



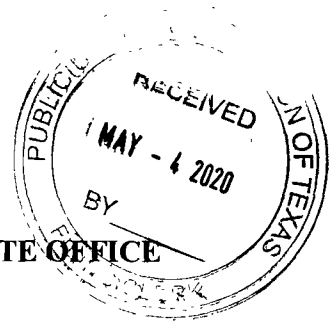
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SOAH DOCKET NO. 473-19-6766
PUC DOCKET NO. 49523



APPLICATION OF LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
PROPOSED MOUNTAIN HOME 138-
KV TRANSMISSION LINE PROJECT
IN GILLESPIE, KERR & KIMBLE
COUNTIES, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

MAXIMINO "MAX" MICHEL-GONZALEZ
D/B/A BETA REAL ESTATE LLC AND SAVOY LTD'S
EXCEPTIONS TO THE PROPOSAL FOR DECISION

May 4, 2020

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**MAXIMINO “MAX” MICHEL-GONZALEZ
D/B/A BETA REAL ESTATE LLC AND SAVOY LTD’S
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I. INTRODUCTION AND SUMMARY

Mr. Maximino “Max” Michel-Gonzalez, d/b/a Beta Real Estate LLC and Savoy Ltd. (“Mr. Michel-Gonzalez”) has owned a 1,600 acre ranch just north of Hunt for decades.¹ Proposed Segment I would bisect Mr. Michel-Gonzalez’s property almost straight up the middle.² When developing Segment I, LCRA TSC believed that it would largely parallel the boundary line between two adjacent tracts.³ However, after filing this case, LCRA TSC learned that the tracts on either side of Segment I are *both* owned by Mr. Michel-Gonzalez and operate as a single, unified property,⁴ meaning that a large portion of Segment I does not parallel property lines or any other natural feature.⁵ LCRA reflected this in an update to its application, but Segment I remained an option in many routes.

The Proposal for Decision (PFD) recommends Route Hunt 37A. Under the objective

¹ Michel-Gonzalez Ex. 1 (Kuykendall Dir.) at 5.

² Tr. (Cross of LCRA TSC Panel - Meaux) at 132:13-21 (Jan. 21, 2020).

³ Tract Nos. I-002 and I-003. See LCRA TSC Ex. 2 (Large Intervenor Map).

⁴ Tr. (Cross of LCRA TSC Panel - Wenmohs) at 128:20-129:24 (Jan. 21, 2020).

⁵ See Application of LCRA Transmission Services Project Corporation to Amend its Certificate of Convenience and Necessity for the Proposed Blumenthal Substation and 138-kV Transmission Line Project in Blanco, Gillespie, and Kendall Counties, Docket No. 43599, Final Order at 2 (Dec. 4, 2015) (concluding that the term “property lines” in Substantive Rule 25.101(b)(3)(B)(iii) refers to the property boundaries of a landowner’s total contiguous area of land; the term does not refer to tax parcel lines).

criteria typically prioritized by the Commission, Route Hunt 5 performs the best. It is the shortest, least expensive, and directly impacts the fewest habitable structures. However, Mr. Michel-Gonzalez recognizes that community support is also an important factor in selecting a route, and agrees with the PFD that there is relatively broad consensus around Route Hunt 37A. Route Hunt 37A is not Mr. Michel-Gonzalez's first choice because it follows his entire southern and western property boundaries, but like Route Hunt 5, Route Hunt 37A does avoid unnecessarily bisecting his property on Segment I. To that end, if the Commission does not select Route Hunt 5, Mr. Michel-Gonzalez is willing to accept Route Hunt 37A, and has consented to having Segment C5 on his property.

V. PRELIMINARY ORDER ISSUES

D. Preliminary Order Issue No. 4: Which proposed transmission line route is the best alternative weighing the factors set forth in PURA § 37.056(c) and 16 Tex. Admin. Code (TAC) § 25.101(b)(3)(B)?

Route Hunt 5 is objectively the best option under the routing criteria in PURA and the Commission's rules. As explained in detail in Mr. Michel-Gonzalez's prior briefing, Route Hunt 5 is the least expensive route (by a margin of at least \$2.4 million),⁶ the shortest (by 0.86 miles),⁷ and is within 300 feet of the fewest habitable structures (by a margin of 4).⁸ Route Hunt 5 also ranks third overall in paralleling property lines and compatible rights-of-way (ROW).⁹ The Commission has historically prioritized these factors in routing cases to avoid unnecessary land fragmentation¹⁰ and to mitigate impacts to local residents, while maintaining a reasonable cost for

⁶ Route Hunt 5 was the least expensive of *any* of the proposed routes. *See* Michel-Gonzalez Ex. 2 (Gurley Dir.) at 8 Tr. (Cross of LCRA TSC Panel - Symank) at 154:12-14 (Jan. 21, 2020).

⁷ Route Hunt 5 was the shortest of *any* of the proposed routes. *See* Michel-Gonzalez Ex. 2 (Gurley Dir.) at 8; Tr. (Cross of LCRA TSC Panel - Meaux) at 154:23-25 (Jan. 21, 2020).

⁸ Michel-Gonzalez Ex. 2 (Gurley Dir.) at 8; Tr. (Cross of LCRA TSC Panel - Meaux) at 155:1-12 (Jan. 21, 2020).

⁹ *See* LCRA TSC Ex. 4 (Route Cost and Data Chart).

¹⁰ *See* Joint Application of AEP Texas North Company and Electric Transmission Texas, LLC to Amend Their Certificates of Convenience and Necessity for the AEP TNC Heartland to ETT Yellowjacket 138-kV Transmission Line in McCulloch and Menard Counties, Docket No. 46234, PFD at 48 (July 13, 2017) ("In addition to the strongly held community value of paralleling property boundaries, **the Commission has indicated a preference to avoid bisecting properties, when possible.**") (emphasis added); Application of Trinity Valley Electric Cooperative, Inc. to Amend its Certificate of Convenience and Necessity for a Proposed 138 kV Transmission Line in Kaufman County, Texas, Docket No. 37442, Final Order at FoF 81 and 82 (Mar. 31, 2011) (explaining that the Commission approved Route 10 in part because it "parallels more property lines and bisects less

Texas ratepayers.¹¹

However, the PFD recommends Route Hunt 37A because it performs reasonably well under the Commission's routing criteria while also resolving most of the landowner concerns raised in this proceeding. While Mr. Michel-Gonzalez continues to support Route Hunt 5, he is willing to accept Route Hunt 37A as a compromise position that mitigates the impacts to his property while also addressing the concerns of his neighbors.

VI. CONCLUSION

Mr. Michel-Gonzalez appreciates the Administrative Law Judges' careful consideration of this case. While Mr. Michel-Gonzalez continues to support Route Hunt 5 as the best route, he is willing to accept the PFD's selected Route Hunt 37A as a reasonable compromise solution.

Respectfully submitted,

/s/ Michael McMillin

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property than route 9 and the other routes utilizing links H and L.”).

¹¹ See, e.g., Application of TXU Delivery Company to Amend a Certificate of Convenience and Necessity (“CCN”) for a Proposed Transmission Line within Jack, Wise and Benton Counties, Texas, Docket No. 30168, Final Order at 2 (Nov. 7, 2005) (“**This Commission has previously emphasized two factors in deciding the routing of transmission lines: the cost of the line and its impact on habitable structures.**”) (emphasis added); see also Application of Oncor Electric Delivery Company, LLC to Amend its Certificate of Convenience and Necessity for the Brown-Newton 345-kV CREZ Transmission Line in Brown, Mills, Lampasas, McCulloch, and San Saba Counties, Texas, Docket No. 37464, Final Order at 2 (Apr. 5, 2010) (prioritizing paralleling); Application of Lone Star Transmission, LLC for a Certificate of Convenience and Necessity for the Central A to Central C to Sam Switch/Navarro 345-kV CREZ Transmission Line, Docket No. 38230, Final Order at FoF 93 (Nov. 17, 2010) (same).

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CERTIFICATE OF SERVICE

I, Michael McMillin, Attorney for Mr. Michel-Gonzalez, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 4th day of May, 2020 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Michael McMillin
Michael McMillin