



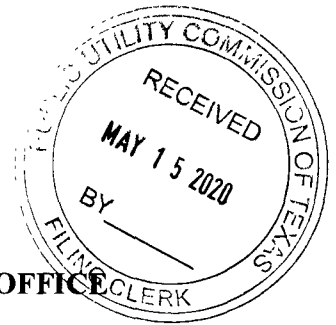
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SOAH DOCKET NO. 473-19-6766
P.U.C. DOCKET NO. 49523



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

ALIGNED SEGMENT A AND C MOUNTAIN HOME LANDOWNERS
REPLY TO EXCEPTIONS

I. INTRODUCTION

The Aligned Segment A and C Mountain Home Landowners (“Aligned Segment A and C Landowners”) file this Reply to Exceptions to continue advocating the avoidance of Segment Nos. A and C in any route approved in a proposal for decision (“PFD”) issued by the State Office of Administrative Hearings (“SOAH”) and, subsequently, the order of the Public Utility Commission of Texas (“PUC”). The members of the Aligned Segment A and C Landowners are: Guy S. Lipe and Robin J. Lipe; Robert Wakefield and Mary Jane Wakefield; West Honey Creek Ranch Limited Partnership by West HCR GP LLC represented by John H. Duncan, Jr., President; East Honey Creek Ranch Limited Partnership by East HCR GP LLC represented by Nena Marsh, President; William “Andy” Durham and Susan M. Gallagher; Ron Bell and Susi Bell; the estate of Janet Meek; Luke Smith and Kristin Smith; Mike Royer and Shelley Royer; Nathalie Dumais; Richard McDugald and Martha McDugald; Marsha Elmore; Rudolf and Janice A. Winzinger; Tracy Belew; Mike Carothers and Janelle Carothers; Pat Stone; Sam Junkin; and Pete and Viki Moore. All of the Aligned Segment A and C Landowners own property in the study area of the LCRA TSC

Mountain Home transmission line project (“Mountain Home project”) at issue in this case and most are directly impacted by Segment Nos. A or C. The Honey Creek Ranch, represented by John H. Duncan Jr., and the property of Robert and Mary Jane Wakefield, are directly impacted by both Segments A and C. The residences of Rudolf and Janice A. Winzinger and Mike Carothers and Janelle Carothers are within 300 feet of Segment C. The residences of William “Andy” Durham and Susan M. Gallagher and Sam Junkin are within 300 feet of Segment A.

II. REPLY TO EXCEPTIONS OF CREEK HOUSE RANCH AND VORPAHL RANCH

In their Joint Exceptions the Creek House Ranch and Vorpahl Ranch, LP (Creek House and Vorpahl Ranches) intervenors advocated selection of Route 7A. The Aligned Segment A and C Landowners do not oppose Route 7A, though Route 37A is our recommended route, and understand that Segment Z3, which is incorporated into Routes 37 and 37A, is strongly opposed by the Creek House and Vorpahl Ranches. The Creek House and Vorpahl Ranches argue, however, that Segment C5 is not a viable route because it is, according to Creek House Ranch, not forward progressing and was not adequately noticed.¹ The Aligned Segment A and C Landowners respectfully disagree with these arguments. Testimony by witnesses for Commission Staff and LCRA TSC at hearing both confirmed that Segment C5 is forward progressing and did not require additional notice because it would be constructed entirely on the property of Mr. Michel-Gonzalez.² No provision of PURA or the Commission’s Rules require notice of a consented transmission line to landowners who own property but not a habitable structure within 300 feet of the centerline of a ROW.

¹ Joint Exceptions at 2-3.

² Tr. at 92, 95, 122, 290, 294, and 310.

In fact, as correctly cited by the Proposal for Decision, 16 TAC § 22.52(a)(3)((C) specifically provides for notice to landowners in the event of a route modification in the course of a CCN amendment application, referring to 16 TAC § 22.52(a)(3)((A) and (B). Those sections identify directly affected land as property that would be burdened by an easement for the modification or land that contains a habitable structure within 300 feet of the route centerline. The Creek House and Vorpahl Ranches cite no legal authority why this notice is not sufficient. PURA § 37.054 does not set forth any contradictory definition of “affected land” that would invalidate the Commission’s rules. The reference to 16 TAC § 22.52(a)(4) is inapposite as that section refers to notice for open house meetings, not CCN amendment applications or route modifications. Due process concerns are similarly unfounded.

Segment C5 is forward-progressing and properly noticed and should allow selection of Routes 37 and 37A.

III. CONCLUSION

The Aligned Segment A and C Landowners have participated in this case to express their shared values as landowners impacted by the proposed transmission line and as members of the Hunt, Texas and – more broadly- Texas Hill Country community. The Aligned Segment A and C Landowners respectfully request that the Proposal for Decision be adopted as to its recommendation of Hunt 37A as the route that best meets the overall legal and regulatory routing criteria as well as comporting best with the values of the community that will be impacted by this project.

Respectfully submitted,

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LANDOWNERS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all parties by posting on the PUC Interchange pursuant to SOAH Order No. 2.

/s/Andres Medrano
Andres Medrano