decided to go down I-10 through Kerrville on the way to the Kendall station, is that an option that you are likely to prefer over routing it down the north side? And also it would be using monopoles and other mitigation, probably shorter structures as LCRA suggested.

MAYOR WAMPLER: Commissioner Anderson, without knowing the particulars and the exact routing that you're proposing and with regard to the use of monopoles, I would --

COMM. ANDERSON: Well, it's not my proposal; it was mentioned as LCRA, yes.

MAYOR WAMPLER: I understand -- well, I mean, the hypothetical that we're discussing at this time, my initial reaction is to say, "No, it would not
be something that we would support," simply because of
the fact we are obviously concerned about habitable
structures, and that's what we've talked a lot about
here today.

But from the City of Kerrville's
standpoint, the impact to the undeveloped sections along
I-10 at our gateways, both at Harper Road and I-10 and
Highway 16, are of critical importance to us. So
without knowing what impact your hypothetical has on
those areas, I would hesitate to say that we could
support that.

COMM. ANDERSON: I'm not asking you
whether you support it, I guess. Maybe I was -- I'm
trying to make notes about, to be prepared to deal with
individual concerns if we go a certain route --

MAYOR WAMPLER: Yes.

COMM. ANDERSON: -- because there's the
route, but then there's also instructing LCRA as to
individual mitigation efforts that we can include in our
order. LCRA has suggested -- has thrown out the idea --
I don't want to overstate what they said in their
exceptions -- about crossing over, going through a
couple of commercial parking lots on the south side and
back over. And looking from the photo that's actually
in your exceptions, of a blowup of one of the sections,
it looks like there is no undeveloped property. In that scenario -- but I don't want to -- I don't want to pick a route for you if you -- but this is your opportunity to say, "Well, despite our opposition, if you go this way, that is something we would at least want the Commission to entertain." That's what I'm -- that's why I'm asking the question. It's not to somehow trap you or get you to change your position.

MAYOR WAMPLER: Well, if we're speaking hypothetically, I would say hypothetically, a line going across a parking lot at Lowe's or elsewhere is not a drastic concern to me.

The concern that I have is, how do we get to that point and where does the line go after it reaches that point? To the extent that we have a significant interest and a significant on-going interest for a tax base, for investment and for growth of our community, how those lines impact the undeveloped property on the gateway of our city both to and from across that parking lot continues to be a concern to me.

COMM. ANDERSON: Thank you.

MAYOR WAMPLER: Thank you very much.

CHAIRMAN SMITHERMAN: Thanks, Mayor.

MAYOR WAMPLER: Appreciate it.

CHAIRMAN SMITHERMAN: Appreciate your
comments. Anyone else at the mayor, council member, county commissioner level? We may have missed -- again, thank you-all for coming.

So let's do this: I know we have a couple of groups that are here that have multiple members -- and, again, if we could get just a limited number of people who want to express a point of view on behalf of that group. I know we have both the Clear View Alliance folks as well as the Tierra Linda people. So why don't we start with Clear View Alliance. Who's the spokesperson for Clear View Alliance?

MR. BAYLIFF: Your Honor, Brad Bayliff for the record. I'm the attorney for Clear View Alliance. I know you've heard plenty from us. There are several people who would like to make comments about the impact on their property and about their concerns, and we've asked them to be able to speak to you today.

We did not encourage a lot of people to come. We asked only those who wanted to be able to talk to you to be able to actually come. We've made a lot of comments in our briefing. We appreciate you reading that, and it's obvious you've been paying attention to it. So we appreciate that.

We did provide a list to Mr. Journeay of several of the landowners, and then we also have Bill
Neiman who's the president of Clear View Alliance and 
has been involved in this process for 20 years -- 20 
months. It seems like 20 years.

(Laughter)

MR. BAYLIFF: And he may have some summary 
comments after the other folks have talked.

CHAIRMAN SMITHERMAN: Well, do you want to 
start with Bill or do you want to start with someone 
else?

MR. BAYLIFF: We'll start with Bill.

CHAIRMAN SMITHERMAN: I think we've seen 
him here before. Welcome.

MR. NEIMAN: Okay. Thank you. My name is 
Bill Neiman, a resident of Kimble County.

CHAIRMAN SMITHERMAN: Now, Bill, tell us 
in particular where you live so we've got a good 
understanding.

MR. NEIMAN: I would be glad to. I'm 
approximately four miles east of the Kimble County Goat 
and Sheep Sale Barn." It's probably not going to be on 
your maps, but --

CHAIRMAN SMITHERMAN: I thought you were 
going to say something like, you know, the "Kimble 
County line, intersection with, you know" --

(Laughter)
MR. NEIMAN: How about a lat and lon, you know? If you are familiar with the last clean river in Texas -- the Llano River -- it makes two big humps right by Junction. I'm on the second hump.

That probably doesn't help you too much either, but --

CHAIRMAN SMITHERMAN: Closer.

MR. NEIMAN: Yeah. Do you have a map that has the river there?

CHAIRMAN SMITHERMAN: Yeah. We've got them behind us. Go ahead.

MR. NEIMAN: I'm out, I guess, probably seven, eight miles from the high school. My children grew up there.

I appreciate the opportunity that you're giving me to undertake an unbelievable process. It does kind of seem like 20 years, but it's been 20 full months.

I attended the first open house in the spring of 2009 that LCRA presented the news of the CREZ lines, and that was the first I had ever heard of it.

And once that occurred, a lot of the ranchers stood around the maps. And it seemed like it took us a while to kind of overcome the shock, but within about 20 minutes we concluded that I-10 was a
place to put an infrastructure of this type.

So I began to get more and more deeper involved to try and learn. As the process -- it's exceedingly complex for landowners. I'm sure you've heard this over and over. But I began to see the need in our community to raise awareness.

And throughout this entire process I've done everything within my reach to get accurate information, and at the same time stay on a high road and maintain the best respect I can for all of the people involved in this. It's a very difficult process. And you sit at the helm at an incredible ship that you drive here.

It's to be commended that you get up in the mornings and can tackle this job. I respect you for that. Some of the process has been tough. At one point we were -- we were advised by the Lower Colorado River Authority that there would be no more landowner communication. There had been an inter-utility memo issued not to talk to landowners anymore.

You know, there has been some frustrating processes along the way.

COMM. NELSON: When was that? I'm sorry to interrupt you.

MR. NEIMAN: That would have been...
probably --

CHAIRMAN SMITHERMAN: You didn't think that was going to go by without...

(Laughter)

MR. NEIMAN: Yeah. By -- well -- I'm sorry. And I -- in fact, the first time I came in this room, that was to deal with the response that I had high regards how you-all approached it, which was to delay and expand the study area back in September of '09.

So that memo, if you want to try and pin me down on the date, probably was actually in the summer of '09 -- August or July/August. And, here again, this has been very difficult. I've tried my darndest to be honest, above board, and accurate. It's a very complex process.

The expansion of the study area was -- is such a blessing that allowed the landowners this period of time to try it -- those that were wanting to participate. You've done your job to allow that. I am really encouraged by the high level of professional ethics at the administrative law process.

That was really -- it was a -- it met and exceeded my expectations of what I thought might occur there. The other thing that is very encouraging about this process is, since my first LCRA open house, I went
to another one at the Kerrville one in 2009 and then the expansion of the study area, then the whole second round of open houses. I went to every one of them in the winter of 2010.

A group of us landowners got together and built an accurate quarter scale model of a steel lattice tower and mounted it on the back of an 18 wheeler and brought it to each open house.

We also built a scale model of a typical hill country ranchhouse. Because of the scale, we could set the home outside the right-of-way. People were overwhelmingly across the whole region -- this was very encouraging -- their willingness to coalesce around the global use of monopoles no matter where this thing gets built.

That, I believe, was the attracting aspect of why Clear View Alliance became so large, as well as the common regional understanding that an infrastructure item of this magnitude is very difficult to find an industrial place to put that in the hill country.

When I first moved to Junction 15 years ago, I attended some meetings on a local level to try and understand my community that I had brought my family to, and TxDOT had a figure that was pitched back in 1995 that 30,000 vehicles a day go by I-10 on Junction, but
20,000 of them are trucks.

Since my 15 years of living outside of Junction, that intersection of Main Street and I-10 is now -- two sides of it are truck stops, McDonald's and a Church's Fried Chicken, and there are some lodging facilities there and it's become a major stopping place.

There's something about the common sense that the ranch community throughout the hill country understands that the likely development and the land uses along a major interstate corridor are somewhat predictable.

One of the bigger disappointments I've had with this process has been the difficulty in being able to distinguish through the criteria as it exists, and I think this is some of the struggle you have now -- the habitable structures and the land use between an interstate corridor and the land use of residential, retirement, and recreation.

Those are very contrasting, but there's not a good, simple vehicle that I could see that really addresses future land use. I would just like to bring a couple of more points. I'm very concerned that some of the other landowners are -- within Clear View are able to express their concerns.

A couple of the other larger
disappointments in this process was to see the impact of this on community values. It's very difficult. Because I am based at Junction -- and it's been touched on a little bit -- I'm a user of the Kimble County Airport. One of the disappointments I've had in this process is that during the settlement -- the preconference settlement period -- there's kind of a period that leads up to the hearing. So there's an opportunity to talk in more detail about some of the issues. Clear View was working closely with the Staff to facilitate a joint meeting with LCRA in the field to focus on what we -- our engineers were beginning to find that clearly indicate there are above-ground options along the interstate, and they're, obviously, much more economical than the unbelievable single quotation that was put into evidence by the utility.

But being aware that only four days before a tentative meeting that we were trying to facilitate there was an unraveling of another CREZ case up in north Texas that was thought to have been settled. It kind of came apart, and the Staff seemed to lose -- they had a change in their interest in trying to facilitate that meeting and we never got a chance to get on the ground with the utility or the Staff to address this airport, and that was disappointing.
We worked as hard as we could through the hearing process to get that out on the table and transparent, but it is not a sound byte. It has some measure of complexity to it, and it can almost only be explained through graphics and an expert walking through it.

However, being a pilot, having two aircraft based there and locally recognized as the most frequent visitor to the fuel pumps, I have a deep understanding of the difference that the northern routing of this makes.

CHAIRMAN SMITHERMAN: Maybe you can speak to Commissioner Anderson's question about the hill.

MR. NEIMAN: Yes, I would like to. Kimble County only has one established instrument approach, and it is the approach from the north to the south, which would be flying directly over the hills that you're talking about on the north side.

The floor of that approach is actually already penetrated by the hills themselves, and anything that is further elevated brings detriment to the quality of that approach. In an instrument condition when you are with low visibility and a power-off setting in your aircraft, you are losing options if you encounter or need to make an erratic or quick change.
It's very similar and reflects the issues in driving that you would have to make a movement to increase your power, and then the response time for the power to develop and the aircraft to become maneuverability to avoid an obstruction is very different than on a power-on departure, which probably 90 percent of the departures at Kimble County are southbound, and you have full control and full power upon your departure.

So, unfortunately, this airport -- I don't know -- I don't want to spend all of my landowners' time addressing this, but there are some interesting and credible above-ground alternates and options in the record. They are difficult to understand. Since the hearings, another very interesting aspect has occurred of a willing landowner that allows the option to be looked more closely by crossing the river -- the North Llano River -- and gaining another 1,000 or 1500 feet to the south.

The more south you go the air space is rising, and nearly 100-foot structures could be built there.

CHAIRMAN SMITHERMAN: Well, I want to be careful going too far along this line, because we don't have that in evidence.
MR. NEIMAN: That's correct.

COMM. ANDERSON: But I would make a note to two things. I want to go back to what LCRA has said they can do if you go north around Junction, north around the runway, is that they believe there's the ability to actually build the towers, depending on where they site them -- the poles -- below the crest of that hill north runway.

MR. NEIMAN: Yes. That was stated in the record. However, Commissioners, being a pilot and making that approach, all of us will use Highway 83 as a visual guide.

It is very near, if not on the approach itself. The location where the lines cross is on hilltops. And to cross that highway that has structures will already be quite high. And then in order to slip off and get on one or the other of the facing slopes or down into a nearby canyon will require a distance of it running on the hill just due to crossing the highway.

COMM. ANDERSON: The other observation I will make is that our typical order -- and, in fact, it's in, I think, Commissioner Nelson's memo -- is to allow more than minor deviations where it's both cost effective as well as you obtain all the consent of the landowners.
COMM. NELSON: And you continue to go in the same direction.

COMM. ANDERSON: And you continue to go, but --

CHAIRMAN SMITHERMAN: Basically in the same direction.

COMM. ANDERSON: But, frankly, looking at the map, if there were, you know, such, that could be agreed to by landowners on the south side.

It looks to me like that would be probably both cost effective as well as a lot more direct. We've gone out of our way in these CREZ dockets, it's also become part of, I think, our regular transmission -- our regular CCN dockets to give the transmission service provider the ability to make major deviations where they meet that criteria.

MR. NEIMAN: Well, it does -- from my observations also, it cleans up the line. I believe that the loop around Junction to the north will be more costly than exploring the option on --

COMM. ANDERSON: And I do intend to have a conversation with LCRA later about -- at this meeting about their use of some of that authority.

CHAIRMAN SMITHERMAN: Why don't we -- I know this sort of interrupts the flow a little bit.
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But, Ferdie, do you or someone want to come up? I mean, while we're on this airport issue, let's go ahead and --

MR. NEIMAN: Do you want me to stay put?

CHAIRMAN SMITHERMAN: You can. Sure.

Let's go ahead and tease this out a little bit.

COMM. NELSON: Yeah, because I want you to also talk about the flooding issue, because you-all filed testimony on that.

MR. NEIMAN: That would be great.

COMM. NELSON: If you could just sort of summarize it. Your opinion is, that's not an issue.

I'm not overstating that, am I --

MR. NEIMAN: If I can --

COMM. NELSON: -- or a very small risk?

MR. NEIMAN: Shall I continue?

COMM. NELSON: Go ahead.

MR. NEIMAN: Okay.

CHAIRMAN SMITHERMAN: Let's talk about the airport first, if you don't mind, and then we'll come back to --

COMM. NELSON: Okay.

MR. NEIMAN: Okay. Either way.

COMM. NELSON: And it is about the airport, Barry. It's about the flooding issue with respect to the line on the I-10 part of the route.
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CHAIRMAN SMITHERMAN: Well, here's the map of that section.

MR. RODRIGUEZ: Thank you, Commissioners. For the record, Ferdie Rodriguez, in-house counsel for LCRA TSC.

CHAIRMAN SMITHERMAN: Pull that mic up closer, Ferdie, please.

MR. RODRIGUEZ: Excuse me. Mr. Chairman, Commissioners, which part of it did you want to talk about first -- the northern approach to the airport or the southern approach?

COMM. ANDERSON: Let me ask this question -- and it's a little bit, I suppose, in reverse order. But let's assume -- and it's just for discussion. I haven't ultimately decided where I come out as between the various routes.

Let's assume that we picked the route recommended by the ALJs, which includes the northern loop around Junction and the airport.

MR. RODRIGUEZ: Okay.

COMM. ANDERSON: And then let's assume, however, that one or more landowners to the south actually volunteer a routing that takes it off the river bottom or wherever to the south, which at least looking at my larger scale map would appear to be more direct.
Do you believe -- and then you are familiar with our major deviation language -- do you believe that that major deviation language would give you the ability assuming it's a cost effective alternative to go ahead and route it directly to the south?

In this case, it might well be, I guess, south of I-10 -- I don't know -- but for some period or for some length before crossing back to the north?

MR. RODRIGUEZ: Commissioner Anderson, I think the problem that we have with that is that our engineers do not believe that the southern alternative that Mr. Neiman was talking about is safe.

That's the problem. It is not safe.

CHAIRMAN SMITHERMAN: Safe from what perspective?

MR. RODRIGUEZ: From the perspective of a transmission engineer who is trying to design a transmission line that, first of all, is going to be on. We don't have to trip on and off. From a planning perspective --

COMM. ANDERSON: Ferdie, I think you're missing my question. This is -- I'm not suggesting the route they proposed in the -- or that was proposed in the floodplain.
MR. RODRIGUEZ: You're right. Then I think I have misunderstood your question.

COMM. ANDERSON: You misunderstand. We have major deviation language in the order -- standard -- and Commissioner Nelson has it or has proposed that it be included in this order.

If a group of landowners around the Junction area said, "If you move it 1,000 or 2,000 feet to the south" -- I'm talking about south of where the current MK33 line would go -- and you get consent of all the landowners; you meet the criteria; it's more direct; it's more cost effective; and you get consent of all landowners, do you believe that the -- that the major deviation language would give you the ability to look at that alternative?

MR. RODRIGUEZ: May I have just a moment?

COMM. ANDERSON: Sure.

COMM. NELSON: Before he answers, was the landowner located south of I-10?

MR. NEIMAN: Yes.

COMM. NELSON: Is the landowner within the floodplain?

MR. NEIMAN: The landowner is on the south side of the North Llano River in direct alignment with the airport.
COMM. ANDERSON: But it would be out of
the -- presumably out of the floodplain.

MR. NEIMAN: A significant portion of the
city of Junction is in a floodplain. So --

(Laughter)

CHAIRMAN SMITHERMAN: Well, you can see
that from the map.

MR. NEIMAN: It's out of the floodway,
yes.

CHAIRMAN SMITHERMAN: Why don't we take a
10-minute break here. You guys can caucus and --

COMM. NELSON: That's a good idea.

CHAIRMAN SMITHERMAN: Restrooms are back
here. They're also -- they're on every floor. So you
can take the stairs if they're crowded.

COMM. NELSON: If you-all could talk
together -- okay -- about that.

(Recess: 12:56 p.m. to 1:13 p.m.)

CHAIRMAN SMITHERMAN: Let's go back on the
record. Everyone grab a seat, if you had one. Ferdie,
you guys ready?

Okay. When we took our break we were
talking about the airport issue.

COMM. NELSON: Did you guys get it all
solved while we broke?
MR. NEIMAN: It's already built. We are ready to turn the power on.

COMM. ANDERSON: And, Mr. Chairman, before you -- again, my question has to do with -- if under the assumed facts -- the assumptions -- the hypothetical facts, would our standard ordering paragraph in your view give you the authority -- I have my own view of the answer to my question, but I wanted to just -- I'm not asking to direct it. I'm not suggesting we need to -- I'm just asking.

MR. RODRIGUEZ: Right. Thank you, Commissioner. In all candor, I'm not sure that the more expansive ordering paragraph would get us there.

If you will indulge me just a minute, I can try to explain the problem that we have with the southern exit out of the airport.

You've got a couple of different things at play. You have got FAA contours that you have to be cognizant of -- Part 77. You have another FAA requirement that you have to be aware of, and that is the obstruction slope.

The obstruction slope is defined by what's there. What's there now are trees. So you have the Part 77 surfaces, and then you have a lower surface that's defined by the existing obstruction which is the
line of trees.

That's complicated by the fact that we're also trying to work around the river. You've got to have towers that are tall enough to get you over the river so that the sag is high enough over the router at flood stage so that you don't have to de-energize the line or you don't suffer damage to the line from things hitting it. So you've got those things in play.

If we get the towers high enough, to get the span high enough over the water, you're too tall, because now even though maybe we don't violate the Part 77 surface, we are violating the obstruction slope which is lower, and in this area it's defined by the existing rim of trees.

We do not think it's safe for us to become the new obstruction. If you approach from the south -- if you're landing from south to north, we don't want somebody hitting the line and cartwheeling onto the interstate.

If you're taking off to the south, we don't want somebody hitting the line and falling into the city of Junction, which is the third impediment that we have. If you go further south to try to get away from the river and flatten the line, then you're getting close to the actual grid -- the street grid of the city.
of Junction.

COMM. NELSON: Mr. Chairman, while we're talking about this, would it be appropriate to bring up the other party who's interested in this issue -- the Segrest -- I'm not sure I said that right.

MR. NEIMAN: You said that right.

COMM. NELSON: -- if they are here.

CHAIRMAN SMITHERMAN: Sure.

COMM. ANDERSON: They're here.

COMM. NELSON: Do you want to come up and join in the discussion?

MR. JOHNSON: Thank you, Commissioner Nelson. I think it's important to note in the --

CHAIRMAN SMITHERMAN: Would you introduce yourself?

MR. JOHNSON: Oh, I'm sorry. Rob Johnson with the Gardere, Wynne, Sewell, for the Segrest Intervenors.

In examining particularly the southern airport discussion, it's repeatedly mentioned about this existing obstacle slope where the current tree line is, and that's the current published slope of where the highest obstacle is, and that LCRA TSC would prefer not to become the new obstacle.

But if you actually look at the FAA
regulations in Part 77, that is not something that FAA looks at to say, "This is creating a new obstruction."

If you are under the Part 77 imaginary slope, there's nothing for FAA to review even if you're creating a new obstacle slope, because you're still under what they expect to be the clear air space around the airport.

COMM. NELSON: So you're saying LCRA is being more conservative than the FAA?

MR. JOHNSON: That is correct. And it is clear from all of the testimony that the northern loop -- what we called sometimes the "b19 detour" -- it is across the Part 77 slope. It is by definition an obstruction, and it's going to have to go through the FAA review process because of that.

What our clients are particularly worried about is that creates special burdens on the landowners on that northern loop, but other landowners don't have to deal with because I think everyone's agreed FAA is going to require something if you're going to build on that ridgeline, but no one has agreed as to what.

Their manuals are pretty clear. You know, you're talking about two red lights on top of every tower, lights on the wires. Whether or not there's striping, we don't know, but they are going to require
something.

One of the options LCRA was looking at was lower towers to try and create less of an obstacle. It will still be an obstacle no matter what. But they were clear on their testimony. The lower towers they were thinking of means a double wide right-of-way they're going to have to take.

So everywhere in the study area you're looking at 100-, 140-foot wide right-of-way. But on this one loop, to deal with the perceived airport issue, you are talking about a 200-foot wide right-of-way.

So it's a heavier burden on the landowners than anyone else is being asked to shoulder in the study area. And our concern is, you could go through that whole process. You know, maybe it ends up as a contested case at the FAA. Maybe it doesn't, but it goes through all of their reviews, and even if you built it it's not going to be safe for the airport.

I've got at least a couple of my clients that will be talking about that later that wanted to address the Commission directly that have experience flying in and out of that airport and the planes going over their land every single day, and they are very personally concerned about that.

CHAIRMAN SMITHERMAN: So let me make sure
I understand what you are saying, Rob. The proposed
loop that the judge recommends around -- are you saying
that that doesn't resolve the problem?

MR. JOHNSON: That's correct. By
definition under the FAA regulations that creates an
obstruction to aviation. The only question is, how will
FAA address that obstruction? I'm a little bit
surprised that LCRA didn't ask FAA to get some idea, to
give some guidance to the Commissioners so we'd know
what we were dealing with.

COMM. SMITHERMAN: Well, this is not the
first time that LCRA has dealt with FAA, I'm sure.
Ferdie, do you have a comment on this?

MR. RODRIGUEZ: Mr. Chairman, I do. I'm
not even sure where to start. The problem -- and I
respect Rob. We went around and around during the
hearing and Bill as well.

CHAIRMAN SMITHERMAN: It sounds like this
is not a new issue between the two of you.

MR. RODRIGUEZ: Not at all. Not at all.
They're looking at it simply from the perspective of the
FAA.

The only party that had a transmission
engineer look at this from the perspective of how do you
build a safe transmission line is LCRA. It's Mr. Symank
who's sitting right here who's ready to talk if you'd like him to.

The problem south is not just an FAA problem. It is something more than that. If you can build something that -- as Mr. Johnson said, "Well, maybe the FAA will not complain." That's part 1. Part 2 is, "Can you build it in a safe manner?" That's the part we can't get past. Mr. Symank is very clear. To build the line in such a way so it's tall enough to get over the river, and they're proposing that we cross the river three times -- three times. To get it tall enough to cross the river, you make it too tall. We now become the obstruction. That is not safe.

And to flatten the line, to get it low enough to even think about making it safe, now we're talking about exactly the kind of right-of-way that Mr. Johnson says we shouldn't be doing north; i.e., flattening the line, spreading out the right-of-way to get it low enough to pass muster.

COMM. NELSON: Do you have to do that north as well?

MR. RODRIGUEZ: North? We have two obstructions. The obstruction is defined by two -- well, by the first hill that we're not concerned with.

The second hill behind the first hill is
the one that we're talking about with respect to the
Part 77 surfaces. The Part 77 surface piercers the
hill. The hill is the obstruction for Part 77.

The obstruction slope on the north side is
defined by the first hill. It's a higher slope. The
Part 77 is here; the obstruction slope is here. We're
proposing to put it on the backside of that second hill,
and if necessary we can go further back and further
north into the property. If the FAA does think it's a
problem, we can get it back further, get it down and
that's not a problem. That's what our aviation expert
tested to.

COMM. NELSON: To get it down further,
does it have to have the 200-foot right-of-way?

MR. RODRIGUEZ: It depends. It depends
how you design the --

COMM. NELSON: There's a potential?

MR. RODRIGUEZ: Possibly. But those are
the techniques that you use when you consult with the
FAA and they say, "Well, we would like for you to get it
further back or we'd like for you to get it flattened."

We can do that just like we did with the
Clear Springs to Hutto line when we went down SH-130 by
Bergstrom. We're 6,000 feet away. That northern part
that we're talking about here, we're almost two miles
away -- almost 12,000 feet away.

COMM. ANDERSON: In looking at the large
map, I see the -- and I want to make it clear. If you
fly down, you're tracking -- what's that highway?

MR. NEIMAN: Highway 83.

COMM. ANDERSON: Highway 83. There's a --
the line coming down is behind the hill even if you're
coming -- even if you're flying down the highway. So,
again, if I've read the material correctly, LCRA is
proposing to have that line lower than the hill you have
to clear to land coming to the south.

MR. JOHNSON: And I think it might be
helpful to the Commissioners. I blew up LCRA's exhibit
from -- that was admitted into evidence without
objection.

This is the attachment to Mr. Symank's
rebuttal testimony. For anyone scoring at home, it's
Exhibit CDS6-REB. This is the cross-section of the
hills north of the airport. That will probably make it
easier to see.

That's one of the concerns that we have
is, you know, my clients own the land on the b19
segments and they have no idea what hill they're talking
about tucking this line behind. The cross-section that
they put into evidence doesn't show where they can hide
a tower that it's not going to be sticking up above and be in the airspace.

And to clarify, our position and certainly for LCRA's benefit, we are certain, given the FAA regulations, that the north loop detour is a problem, is an obstruction to aviation. We think that there's an above-ground solution south of the airport, but we can't say for certain. Then looking at that, we go back to Kimble County's resolution, if you're not certain that you can be safe either north or south, then you need to look at a route somewhere else.

COMM. ANDERSON: That's fine, but let me go back to Ferdie. I'm a little frustrated, because you're not answering the question that I'm asking. And if I've got to ask it again, maybe I need to.

Assuming -- I understand your position about building a safe line. I understand that. I suppose I should have added an assumption. Assuming you're comfortable with the safety issue, would the general language about major -- more than minor deviations, to be technically correct -- give you the flexibility you need to route the line to the south?

I'm not -- now, if -- and assuming all the other hypotheticals which are that you get all landowner consent and if it involved city property in Junction for
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some reason -- Junction's consent -- that's all I'm really asking.

I'm not trying to sit the line for -- I'm trying to avoid even having to deal with it in an order. I mean, I think it's a "yes" or "no" answer. If you want to qualify it by saying "assuming that -- that LCRA is comfortable with the safety aspect." That's a given.

MR. RODRIGUEZ: Commissioner, can I ask a question to clarify?

COMM. ANDERSON: Sure.

MR. RODRIGUEZ: Assuming that we could get comfortable somehow with the safety issue to the point where the engineers could even seal the plans -- and I'm not sure about this, but what happens if you can't get the consent of all involved?

CHAIRMAN SMITHERMAN: Then you don't do it.

COMM. ANDERSON: Then you don't do it.

MR. RODRIGUEZ: But what do we do then?

COMM. ANDERSON: You go back to the ordered route.

CHAIRMAN SMITHERMAN: I mean, we're going to pick a route. So that will be the one in the order, but the order will have language that says, "You've got some flexibility if you want to go a different way and
you've got consent of all the landowners."

MR. RODRIGUEZ: I guess I would say this:

If the order were written in such a way that the assumption is that the northern -- the b19 reroute is in the order and then we could try to work with folks south, we could try to do that.

COMM. ANDERSON: The reason I'm asking this question is, I read with great interest the replies -- the replies to your -- your replies to the exceptions --

MR. RODRIGUEZ: Yes, sir.

COMM. ANDERSON: -- where you go at great lengths talking about your experience with working with landowners, et cetera, to mitigate impacts, to thread needles, et cetera, et cetera.

MR. RODRIGUEZ: Yes.

COMM. ANDERSON: So I wanted to try to get -- and you also asked in those replies for the maximum flexibility --

MR. RODRIGUEZ: Yes, sir.

COMM. ANDERSON: -- which I'm inclined to give you to work with landowners. So my question was simply, in this context because -- Mr. Neiman --

MR. NEIMAN: Yes, sir.

COMM. ANDERSON: -- had said there was
sort of a late -- perhaps late development and that some
landowners are willing to take a line to the south
voluntarily. And I don't know any of the topography,
the -- any of that.

I just -- what I wanted to know is, in
your opinion, assuming you met the criteria, that it was
more direct, cost effective, consent of all the
landowners so that that paragraph would give you the
authority to deviate from the route we select which,
under my hypothetical, would be the ALJs' route, which
would include the loop to the north.

MR. RODRIGUEZ: There we go. In that
case, I think the answer is "yes." What I would not
want to end up with is -- I guess this is a Brazos
situation -- where we end up with a gap, because maybe
we end up with unnoticed landowners --

COMM. ANDERSON: No. That was never the
premise of my question.

MR. RODRIGUEZ: Okay.

COMM. ANDERSON: But your answer and your
cautions is setting alarm bells off with me, because
despite your assertions that you'll work with
landowners, I'm concerned that perhaps you won't. Do we
have to actually get very specific in this order dealing
with every single landowner who has got a particular
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routing deviation?

I will be very unhappy -- very unhappy if that turns out to be the case.

MR. RODRIGUEZ: No.

COMM. ANDERSON: And I don't mean to be unpleasant about this, but I was trying to get some comfort so we could, one, to tell all landowners that once we pick a route, we've given LCRA flexibility, but I want to be comfortable before we pick that route that, in fact, you will use it.

MR. RODRIGUEZ: We would. I think we've exemplified that by what we call our Attachment 13 route modifications. There are over 100 where we bent over backwards to try to at least package them so that you could look at them and --

COMM. ANDERSON: And we're going to deal with some of those at some point in the meeting.

MR. RODRIGUEZ: We'll be glad to work with landowners. Where I thought we might end up with is a situation where you order us to look at this and it can't be done or we can't get it done and we end up with a gap.

COMM. ANDERSON: No.

COMM. NELSON: That's still a potential.

I mean, there is not a -- the record is not clear.
There is evidence on both sides of it with respect to that north loop the ALJ accepted, because two of the parties are saying that you still have to get FAA approval, which I don't think you are disputing -- right -- even if you use the ALJ loop?

MR. RODRIGUEZ: We have to consult with the FAA. When you say "FAA approval," it's not as if the FAA will say, "Well, you can't build it." As we found out when we did Clear Springs to Hutto, they really don't even have enforcement action. But having said that, we work very well with the FAA. We do it all the time, and we don't have any doubt that we could work with the FAA to come up with an acceptable solution --

CHAIRMAN SMITHERMAN: And that's what the Judge believed, too.

MR. RODRIGUEZ: That's right.

CHAIRMAN SMITHERMAN: She believed in your testimony that you could work this out.

MR. RODRIGUEZ: That's right.

CHAIRMAN SMITHERMAN: And from my perspective, I believe it, too. I'm going to side with LCRA in this, because it's not your first rodeo when it comes to the FAA.

MR. RODRIGUEZ: That's right.

CHAIRMAN SMITHERMAN: So I think we've
gone down a bit of a rabbit trail here.

MR. NEIMAN: I'm sorry. I may have --

CHAIRMAN SMITHERMAN: No, no. That's all right. We invited it. This happens. This is the kind of lawyer speak I would like to try to avoid. If it's okay with the two of you, I would like to try to get back to hearing from landowners -- from the Clear View Alliance landowners.

MR. NEIMAN: I would like to say, thank you very much for this extensive moment of time that you've allowed to me, and I also want to show a deep appreciation that the Staff has gone to great lengths to talk to our landowners and to understand what their deviations and their concerns might be.

No, I've had problems, for example, with this. I did not mean to earlier indicate that it was solely the Staff that was causing the obstruction.

CHAIRMAN SMITHERMAN: Mr. Neiman, who else would you like to speak on behalf of Clear View Alliance?

MR. NEIMAN: We have a list of approximately 10 others.

CHAIRMAN SMITHERMAN: Well -- and remember, you know, if somebody's already said what you were going to say, you don't have to get up and say it.
Okay?

MR. NEIMAN: That's correct. I believe our landowners are hearing that same thing.

MR. RODRIGUEZ: Commissioner Anderson, did I answer your question, I hope, finally?

COMM. ANDERSON: Sure. I'm just a little frustrated, because I prefaced my question on assuming we select the ALJs' route. That included the northern route.

MR. RODRIGUEZ: I apologize if I missed that. Thank you.

MR. NEIMAN: Thank you.

CHAIRMAN SMITHERMAN: Thank you. Who's up first? Brad, who do you want to --

MR. BAYLIFF: We gave you a list, but Roybeth Savage would be happy to speak.


MR. BAYLIFF: And we're trying to keep it on affected landowners and not policy and routing generally.

CHAIRMAN SMITHERMAN: Great. Please state your name, tell us where you live and --

MS. SAVAGE: I'm Roybeth Blackburn Savage. I live on the b23a connection right where the -- one of
the two places that the poles would cross the river.

I am the one that is so singularly blessed that I have two pieces of property 40 miles apart, and the ALJs' preferred route has managed to clip me both places.

I'm working really hard not to feel picked on. The one I am especially concerned about is on the b88/b90 on the Fort McKavett Road 1674 just as you come out of AC Ranches.

CHAIRMAN SMITHERMAN: All right. Hold on.

COMM. ANDERSON: Is it b86 as opposed to 88? I'm looking at the map.

MS. SAVAGE: It's right where the wide angle is.

COMM. ANDERSON: Yeah, b86.

MS. SAVAGE: I'm pretty much boxed in there.

COMM. ANDERSON: Ms. Savage, I think you're -- are you requesting that it be rerouted to follow the western and southern property boundaries and monopoles?

MS. SAVAGE: Initially, I did request that. I spent this week with realtors walking the land. And they've advised that there is less damage -- I can't use the word "better" -- to go with the route that they
planned.

COMM. ANDERSON:  Who's "they"?  LCRA?

MS. SAVAGE:  LCRA.  No -- well, of course, LCRA for me particularly, but the Administrative Law Judges went the route.  So I'm not requesting for those modifications at this point.

COMM. ANDERSON:  So you're not.  That's actually on my list.  They were on the LCRA list of possible --

MS. SAVAGE:  Right.  Initially when I was called away from the land but I've been walking it, the realtors tell me that I will take about a 60 percent hit the day the lines are built and the value of the land. Since it is on two sides, I'm boxed in, and I'm begging.

CHAIRMAN SMITHERMAN:  I think we've got your map up here.  So let's just make sure.  It looks like on your eastern boundary is 1674.  Right?

MS. SAVAGE:  That is correct.

CHAIRMAN SMITHERMAN:  Now, does your property front right on 1674?

MS. SAVAGE:  Yes, it does, and with a side entrance on County Road 23.

CHAIRMAN SMITHERMAN:  I'm sorry?

MS. SAVAGE:  With the side entrance on County Road 23.
CHAIRMAN SMITHERMAN: Okay. So -- and so then the proposed line running from east -- from west to east would go along your northern boundary?

MS. SAVAGE: That is correct.

CHAIRMAN SMITHERMAN: How big is this piece of land?

MS. SAVAGE: 496 acres.

CHAIRMAN SMITHERMAN: And it looks like there's a habitable structure along the north line. Is that your house?

MS. SAVAGE: No. There is a habitable structure across the county road, and then there's -- more in the middle of the property is the habitable structure.

CHAIRMAN SMITHERMAN: All right. So the one across the county road is not yours. That's your neighbor across the road.

MS. SAVAGE: No. It's an elderly couple who took all of their retirement money and bought these 40 acres and put everything they had into it.

CHAIRMAN SMITHERMAN: All right. Did you say you had another piece of property as well?

MS. SAVAGE: Yes, where I live.

CHAIRMAN SMITHERMAN: Okay. And tell me where that is again.
MS. SAVAGE: At the end of that airport loop where it crosses the Llano River right out my front window.

COMM. ANDERSON: Is that on the b23a?

MS. SAVAGE: Yes, sir, it is.

COMM. ANDERSON: Just as it crosses the Llano River?

MS. SAVAGE: Yes, sir.

CHAIRMAN SMITHERMAN: Go ahead, ma'am.

MS. SAVAGE: Have you found --

CHAIRMAN SMITHERMAN: Is there an existing transmission line there now?

MS. SAVAGE: Yes.

CHAIRMAN SMITHERMAN: How does that interface with your property?

MS. SAVAGE: It's just over the fence line into the neighbor's property. In the past 10 years I've seen all of that under water.

So, you know, it's in my Texas blood. It's hard to beg, but I've come today to beg. Please spare me one place or the other. When the first line came close to the homeplace, the place where I live, I thought, you know, "When I've had enough of looking at the lines, I can go out to the ranch; I can build a cabin."
That line was inserted last summer. So I have no place to run.

CHAIRMAN SMITHERMAN: When you say, "that line was inserted last summer," this --

MS. SAVAGE: That route.

CHAIRMAN SMITHERMAN: This route.

MS. SAVAGE: That route was inserted last summer because someone wanted the line. Below it, we don't want it.

I've talked with my neighbors. I've talked with the community out there on the Fort McKavett Road. Many of them are elderly. They're ill. They can't come. They don't have the energy or the strength to be in the fight, but I've spoken with them this week, and they too are concerned about it.

The road is so beautiful. You have the opportunity of knowing that the decision you render here will go forward to far beyond of what you've talked to your crystal ball years because these poles will be there for a long time.

And when we go and we speak to our grandchildren, we can leave the world a better place. This is a beautiful area. And I try so hard not to feel picked on, but being two for two, it's hard not to. So I'm begging. And if this cup cannot pass from me, could
it please have monopoles to be the least obtrusive?

CHAIRMAN SMITHERMAN: Well, we appreciate you coming.

MS. SAVAGE: Thank you so much for letting me speak.

CHAIRMAN SMITHERMAN: Thanks for being here.

MS. SAVAGE: Please.

CHAIRMAN SMITHERMAN: Brad, who's next?

MR. BAYLIFF: Believe it or not we have somebody who has property on I-10. Art Mudge would like to talk to you as well.

CHAIRMAN SMITHERMAN: All right.

MR. MUDGE: I'm Art Mudge. I'm a rancher in Kimble County. Like he said, I do live on I-10.

CHAIRMAN SMITHERMAN: Exactly where, Mr. Mudge?

MR. MUDGE: About seven miles west of Junction.

CHAIRMAN SMITHERMAN: Are you east or west of 1674?

MR. MUDGE: Well, we are north of it. There's 1674 that goes west of town.

COMM. ANDERSON: Are you on Y9 or --

MR. MUDGE: I think it's Y7b.
CHAIRMAN SMITHERMAN: All right.

MR. MUDGE: You can narrow it down there between the Fort McKavett Road and the Cleo Road. We're in between those two. That will give you a general area to look.

Our family has been there for about six generations. The house we live in was built in 1891. It's been our ranch headquarters for the last 114 years. They built I-10 through there about 37 years ago. So we were there before the I-10.

One of the routes mentioned is, of course, the I-10 route. We live on the north side of I-10. Our house is less than 200 feet from the interstate right-of-way.

What I'm respectfully asking is that -- well, let me state that we own the property on the south side of the interstate also. What we're asking is that if you could move that line to the south side of the interstate and also to use monopoles, because I have a defibrillator pacemaker.

My cardiologist, when I informed him of these metal lattice-type towers, he was very concerned. He said I must not get anywhere near those steel towers. Monopoles would not create as much a problem as the steel towers would. So what we are asking is two
things --

CHAIRMAN SMITHERMAN: Hold on just a second. For you monopoles, are they steel or spun concrete?

MR. RODRIGUEZ: Mr. Chairman, they can be both. It depends. In some places you can't get the spun concrete.

CHAIRMAN SMITHERMAN: Because that's one piece.

MR. RODRIGUEZ: They are very heavy.

MR. MUDGE: I appreciate the opportunity to speak to you-all.

CHAIRMAN SMITHERMAN: How much land do you have on the south side of I-10?

MR. MUDGE: We have the land that extends from the right-of-way of the interstate to the river and on across the North Llano River and then another couple of miles south of that.

COMM. ANDERSON: So it would remain on your land?

MR. MUDGE: Yes, sir. It would be on our land, whether it was on the north side of the interstate or if it was on the south side.

In visiting with the LCRA -- I suppose it was an engineer -- I'm not sure -- just some of their
staff -- when they became aware that we did own the land on both sides, they said, "Oh, yes. That's feasible. Just show us here on the map and, in fact, draw it where you would like for it to be."

COMM. ANDERSON: And, again, I think that under our standard ordering paragraphs, LCRA would have the authority to do that, because it would remain on your property.

MR. MUDGE: Yes, sir.

CHAIRMAN SMITHERMAN: Anything else, sir?

MR. MUDGE: No. That's it.

CHAIRMAN SMITHERMAN: Thank you.

MR. MUDGE: Thank you. I appreciate the opportunity.

CHAIRMAN SMITHERMAN: Next.

MR. BAYLIFF: Donna Schooley is not present today, but located on B84. She has testimony that was filed asking that you follow her property line.

COMM. ANDERSON: I'm sorry. What?

MR. BAYLIFF: B84.

COMM. ANDERSON: Her name again?

MR. BAYLIFF: Schooley, S-c-h-o-o-l-e-y.

Part of a larger exhibit of several CVA intervenors who filed testimony supporting a CVA decision for all of the intervenors, but she had specific testimony that she...
wished to request modification and following her property lines rather than bisecting B84 to b86 go from northwest to southeast and to meet the needs of AC Ranches and the place that it wanted but other property owners in that area are affected.

Ms. Schooley is one of those and it goes diagonally across her property instead of following the property lines.

There are at least two other property owners that would be affected by that. Cora McGowan is one of those and Caroline Runge. Caroline was back over there. Would you still like to speak? Okay. Caroline Runge, R-u-n-g-e.

MS. RUNGE: Mr. Chairman, Commissioners, my name is Caroline Runge. Our ranch is located at the very beginning. We're right across Highway 277 from the substation where the Line b5b joins with b14a.

CHAIRMAN SMITHERMAN: Okay.

MS. RUNGE: Since we are right across the road from the substation, we're actually the second landowner past the substation, all of the proposed routes except the one to El Dorado go across our property.

We, of course, would be thrilled if you would choose the route down 277 and avoid our property
entirely. But from early on, we've been pretty realistic that that probably wasn't going to happen, that it's going to save the LCRA, you know, 40 to $50 million to shortcut across our ranch.

What we would like to ask is that we be given some consideration in having the line across our ranch moved. I've met frequently with both the LCRA and PUC Staff making this request.

It's embodied in Runge 4 Segment Modification on Page 74 of Supplement 1 to Attachment 13. The reason I'm taking up your time today is, the last time I met with the LCRA they said that they didn't have any discretion in deciding these routes, that you-all would decide the route.

Now I understand from what you say today that they do have some discretion, but we feel a little uncomfortable in view of what you've said today that they don't want to exercise it.

COMM. NELSON: Well, there's some language in the order that we're proposing that limits their discretion insofar as it increases the cost by a certain --

COMM. ANDERSON: Let me ask this question, because I'm familiar with your request, because LCRA did package this up. So Staff has been looking at some of
this and getting information.

I gather you have sort of two requests, or it's been broken up for my evaluation purposes into two requests. One is that b14a be moved west to follow your west property line.

MS. RUNGE: Correct.

COMM. ANDERSON: And that the point where b14a enters your property, it be moved further south to avoid entering the property on top of the hill.

MS. RUNGE: And if I could explain.

COMM. ANDERSON: Now, but you're not suggesting it move off your property?

MS. RUNGE: No. We're not suggesting it move off the property. We fully accept having it on our property, but we do want that point where it comes onto our property moved south, because it comes onto our property right on top of the hill right opposite the front porch of our house, and it would be terribly visible.

But if it were moved 1,000 feet south, that would be below the edge of that hill. It would still stick up quite a bit above the hill, but it wouldn't be just extremely obtrusive. I mean, right now it's located directly off the porch and directly into the sunset.
I mean, we have a lot of gatherings on our porch. We've had this ranch -- this part of our ranch has been in the family only for 88 years, but we actually make our living on this ranch. It's not recreational property. Unlike a lot of Schleicher County people, we don't have oil income. We make our living strictly off of cattle and sheep and goat operations.

You know, we know every blade of grass on that place. It's extremely upsetting to us to think about having this large obtrusive tower just off our front porch.

COMM. ANDERSON: Just so you know, so long as all the deviations remain on your property, at least the two that's before me -- again, remain on your property -- I was inclined to actually provide that your request was to be respected.

MS. RUNGE: Well, we would be very grateful, yes.

COMM. ANDERSON: But that doesn't buy my colleagues. We're going to discuss all of these later.

MS. RUNGE: No. But -- I mean, we would be very grateful to all of you. Yes, we are all right with it remaining on the property, but we really want it to go down the fence line instead of cutting diagonally.
across the pasture.

And also -- I don't know that it's very clear in here, but if it goes diagonally across the pasture, our hunters' cabins would have to be moved. We don't have a really good place to move them to because of the shortage of water on the property. So we would be very grateful if we could have that written into the order on the final decision.

CHAIRMAN SMITHERMAN: Thank you, ma'am.

MR. BAYLIFF: Cora McGowan is also --

COMM. ANDERSON: Sorry. Her first name?

MR. BAYLIFF: Cora McGowan. I don't believe you have anything from her. She actually wasn't a party, but is a relative of some of the people who are involved with Clear View.

And while I have a moment, I want to make clear that the discussion earlier about the Staff and the settlement discussions or the routing discussions with LCRA, Staff was very cooperative with us and did work with us.

If you will remember, 38140 happened with a settlement agreement, and that sort of stopped a lot of settlement discussions right at the time that we were trying to get Staff to help arrange something with LCRA, and I think the problem may have been more in the LCRA
availability rather than Staff's willingness to cooperate, and I didn't want any misperception that Staff was uncooperative.

CHAIRMAN SMITHERMAN: We got it.

MR. BAYLIFF: Thank you.

CHAIRMAN SMITHERMAN: Tell us your name again, ma'am.

MS. McGOWAN: Cora McGowan.

COMM. ANDERSON: Is it McGowan or McAllen?

MS. McGOWAN: McGowan, M-c-G-o-w-a-n.

CHAIRMAN SMITHERMAN: G-o-w-a-n?

MS. McGOWAN: Yes. My ranch is in Schleicher County, and it's just northwest of the AC Ranches. So this new line that was recommended I believe in October affects me.

COMM. ANDERSON: What link are you on?


CHAIRMAN SMITHERMAN: 84? But you are not a party. Right, ma'am? You're not a party to the proceeding? Brad, she's not a party?

MS. McGOWAN: I'm an intervenor.

MR. BAYLIFF: You are?

MS. McGOWAN: Yes.

MR. BAYLIFF: I apologize.

MS. McGOWAN: I did. I did.
COMM. NELSON: We were going by what Brad said, that you were not. So...

MS. McGOWAN: No, I did.

CHAIRMAN SMITHERMAN: Shannon?

MS. McCLENDON: Thank you. Shannon McClendon for AC Ranches. Did she file testimony or a statement of position?

MR. BAYLIFF: She did not file testimony. She did file a statement of position.

MS. McCLENDON: I just needed that clarified.

CHAIRMAN SMITHERMAN: Go ahead, please.

MS. McGOWAN: Well, I was never contacted by AC Ranches on wanting this line. I hope it doesn't really affect your decision in that someone would profit privately from this line. To add to Caroline Runge's, our ranchland has been in the family for over 130 years. You know, we do care about our land. We're good stewards of our land. The other route that the LCRA proposed runs right by my sister's house and she's going to speak to that.

We would prefer it went down 277 and I-10 with monopoles if possible.

CHAIRMAN SMITHERMAN: So I've got a map behind me that has b84 which is the one you're on.
Right?

MS. McGOWAN: Yes, between Donna Schooley and AC Ranches.

CHAIRMAN SMITHERMAN: You're north of AC Ranches. Correct?

MS. McGOWAN: Yes, sir. 864 runs right in front of my entrance.

CHAIRMAN SMITHERMAN: And did you -- like some of the other folks who have spoken, did you propose to LCRA some modifications if the line is going to go across your property?

MS. McGOWAN: Yes.

CHAIRMAN SMITHERMAN: You've done that?

MS. McGOWAN: Yes, sir.

CHAIRMAN SMITHERMAN: I don't think I saw it.

COMM. ANDERSON: I don't think I've seen it either. What were the modifications?

MS. McGOWAN: Well, we asked for monopoles, and we have an existing pipeline that goes across the ranch. It can go near that area.

COMM. ANDERSON: So you wanted it to parallel a pipeline?

MS. McGOWAN: Yes, please. That's already a cleared area through the ranch.
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CHAIRMAN SMITHERMAN: Ferdie?

MR. RODRIGUEZ: We don't have Ms. McGowan's proposed adjustment on our list.

COMM. ANDERSON: Yeah, I don't see it.

CHAIRMAN SMITHERMAN: Yeah, I didn't see it either. Well, maybe that's something we -- you need to get with them and --

MS. McGOWAN: Okay.

CHAIRMAN SMITHERMAN: -- depending on what we do. Davida, did you get a clarification on her status?

MS. DWYER: I can't find her in the search for AIS or on our party spreadsheet. She is on the noticed spreadsheet. I'm still looking to see if it was buried within some --

CHAIRMAN SMITHERMAN: Okay. Any questions further of Ms. McGowan? Thank you for being here.

MS. McGOWAN: Thank you.

COMM. ANDERSON: Again, unless LCRA tells me they don't think that's how they read it, I think this would -- there are a couple of solutions. One is we could direct -- we could make it explicit. But it also sounds like this might fall into the minor -- almost minor deviations because it's on your property and there's already a right-of-way that -- I mean,
you're just asking them to move it on your -- where it goes on your property.

MS. McGOWAN: Yes.

CHAIRMAN SMITHERMAN: Well, paralleling existing right-of-ways is one of our objectives.

COMM. ANDERSON: That's one of the objectives.

CHAIRMAN SMITHERMAN: Okay. Ma'am, thank you.

MS. McGOWAN: Thank you.

MR. BAYLIFF: Unless I'm not aware of others, I've stricken three from your list, Mr. Chairman, and I'm only aware of two others -- Gavin Stener and Ward Whitworth. Both of them are in the area of -- in the routing around Junction in the north detour.

Mr. Stener would like to go first, and he's also a pilot who's flown into that airport and has concerns about the things that have been discussed, and then Mr. Whitworth will briefly discuss things as well. He's on Y8.

MR. STENER: Thank you very much, Commissioners, for hearing a little bit of information from me.

COMM. ANDERSON: State your name again for
the record.

MR. STENER: My name is Gavin Stener. I'm a party to the case or the docket with CVA. I'm a small landowner with property in Kimble County. I'm a private pilot, and I'm definitely potentially impacted by b19b that runs north of the airport.

COMM. NELSON: You sound a little bit like you're a native Texan.

(Laughter)

CHAIRMAN SMITHERMAN: I guess an Australian.

MR. STENER: It took me a while to get here, England and Australia.

CHAIRMAN SMITHERMAN: Well, welcome.

MR. STENER: Thank you very much.

CHAIRMAN SMITHERMAN: We like you.

MR. STENER: Thank you.

COMM. NELSON: It took me a while to get here, too.

CHAIRMAN SMITHERMAN: She came almost as far.

(Laughter)

MR. STENER: Where from?

COMM. NELSON: South Dakota, but I've been here for 30 years. I think I've earned my Texas wings.
MR. STENER: Sixteen for me. I'll try and keep this as brief as possible. There's some other landowners here that I'm actually adjacent to that will become relevant. That's Trey and Jill Whichard. They're part of the Segrest group.

But I was interested by the reference -- and I wasn't planning to speak. So I don't have all my notes here. But I saw the memo that came out yesterday with respect to going north of the airport and, therefore, I wanted to speak.

There's very often times when there's -- in the summer months you have north winds coming through Kimble County Airport. These are a very dangerous situation. Part of the reason for that is to do with density of the air.

So in summer months the air is hotter. It's thinner. Anybody who's a pilot -- Bill or anybody else -- would understand that trying to get lift is very difficult. There have been a number of incidents involving pilots leaving to the north of the airport in the summer months.

And actually on the hills above Kimble County there was in 2005 -- it's not a matter of the record. No one has entered this into the record, but I would like to speak about it. There was a small general
aviation aircraft that actually went down very close to
the proposed line -- b19b -- and actually went down on
Trey Whichard's property about half a mile from where my
house is.

That wasn't piloted by a low-time pilot.
That was an airline pilot. He could not get enough
lift. I ask you to consider that on behalf of pilots
that will be using it, especially transient pilots.

I raised this issue in the spring of 2009
with the LCRA. It was largely ignored. I then filed a
number of motions or -- they're probably not motions,
but I filed a number of freedom of information act
requests.

Probably nobody in room except Ferdie
knows this, but he battled me all the way to the
Attorney General of Texas to prevent me knowing what
they had and had not discussed with the FAA. That was a
clear intent that they really weren't listening to
landowners and concerns.

I have approached the FAA. I was the one
who did the original work for the intrusion of towers on
the top of the hill, and I produced that and provided
that to the LCRA. I could go on and on. I won't. I'll
afford everybody else the time.

FROM THE AUDIENCE: Commissioners --
Mr. Stener, I apologize, but I had a hard time hearing back there in the back. But did I hear correctly that none of this was introduced in the record at the trial on the merits?

Did I hear you say that, sir? I mean, I'm having a hard time hearing you.

MR. STENER: I apologize. What I was saying was the --

COMM. NELSON: We're smart enough to be able to distinguish between stuff. We can hear him and he said it was not.

FROM THE AUDIENCE: I apologize.

COMM. NELSON: But I would be willing to bet that it's in the public record if there was an airplane that crashed in 2005.

MR. STENER: It is available in the NTSP. It is available and it was not entered into the record. As an intervenor, one has limited capacity to introduce relevant material, which is why I tremendously appreciate this opportunity.

From a pilot's perspective and from a father's perspective as someone who uses this airport, you have the potential of having the loss of life in the event that you build these towers north of the airport.

There is material out there through the...
NTSP records and everything else of the number of aircraft that get strung in transmission lines. I am well aware of the work with the LCRA, what they did around Bergstrom, because I am working with AOPA and various other parties that should the LCRA approach the FAA and the obstruction group we will tackle this, because this is inappropriate when there are alternates to the south of the airport -- legitimate alternatives. So partly because I'm dry, I'm going to answer any questions you may have and pass time to others.

CHAIRMAN SMITHERMAN: Thank you for coming. Appreciate it.

MR. BAYLIFF: Thank you, Mr. Chairman. Unless there are others who are participants with CVA and assigned CVA to represent them, I have only one other person and the others may be either in this room or in the overflow rooms, but Ward Whitworth is the last person.

I much appreciate your willingness to consider this, and I would respectfully listen to the other people.

CHAIRMAN SMITHERMAN: What was your name, sir -- the last gentleman?

MR. STENER: My name is Gavin Stener,
MR. WHITWORTH: Yeah. I'm Ward Whitworth. I'm an intervenor with CVA. I did provide written testimony. Thank you for the opportunity to speak.

COMM. ANDERSON: Where's your property?

MR. WHITWORTH: I've got multiple properties that are affected. I have property on the LCRA preferred route, as well as on the I-10 route.

CHAIRMAN SMITHERMAN: Where on I-10?

MR. WHITWORTH: West of Junction; just east of FM 2291 in the area where the --

COMM. ANDERSON: So you're on Y --

MR. BAYLIFF: 8.

MR. WHITWORTH: Y8, the northern go-around area there as well. Just a few comments. This is a family-owned property in both areas. We were there as -- one of my neighbors spoke earlier -- before I-10 came and before 1674 came.

So that property has actually been cut, I think, three times by public highways. From a landowner looking at the interstate, there were comments earlier about the beauty of I-10. We thought it was just fine before I-10.
(Laughter)

MR. WHITWORTH: And, you know, if we're going to have a transmission line, we'd just as soon it stayed by I-10 as cut through some other property and cut a new right-of-way somewhere else.

And along those same lines with I-10 -- I'm sure everyone is aware -- but I would remind them. Out in our part of the world there's a lot of truck traffic. It does paint it as more of an industrial-type pathway there, and it's also -- the trucks can't do it but everybody else can legally travel 80 miles an hour.

So we hope that people aren't enjoying our natural beauty too intently as they travel through there.

(Laughter)

CHAIRMAN SMITHERMAN: The last time I drove through there, if you're doing 80 you're going to get run over.

COMM. ANDERSON: Here, here.

MR. WHITWORTH: Yeah. You better get in the right lane. That's the general gist of things. I would follow up with some comments about the monopoles and say that they're much preferred. Whoever gets this line, I pray that they get monopoles on them, whether it's us or others.
And I would say that since this process began, our property that's in the LCRA preferred route area, we view the private line up there from that.

CHAIRMAN SMITHERMAN: You can see it?

MR. WHITWORTH: I can see it.

CHAIRMAN SMITHERMAN: It's not on your land, though?

MR. WHITWORTH: It's not on my land, but from a point on my land I can probably see about six miles of it.

And then to access another property I drive underneath it, and I've come to accept it. In looking at other transmission lines throughout the state, I've come to appreciate that power line.

I would hope that you would try to model any new lines similar to it, because it's not as offensive as a lot of other lines are, even other monopole lines. So I would ask for the Commission to try to use monopoles as much as possible throughout the whole line.

CHAIRMAN SMITHERMAN: Let me just comment on that because I've driven underneath that line a couple of times. As you know, that was not built to any of our standards or -- I don't know if it's built to ERCOT standards or what, but it's my understanding it's
a single circuit.

I think it has arms on -- two arms on one side and one arm on the other side if I'm recollecting. It's not very tall. It's kind of squatty. And in many ways it's quite -- I won't say it's aesthetically pleasing, but it has its advantages.

The right-of-way seems to be awfully narrow, too. I don't know how much right-of-way they secured, but in some places it looks like to me it's 30 or 40 feet. It's probably more than that. You know, the challenge is, when we're building transmission that we're going to put in rate base, you know, we have to go by certain standards of reliability and safety.

I don't know if that private line has any of those or not, but it gives the illusion, I think, to some people, "Well, if I've got to have one, I want it like that."

COMM. NELSON: So one company built that and paid for it and it was not -- the cost was not uplifted to all the ratepayers in ERCOT.

MR. WHITWORTH: I'm sure. I'm just encouraging you to consider that, if you could. You know, as this all first began, when we had public meetings, the issue with the lattice towers versus monopoles was brought up.
From a landowner perspective, it was a little bit unpalatable that expense uses the issue of, you know, it's an expense issue. Well, we feel like you're taking a lot away from our property and damaging it. And when you're using lattice poles versus -- or lattice towers versus monopoles, it's a little bit of an insult saying, "Well, we really don't care what it's going to do to the value of your property," is kind of the message that it feels like we're getting.

CHAIRMAN SMITHERMAN: Yeah, I can understand your position. That's not what the message is intended to be, because -- and this was mentioned earlier and I started to say something at the time -- you know, everybody in most of Texas in the ERCOT region pays for this transmission.

It's not LCRA that is paying for it. They get their money back. So I think that their concern and rightfully so that managing cost is a worthy objective. I know that this commission and other commissions that have predated us have put a high value on cost because everybody pays for it.

People in Houston are going to pay for it. People in the Valley; other people throughout ERCOT are going to pay for this because we uplift the cost to everybody. And at least according to their
calculations, monopoles are more expensive and you have to use more of them because you can't span as far.

So -- hey, they don't care. I mean, if we tell them to do it, they'll do it. It's not their money, but it is everybody else's money.

MR. WHITWORTH: Well, certainly. It's the landowner's burden. I'm just trying to encourage you to shift as much of the burden to the ratepayers and away from the landowners as possible by that action.

CHAIRMAN SMITHERMAN: Well, here's your man right here.

(Laughter)

MR. WHITWORTH: And that's the bulk of my comments. I would say that this is the first meeting I've been to, and the Commission certainly impressed me with their level of knowledge and detail of all that's going on here, and appreciate you hearing me.

COMM. ANDERSON: Just to make sure I have your position, your principal point in addition to supporting any of it that can be done along I-10 is that any of it that can be monopoled you're in favor of as well? Those are the two points?

MR. WHITWORTH: Right. I tend to prefer it over the LCRA route and --

COMM. ANDERSON: The LCRA preferred route?
MR. WHITWORTH: Correct. And I'm for monopoles for wherever the route goes.

COMM. ANDERSON: Like the Chairman is already on the record as leaning that direction or at least for a significant part of it.

CHAIRMAN SMITHERMAN: Well, at some point we're going to have a dialogue here about what effect, if any, do we give to that private transmission line, because I think it raises some interesting policy issues.

Our rules say that we should try to take advantage of existing rights-of-way. The rule is not -- is not worded exactly as some people believe it is. It says "compatible rights-of-way including the use of the open side of an existing transmission tower."

But now we have -- in this study territory we have a private line negotiated between a private company and private landowners that suddenly may become a route that is deemed to be a compatible right-of-way for putting another line next to it.

I don't know if there's a distinction there or not. I'm looking forward to what my colleagues have to say about it. But I'm somewhat sympathetic to a landowner who may say, "I didn't want that private line on my property and, therefore, I didn't negotiate to put
it on and I didn't get any of the money. My neighbor
did. And now because of my neighbor's actions -- not
the action of some government -- my neighbor's actions,
I run a higher risk of having this new line on my
property." I'm waiting on these guys to tell me what
they think about this.

(Laughter)

COMM. ANDERSON: I'll wait till we get to
that point.

(Laughter)

CHAIRMAN SMITHERMAN: Thank you for
coming.

MR. WHITWORTH: Thank you very much.

MR. BAYLIFF: For all my disputes with
LCRA in this and Mr. Symank (inaudible) I'll commend his
testimony that does talk about monopoles, and the larger
use of monopoles actually reducing the cost to much less
than originally was thought discussed.

This was an exhibit with Jonathan
(inaudible) testimony. It is a viewscape that shows the
LCRA preferred route coming from up here in McCamey D
and coming down towards Kendall, and I was shocked to
see how much of the hill country area in that preferred
route area one could see the preferred route.

You can come almost all the way up to
Menard and Mason and be able to see parts of the preferred route in one part of the study area, and that was one of the things as we were putting everything together it was a big surprise. That's the reason a lot of people are concerned about this. It will be visible to a number of people throughout the hearing.

I'm not aware of any other CVA intervenors who have an interest or desire to speak to you. We much appreciate this opportunity and thank you very much.

CHAIRMAN SMITHERMAN: You're welcome. Why don't we move on now. I know we have some folks from Tierra Linda who wanted to speak. Do you have a -- there's a bunch of you here. So don't all of you queue up. Okay? But if you've got some designated representatives...

MR. BAYLIFF: And there's several of us who are willing to go to the overflow room to allow --

CHAIRMAN SMITHERMAN: Great. Thank you. You know, that's a great idea. If you've already said your piece, go to the overflow room and let somebody who's standing have your seat.

I tell you what, why don't we take a five-minute break while everybody is moving in and out. If you've got a card, give it to Will, please, the Court Reporter. Right now he's trying to phonetically get all
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your spellings.

(Recess: 2:17 p.m. to 2:26 p.m.)

CHAIRMAN SMITHERMAN: Okay. Let's go back on the record, please. We're going to hear from representatives for the Tierra Linda development. Sir?

MR. STRACKE: Thank you very much. I come here --

CHAIRMAN SMITHERMAN: Your name, please, sir.

MR. STRACKE: I'm sorry. Bruce Stracke, S-t-r-a-c-k-e. I come here as the board president of the Tierra Linda Ranch Homeowners' Association. It represents 233 individual intervenors with combined testimony that was signed by myself.

With me today -- there are six directly-affected homeowners that I'm aware of that wish to address you. They waited six months, and I cannot tell you how much we appreciate the opportunity to come before you today and do that.

And just in a little bit of association, I really feel like we've always been kind of the red-headed stepchild in this docket. We didn't have the resources to hire a PUC attorney or someone who specializes in that, and we have because of our community, because of the willingness of these folks to
ban together and do their own efforts and their own
research and work have tenaciously stayed in this fight
to make their voice be heard so that they would at least
know that when you made a decision you knew what our
opinion was.

I can't tell you how grateful we are for
you allowing us that opportunity. But having said that,
I would like to invite Buzz Kerr up. He lives on a
property that faces directly the right-of-way on Segment
b56 and would like to share his comments with the
Commission. Thank you.

CHAIRMAN SMITHERMAN: So, Mr. Stracke,
before you do that, I want to make sure I have a good
understanding of this neighborhood, because the map that
was filed as part of your testimony, this was one of them.

Does this look familiar to you?

MR. STRACKE: Yes, sir.

CHAIRMAN SMITHERMAN: And it looks like
from this map that the proposed transmission line would
go down an existing gas line right-of-way.

MR. STRACKE: That's correct, sir.

CHAIRMAN SMITHERMAN: Okay. Like I'm sure
everyone in the room did, I went to Google maps. It's
an amazing technology. I focused in on -- in particular
on Tierra Linda and on this right-of-way. So a couple
of questions.

One is, is this a park on the eastern side
of this right-of-way?

MR. STRACKE: Yes, sir, Rocky Point Park.

It's part of our parks and trail system, all part of the
community property that the ranch owns through the
homeowners' association.

CHAIRMAN SMITHERMAN: So describe the park
for me a little bit.

MR. STRACKE: That particular park is up
on the -- that particular area is part of the divide
between the Pedernales and the Guadalupe River
watersheds. So it's some of the higher land in
Gillespie County. That particular park is one of the
higher points on the ranch and is at the eastern edge of
one of our horse riding trails, the trail we often use
for sunset rides and such.

CHAIRMAN SMITHERMAN: It looked like from
Google Maps that there was some sort of right-of-way
running from south to north or north to south along this
eastern edge of the development. It could have been a
fence line. It could have been a distribution line.

MR. STRACKE: I believe it's just a fence
line. We don't have any north and south running --
CHAIRMAN SMITHERMAN: Okay. Now, this gas line, I think from the testimony it was described as an older gas line right-of-way. Do they still come through and maintain the right of way and clear this thing out, or what sort of maintenance goes on there?

MR. STRACKE: I'm not aware of the pipeline organization coming through and doing any maintenance.

CHAIRMAN SMITHERMAN: Maybe one of the landowners there can --

MR. KERR: Aerial.

CHAIRMAN SMITHERMAN: Aerial inspection or --

MR. KERR: Aerial inspection.

CHAIRMAN SMITHERMAN: What about actual on-the-ground --

MR. KERR: I've never seen a vehicle on the right-of-way.

CHAIRMAN SMITHERMAN: Just for the record, say your name, sir.

MR. KERR: My name is Buzz Kerr. I live in Tierra Linda at 40 West Lacey, Oak Parkway, the street just north of the right-of-way.

CHAIRMAN SMITHERMAN: Okay. Then in terms of the number of homes that would be -- I'm going to say
"directly affected" -- I know that everyone who can see this or would drive under it believes them to be affected. The number of lots that looks like would be affected is somewhere in the neighborhood of -- what -- 10, a dozen?

MR. STRACKE: I believe there are 15 actual --

CHAIRMAN SMITHERMAN: 15?

MR. STRACKE: -- habitable structures, and there are a number of lots who haven't been built on yet. In fact, some folks have been waiting to build to find out what's happening here on this particular docket.

CHAIRMAN SMITHERMAN: So I think we count 12. I think the map shows 12 habitable structures within the 500-foot right-of-way.

MR. STRACKE: There are other documents. There's one document from the LCRA that had 14, and I can't remember which, but I thought there was another document that had 15. So you're right. I've seen three different numbers -- 12, 14 and 15.

CHAIRMAN SMITHERMAN: And what's the average size of these properties?

MR. STRACKE: They're probably about six acres.
CHAIRMAN SMITHERMAN: Even in this area of where the transmission line would go?

MR. STRACKE: Yes, sir. There is on the -- to the northwestern side there may be a couple of properties that flag a bit and might be a little -- slightly larger than that. But in general I would say they're all about six acres. You-all have six, you-all have six. I have six. So they're about six acres.

MR. KERR: They're six to 10.

CHAIRMAN SMITHERMAN: Now, you-all don't talk at the same time, because Will can't get that. And is this a municipal utility district? How is your water and sewer supplied? Is it through the city or --

MR. STRACKE: No. It's not a municipal -- there are no municipal utilities. The ranch has a homeowners' association. Individual owners provide their own water and on-site septic systems.

CHAIRMAN SMITHERMAN: Septic? Okay.

COMM. ANDERSON: So it's both wells and septic systems?

MR. STRACKE: Yes, sir. Some rainwater catchment.

CHAIRMAN SMITHERMAN: Now, are there other transmission lines that are going through this development in any part of it?
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1 MR. STRACKE: No, sir. There are -- you
2 know, CTEC has distribution lines.
3
4 CHAIRMAN SMITHERMAN: Okay. So your
5 electricity is served by --
6
7 MR. STRACKE: CTEC.
8
9 CHAIRMAN SMITHERMAN: -- a co-op?
10
11 MR. STRACKE: Yes, sir, Central Texas
12 Co-op based out of Fredericksburg, I believe.
13
14 CHAIRMAN SMITHERMAN: So your electricity
15 is served by --
16
17 MR. STRACKE: CTEC.
18
19 CHAIRMAN SMITHERMAN: Co-op?
20
21 MR. STRACKE: Yes, sir, the Central Texas
22 Co-op based out of Fredericksburg, I believe.
23
24 CHAIRMAN SMITHERMAN: Other questions of
25 Mr. Stracke before we hear -- sir, please. Go ahead.
26
27 MR. STRACKE: And I wanted to introduce
28 these homeowners. And I do have a very short, three
29 minutes of comments, at the very end, if I could.
30
31 CHAIRMAN SMITHERMAN: Okay.
32
33 MR. STRACKE: Thank you.
34
35 MR. KERR: Okay. Let me introduce myself
36 a little bit first. My background is building
37 transmission structures. I started out the AB Chance
38 Company when we were still building lattice towers. I
designed all the structures on the Houston-Dallas double circuit 345 lattice tower line.

CHAIRMAN SMITHERMAN: Sir, pull that mic a little closer so they can hear you in the back. There you go.

MR. KERR: I designed and worked on all the structures on the 345 double circuit double delta transmission line from Fort Bend all the way up to Dallas. They married in -- they married Texas Power & Light and HL&P in Jewett, or that’s where the transfer was. I worked for that same organization for 19 years. We developed tubular poles and tubular structures at that plant, and I was instrumental in the marketing of that, until I moved on to greener pastures.

Most of the people that are general managers or plant operators in the state of Texas were people that worked with me and trained with me when we were developing those poles, so I have a unique background in transmission construction. And I doubt seriously anybody in here knows as much about transmission structures. I've probably forgotten more than most people in this room have.

(Laughter)

MR. KERR: I respect your job with what you have to do, because you're affecting the lives of
people, and all we were doing was supplying a product.

People's lives are dependent upon the value of the
property that they own. And it will diminish our
property values if the line does, in fact, go through
there, but it will do the same wherever it goes.

I hate to say this: I designed and built
a lot of structures. I have yet to see a pretty one.
They're all ugly.

I do have some questions that I have not
had answered, and I'm concerned about it. One is the
height of the structures with a monopole, and that's
been proposed pretty much for this line. The higher you
go, the greater the groundline moment, can't be avoided.
We have very high winds right across that pipeline
right-of-way. I've clocked ground speed winds at over
50 miles an hour.

As you go up, as every engineer knows, the
stronger that wind gets. The higher the structure, the
greater the groundline moment. The load is exponential.
That is easily accomplished in a lattice tower, because
your base is spreading out as you go up. In a monopole,
it's a whole different situation, because it's point
loading.

I don't want to see a lattice tower in
there; I would prefer not to see a monopole in there.
But because they're saying this structure is over 200-foot tall, I don't see how that they're going to handle that on monopole. Are they planning to upgrade this line to 800 kV or 790?

CHAIRMAN SMITHERMAN: No.

MR. KERR: Can they do that without running back --

CHAIRMAN SMITHERMAN: Let me just ask, what's the height, Ferdie?

MR. RODRIGUEZ: Mr. Chairman, the highest is 185 feet, and they can be substantially lower than that -- 120, 130 feet. 140 feet, I think, is what we're looking at if we were to monopole through this area. The height of the structures is not 200 feet.

CHAIRMAN SMITHERMAN: Okay. So it's going to be less than that.

MR. KERR: Still high but less than that?

CHAIRMAN SMITHERMAN: Yes.

MR. KERR: On the southwest corner of the ranch right near the entrance, there is a radio station -- radio tower. It's 140-foot tall, can be easily seen from I-10. I would imagine these towers will be two miles north of there. You'll still be able to see them from I-10, as we're right on the ridge, transition ridge from the Pedernales to the Guadalupe,
and that's where that right-of-way is.

I would like to see it go elsewhere, but I can live with whatever the Lord supplies. So thank you.

COMM. ANDERSON: Let me ask just a quick question.

MR. KERR: Yes, sir.

COMM. ANDERSON: As between -- assuming that the tower is somewhere between 120 and I guess 180 -- and the Judge has actually already recommended that it be monopole. I just want to make sure I understand. If it were to come through, you prefer monopoles?

MR. KERR: Yes.

CHAIRMAN SMITHERMAN: Okay. What's this total distance across the subdivision here?

MR. KERR: About three quarters of a mile.

CHAIRMAN SMITHERMAN: And, Ferdie, by you-all's calculations, what's the incremental cost per mile for monopoles?

MR. RODRIGUEZ: We can get that for you, Mr. Chairman. It's in Mr. Symank's testimony.

COMM. ANDERSON: The number that I recall was -- and it depends on the structure and depends on a lot of different factors. But when I was doing some rough back-of-the-envelope calculations, it was about --
it shouldn't generally exceed 300,000 --

CHAIRMAN SMITHERMAN: Per mile?

COMM. ANDERSON: -- per mile, I think is what it was.

CHAIRMAN SMITHERMAN: Two to 300,000 is what I think.

COMM. ANDERSON: That's what I recall. It was between two and 300.

MR. RODRIGUEZ: Mr. Symank says that sounds correct.

CHAIRMAN SMITHERMAN: Okay.

COMM. ANDERSON: And so in my calculations, I was averaging up, to be safe, at about 300,000 a mile.

COMM. NELSON: And that takes into consideration the reduced right-of-way?

MR. RODRIGUEZ: Yes. We would -- let me say this: If it were to go through Tierra Linda, I think this would be one of those areas where -- I'm not saying that expense is not a concern, but we would use the 100-foot right-of-way, smaller towers, shorter towers, as many towers as necessary to keep it within the right-of-way, keep it short, keep it as unobtrusive as possible. If we needed to use the rusted towers, that would be one of those areas where we would ask that
you give us as much discretion as possible to minimize
the footprint and the aesthetic --

MR. KERR: I would say one more thing
before I get up. You might get a kick out of this. The
towers that we delivered to Texas Power & Light in
1959 -- delivered, galvanized -- 14.6 cents a pound.

(Laughter)

CHAIRMAN SMITHERMAN: Thank you; thank
you.

UNIDENTIFIED SPEAKER: Times have changed
all right.

(Laughter)

CHAIRMAN SMITHERMAN: Who is next?

MR. STRACKE: Becky Freeman lives along
the right-of-way. Her home is within several hundred
feet of the center of the proposed line on Segment B56.
And she would be looking right out of the back of her
home, the north side of her home that she's been
enjoying for years is the place where they come down and
unwind at the end of the day.

MS. FREEMAN: Becky Freeman.

CHAIRMAN SMITHERMAN: Welcome.

MS. FREEMAN: Hello. Thank you for
letting me speak. My husband and I live on Tierra Linda
Ranch located in the corner of Gillespie County, but our
mailing address is Kerrville, so we're kind of step-
children of both of those municipalities.

The route for the proposed transmission
line, MK15 crosses our property. Eight years ago when I
retired as a public school teacher, we paid cash for our
home on six acres in Tierra Linda, anticipating living
in the quiet scenic natural beauty that we found there,
and we have not been disappointed.

Since moving to Tierra Linda, we've made
two substantial investments improving our home, so it's
worth a lot more now than it was when we bought it eight
years ago. We have expected that some day we'll be able
to reap the benefits if we need to fund long-term care,
by selling our home in our later years. If the MK15
line is approved, we have great concerns about the value
of the property in the future and the gash that would be
left in the natural environment we now enjoy.

Let me tell you about Tierra Linda Ranch.
We are a 3000-acre working ranch -- horses, cows, the
works. We are a wildlife preserve, all kinds of
wildlife out there, and they're protected. Nobody gets
to shoot them. There are approximately 200 --

COMM. ANDERSON: You just lost the
Chairman.

(Laughter)
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MS. FREEMAN: We lose a lot of friends who come and look at those black buck antelope and just can't stand it.

(Simultaneous discussion)

CHAIRMAN SMITHERMAN: I like to look at them, too.

MS. FREEMAN: We have approximately 270 homes and over 500 people who live out there. We have an airport, and that has been mentioned some today, the one at Junction. We have a volunteer fire department that we are very proud of, and they serve more than just us. We have two tennis courts, a stable with 14 horses that our residents enjoy riding.

We have a pool and we have a stone clubhouse where a lot of different groups meet. We have a riding advisory group that promotes the horseback riding. And we have cookouts -- barbecues, cowboy breakfast. And it's just a great place to live. Tierra Linda is a real community in the true sense of the word. We have neighbors who care and are there for one another in times of joy and troubles.

Most of us are retirement age. My husband and I are both 70, and we've worked hard for a long time to be where we are, and we're enjoying the Hill Country and want to preserve it. We are one of what I think is
13 homeowners living along the proposed MK transmission line who would be the most affected by a line crossing our properties. From our back door, it's close enough that I could literally throw a rock -- and I do throw like a girl -- to that right-of-way.

(Laughter)

A close neighbor would have the right-of-way crossing over their garage and studio. Another would have it passing over their pool, and I wouldn't be interested in swimming in that pool with that line over it. We're not a wealthy group of residents, but we have been hardworking people who have saved and are enjoying the fruits of our labor. And we want to continue to be able to live in the beautiful and unspoiled area we call the Tierra Linda Ranch.

One more thing. A few weeks ago, a dozen or 15 of us gathered one afternoon, and we tied that yellow caution ribbon around all the oak trees that we think will have to be cut down that we've measured and sort of know where this is, and there are hundreds of them. We think about 400 of those old oak trees will have to be taken out if this line goes through. It was shocking when we stood back and looked at all that yellow ribbon around those trees.

According to figures I've seen, building
the line through Tierra Linda would affect many more residential homes and cost over 34 million more than other choices such as the MK13 which was the preferred route by the LCRA. That's money that the State of Texas does not have with the shortfall of income experienced this last year. There must be a better alternative to destroying the natural area that we have in Tierra Linda Ranch.

Thank you very much.

CHAIRMAN SMITHERMAN: Well, let me make two observations. First of all, your former students would be very proud of you.

MS. FREEMAN: Thank you. They're probably about your age.

(Laughter)

CHAIRMAN SMITHERMAN: You know, it's funny you should mention age --

(Laughter)

-- because I hope this doesn't upset your husband, but you look awfully good for 70.

(Laughter)

MR. FREEMAN: Hey, I know she does.

CHAIRMAN SMITHERMAN: Is that you? Are you --

MR. FREEMAN: Forty-six years' worth,
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baby.

(Laughter)

CHAIRMAN SMITHERMAN: And for the record, I'm 53.

(Laughter)

MR. FREEMAN: Our daughter is 45.

(Laughter)

CHAIRMAN SMITHERMAN: Well, thank you very much. Thank you.

MR. STRACKE: Sharon Fell has property that her and her husband haven't built on yet. They bought it a couple of years ago, I want to say in this -- is Sharon here? Is she still here? Did she go to lunch?

MS. FELL: I'm here.

MR. STRACKE: You've decided not to speak? I'm sorry.

Well, let me just tell you a little bit about Sharon, just so you understand. Her and her husband bought their property about two years ago. And he has a medical condition which I can't pronounce, but they have been advised that if the lines come through, because of the equipment that they have that they cannot -- they should not build. It would not be advisable. And so they have been delaying their
construction to see what happens in this docket. And, as you saw, she's decided not to speak today.

Carlos Reyes lives -- he's my neighbor. He lives right next to me. Carlos, his home is about 800 feet from the center of the proposed B56 centerline. Anyway, I'll let Carlos --

MR. REYES: Thank you, Bruce.

I want to thank the Commission for giving us all the opportunity to come and address this issue, so I'll begin. My wife and I, we live in B56007. We invested quite a bit of time and effort locating, you know, what we consider to be the most beautiful place in Texas. And not only time that we invested but quite a substantial portion of our savings and we -- you know, the emergency response team knows our location as 145 Indian Springs, but my wife and I, you know, like to look at it as the place where we would like to retire and join these folks who are living out the fruit of their labors and the fruition of their dreams.

Additionally, a pervasive theme during all these proceedings has been community value. And my wife and I have become so appreciative of the value of community. I know it hasn't escaped the attention of the Commission, the on-going participation of our community throughout these proceedings. And, you know,
I'm joined here by over 100 of my friends, neighbors and their families. And the balance of the ranch that stayed behind are responsible for responding to emergencies or are infirm.

So the participation here is quite significant because of our concern and our caring. We have practiced, you know, exemplary stewardship of the land, and that's obvious to anyone who comes and visits that, because of the nature and the myriad of natural features such as the old oaks that was referred to earlier.

And I guess in conclusion, I just wanted to encourage the Commission to avoid the power lines coming through, which would be right outside my front porch. So again, I appreciate this opportunity.

CHAIRMAN SMITHERMAN: Thank you.

MR. STRACKE: And the Weinkaufs are actually -- their home is within 69 feet.

MR. WEINKAUF: All right. My name is John Weinkauf. This is my wife, Rebecca. We live at 2408 Oak Alley. We are what we call ground zero. It goes over the top of our house and my workshop where I make my living, and it will diminish our life style greatly.

My wife has something she can read, if you can.
MS. WEINKAUF: Because I knew I wouldn't be able to speak, as John said, my husband and I live directly in the pathway of the suggested route which means we will lose all that we have lived for and invested in. Not only this ranch as a whole will lose the unique and innovative qualities that make it a fixture in our community of Tierra Linda. We are 69 feet from the center. The lines threaten to uproot us and to slice up the ranch. Tierra Linda is a land of private property owners, young and old, all income levels, who share the costs of maintaining the ranch as a whole. As a community, we work hard to maintain the natural beauty of the ranch where we can have space for horseback riding, biking, walking, hiking and picnicking, all the things that we do together.

We invest in our homes while maintaining the function and quality of our working ranch. Some owners are retired, some work in Kerrville, some work in Fredericksburg and nearby towns. We all love our homes. We invest in the local economies and communities and help create local jobs and revenue. I'm a local school teacher, still am. I had to get permission to take the day off to come. And my husband, as he said, is a custom bootmaker. He has already been impacted --

CHAIRMAN SMITHERMAN: Well, wait a minute;
wait a minute. Just stop right there.

(Laughter)

CHAIRMAN SMITHERMAN: Stop right here.

UNIDENTIFIED SPEAKER: He's got a deal for you.

(Laughter)

MR. WEINKAUF: I want you to know I quit taking orders six months ago, because I didn't know what was going to happen.

(Laughter)

MS. WEINKAUF: Yes. We've spent the last six years remodeling our house into the home we wanted in Tierra Linda, as well as gaining a whole community of friends through help provided and help received. This upheaval of taking our home, its warmth and comforts and invested years is something that is extremely trying.

If you vote to slice the transmission lines through our land -- and for us it will be through our home -- we will lose all that we have worked to establish. The past year we have had to replace well pump and pipes, water lines, plus electrical work, just to enable us to stay living there until the PUC made their decision. We have had to pay taxes on a property that may be taken away by imminent domain. And our life has been nothing like the peace it was.
Starting out the new year with these uncertainties is anything but peaceful. And while we are very much looking forward to some final decision being made, we are concerned about your choice. And I understand it's a tough decision. And I thank you for letting us share our stories.

CHAIRMAN SMITHERMAN: Well, thank you very much for coming.

Ferdie, let me ask you a question. As I'm looking at the maps and as we talked about earlier in the context of another case, you know, it's hard to look at individual pieces. You sort of have to look at the theme of what a line looks like. So sort of walk me through LCRA's thought process.

As you come from I-10 headed in this direction, coming through this development, I assume you were trying to make your way over to the genie so that you could use that right-of-way to work your way down to the substation. And because they have a pipeline running through here, that provided a potential avenue?

MR. RODRIGUEZ: That's correct, Mr. Chairman. As we were coming down I-10 -- in fact, if you look at the area there, there's a reason why infrastructure is where it is. The topography of the
area lends itself to things like pipelines, I-10. And as we come down -- for example, as we came down I-10, under the rules we're supposed to look at paralleling compatible rights-of-way such as a pipeline.

The pipeline is a routing opportunity under the rules. That's essentially what we were trying to do. The pipeline has been there for a long time. The development actually was built around the pipeline, and it is -- excuse me. It's approximately 4,000 feet from east to west as we cross it, and we were trying to do just exactly what you said. It's a routing opportunity under the rules, and I think we would have been expected to look at it. And if it looked like it was something that we should parallel, we would have been expected to do that, and that's why we put it there. You're right. We trying to traverse from I-10 to get over to the Horse Hollow line.

CHAIRMAN SMITHERMAN: That's what I thought, and I think you were doing the right thing in putting it on the table. If the Horse Hollow project were not available -- let's pretend it's not there -- what would your thought process have been then?

MR. RODRIGUEZ: Well, it's hard to say.

CHAIRMAN SMITHERMAN: Well, let me sort of help you out, because your first set of potential routes
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1 did not follow -- if I'm recalling correctly, did not
2 follow Horse Hollow, as I recall. Coming into the
3 Comfort substation, you had three distinguished routes
4 that were sort of paralleling each other and working
5 their way. And, of course, then it gets narrower and
6 narrower as you get close to the substation.
7
8      MR. RODRIGUEZ: They do converge on the
9     substation.
10
11     CHAIRMAN SMITHERMAN: Because I think
12 Horse Hollow -- I think paralleling Horse Hollow or the
13 private gen tie really came into being in a later
14 iteration of your routes.
15
16     MR. RODRIGUEZ: Mr. Chairman, I'm not sure
17 that's correct.
18
19     CHAIRMAN SMITHERMAN: Okay.
20
21     MR. RODRIGUEZ: I think Horse Hollow was
22 energized in the fall of '09, I believe, but we were
23 aware of it, and it presented itself as another routing
24 opportunity. And I know -- I guess we'll get into this
25 later -- about whether or not a private line constitutes
26 a compatible right-of-way. But without that kind of
27 direction to us, it was something that we would have
28 been expected to parallel.
29
30     CHAIRMAN SMITHERMAN: Listen, I'm not
31 being critical.
MR. RODRIGUEZ: Right.

CHAIRMAN SMITHERMAN: Don't take it -- and we haven't discussed what we collectively think about Horse Hollow as compatible right-of-way. But you've confirmed what I thought was your thought processes. Let's try to, given another route that gets into the station, other than I-10, parallel some of the stuff that the Commission rules talk about, and so this became your opportunity.

MR. RODRIGUEZ: That's correct. The only place where I think I would differ with you is, I think we were always looking at the pipeline and the Horse Hollow line as routing opportunities.

CHAIRMAN SMITHERMAN: Okay.

MR. RODRIGUEZ: But, yes, we were trying to follow the routing criteria in 25.101.

CHAIRMAN SMITHERMAN: Tell me -- Bruce, may I?

MR. STRACKE: Yes, sir.

CHAIRMAN SMITHERMAN: How big is the whole development of Tierra Linda?

MR. STRACKE: It's about 3,000 acres, 370 individual tracts and 276 single-family residences.

CHAIRMAN SMITHERMAN: And do you know the assessed valuation for the whole thing?
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MR. STRACKE: About $126 million. And Bill Perkison nearby can confirm that.

MR. PERKISON: Yes.

MR. STRACKE: Is that right?

MR. PERKISON: That is correct. It was on the Gillespie County Appraisal Board.

CHAIRMAN SMITHERMAN: Generally what's the soil like there? Is this caliche?

(Laughter)

UNIDENTIFIED SPEAKER: There is no soil.

UNIDENTIFIED SPEAKER: No top soil.

(Laughter)

CHAIRMAN SMITHERMAN: Tell me the nature of the rocks.

(Laughter)

UNIDENTIFIED SPEAKER: Wherever you've seen rocks.

MR. STRACKE: I'm a home builder, and I'm currently building a project on the ranch. And when I brought out the concrete guy, he says "No problem. We'll bring our hand shovels and move the little bit of dirt around," and we can have a foundation if you want.

It's typically very rocky. There's a thin, what's common in the karst formation of the Edwards Plateau. You have that very thin dark soil on top that does