

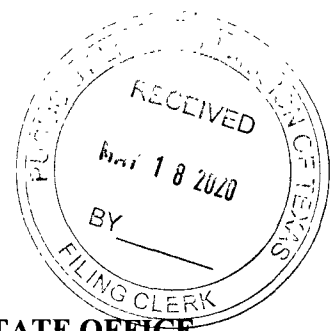


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**SOAH DOCKET NO. 473-20-1773
PUC DOCKET NO. 50095**

COMPLAINTS OF TERRY AND SARA	§	BEFORE THE STATE OFFICE
FAUBION AGAINST TEXAS-NEW	§	OF
MEXICO POWER COMPANY	§	ADMINISTRATIVE HEARINGS

**DIRECT TESTIMONY
OF
TERRY P. FAUBION**

**ON BEHALF OF
TERRY AND SARA FAUBION**

MAY 18, 2020

1 **Q. What is your full name?**
2 A. Terry P. Faubion

3 **Q. Do you own the home at 567 FM 217 in Valley Mills, Texas?**
4 A. Yes.

5 **Q. You are claiming that an extreme power surge did significant damage to your home**
6 **is that correct?**
7 A. Yes.

8 **Q. On whose behalf are you testifying in this proceeding?**
9 A. Terry and Sara Faubion.

10 **Q. Was this testimony prepared by you or under your direct supervision?**
11 A. Yes.

12 **Q. Do you have any attachments to your testimony?**
13 A. Yes. My direct testimony includes the following attachments:
14 Attachment TF-01 – TNMP Discovery Response page 460
15 Attachment TF-02 – Pictures of the line at the time of the incident
16 Attachment TF-03 – TNMP Discovery Response page 211
17 Attachment TF-04 – Rimkus Engineer’s Report and Supplemental Report
18 Attachment TF-05 – TNMP Discovery Response page 547

19 **Q. Were these exhibits prepared by you or under your direct testimony?**
20 A. Yes.

21 **Q. When did that event occur?**
22 A. It happened on September 12, 2015 at 8:00PM.

23 **Q. Where at the home on the evening in question?**
24 A. Yes, I was.

25 **Q. Have you read your wife’s description of what happened on the night of the**
26 **incident?**
27 A. Yes I have.

28 **Q. Do you have anything you would like to add or correct?**
29 A. Not at this time.

30 **Q. What happened after TNMP personnel arrived?**

1 A. When Dwain Walker, a TNMP employee, arrived at my home, he informed me that the
2 fire department told him that he needed to come by. Since he was there, I insisted that he
3 come inside and look at the damage. After doing so, Mr. Walker asked where the electric
4 service entered our home.

5 **Q. What did you do after that?**

6 A. After I showed him where the electricity service entered the home, he said he needed to
7 go to the location where the line was feeding from. He was driving a rather large bucket
8 truck that I knew would not be able to get to the line due to the conditions of the utility
9 right of way. He would be forced to get out of the truck and walk a rather long distance
10 to get to the area he needed to access. I informed him that I knew a way to get there and
11 offered to take him. He agreed and I took him to the line.

12 **Q. When you say you had to drive through brush, what do you mean?**

13 A. There were no roads or access trails to the power lines, just brush pasture. There were
14 places that were so overgrown that crawling on hands and knees through the brush would
15 have been a challenge.

16 **Q. Once you arrived at the power line, what happened?**

17 A. Mr. Walker called for construction repair check. We discussed how to get TNMP crews
18 with very large equipment into the area. That's when I showed Mr. Walker a pipeline
19 right of way crossing nearby was clear, the only problem was we had to cut fence to get
20 in from that direction. The TNMP Crews were then re-routed and could reach the power
21 lines.

22 **Q. Was that a new fence?**

23 A. No. I believe that the fence was installed long the TNMP power line was installed. I am
24 68 years old, and the fence has been there my entire life. Being so old, the fence is not in
25 perfect condition, but it is good enough to keep livestock out of the cultivated field
26 nearby. TNMP had just not been back in that area for a while.

27 **Q. Do you remember any of TNMP's personnel at the scene in addition to Mr. Walker?**

28 A. Yes, the one I remember most clearly is Mr. Clifton Smith, who seemed to be a crew
29 leader or crew foreman. He was the person directly involved with the repairs being done
30 by TNMP and was with Mr. Walker when they requested my help to access other
31 properties. TNMP stated that they needed my help to access certain portions of their

1 lines in their discovery responses. Attachment TF-01 (TNMP Discovery Response page
2 460).

3 **Q. Why do you remember Mr. Smith so clearly?**

4 A. I was surprised to see his initials on a patrol inspection form where the line was inspected
5 on Friday, September 11, 2015 after another outage – the day prior to the power surge at
6 my house. I couldn't help but thinking that if he had performed the inspection of that
7 same power line on Friday, he should not have needed my help accessing the same
8 location the next day.

9 **Q. Once the TNMP crews on at the power line, what happened?**

10 A. I then went home while they made the repair. A little later Mr. Walker and Mr. Smith
11 came back to our house and asked for me to assist the TNMP crews to get to other
12 homes.

13 **Q. What did you do to assist the TNMP crews?**

14 A. I showed the TNMP crews ways to go through different landowners to access their lines
15 and showed them the locations of the gates that would allow them to do so.

16 **Q. Are you familiar with utility rights of way?**

17 A. Yes I am.

18 **Q. How so?**

19 A. I was an employee with Atmos Energy for 30 years, and worked in the compliance
20 department performing safety inspections of the utility's assets. I also worked closely
21 with Texas Railroad Commission on their regulatory inspections. My responsibility was
22 to make sure Atmos was following the rules and regulations and operating the system in a
23 safe manner.

24 **Q. Please describe the vegetation around these other electric lines you helped with.**

25 A. The right of way was overgrown with trees and brush to the point where access was
26 almost impossible to get to the lines. I have included pictures of the overgrown condition
27 with this testimony as Attachment TF-02. In my experience with ROWs if you are unable
28 to access it you can't properly inspect it and certainly not be able to repair it if you find
29 something in need of repair.

30 **Q. Are the conditions along the right of way still the same?**

1 A. No, after the incident TNMP undertook a massive clean-up effort and cleared a lot of
2 brush along the right of way in 2017. They came onto the property and completely
3 cleared the right of way from top to bottom. It is so clean you could hit a golf ball down
4 it now. They also installed gates throughout the place so they have access to their line
5 without using the landowners' gates or the pipeline access.

6 On the approximately ten mile stretch between Clifton and Valley Mills TNMP
7 trimmed trees and cut brush, but my place was the only point on that stretch of line where
8 they did the extreme clearing that they did on my stretch.

9 **Q. You said you had to assist TNMP getting to other homes, this incident was not**
10 **confined to your home was it?**

11 A. No, it impacted over 2119 customers according to TNMP. TNMP's discovery response
12 addressing this is Attachment TF-03 to my testimony. Power was restored to town and
13 other homes at around 1:30 AM. There were two homes that I am aware of with
14 surge damage, water and electrical damage within a half mile from my place.

15 **Q. Were there any other electrical problems in the area prior to this incident?**

16 A. Yes, prior to this there was off and back on outages on Wednesday the 9th throughout the
17 day. On Friday the 11th there was a major outage that effected the whole area that
18 required Valley Mills ISD to dismiss school because of no service.

19 **Q. Did you have an electrician look at the house as recommended by TNMP?**

20 A. Yes, the night of the incident Mr. Walker stressed that we were not to turn the power to
21 the house but didn't say anything about getting the house wiring checked. I told Mr.
22 Walker that I realized that there was damage that needed to be addressed. At about
23 1:00PM on Sunday, the 13th I received a call from TNMP supervisor Mike Piscacek who
24 informed me that I needed to contact an electrician to inspect my wiring. He told me they
25 would send someone out to restore power when I received an okay from the electrician.
26 William (Buster) Wallace of Wallace Electric, an electrician, came out later that day and
27 told us it was not safe to restore power to the house.

28 **Q. Did Mr. Wallace prepare a written report on what he found?**

29 A. He discussed his findings with engineers with the Rimkus Consulting Group, who were
30 engaged by our insurance company to review the damage to the house and his findings

1 are on the third page of the Engineer's Report found at Attachment TF-04 to this
2 testimony. The supplement to the Rimkus Report is also in that Attachment.

3 **Q. And what were Mr. Wallace's findings?**

4 A. He performed an electric inspection and found that wiring through the house was
5 damaged that all the electric appliances were not safe to use. He also found that the
6 ground wire from a TNMP high-voltage line fell on the feeder line to our residence, and
7 caused high voltage to travel through the copper pipes under the residence so the
8 plumbing was impacted as well.

9 **Q. Are you aware that TNMP is contending that a bird strike caused this damage?**

10 A. Yes I am.

11 **Q. Did you see a dead buzzard when you were out with the TNMP crews?**

12 A. I didn't see a buzzard that night nor the next day. At no time was I shown a buzzard, see
13 a buzzard or was told that a buzzard caused the incident by any TNMP employee that was
14 directly involved with the incident. I became aware of the buzzard from article in Valley
15 Mills Paper the next week.

16 **Q. TNMP personnel never said anything about a buzzard before then?**

17 A. No. Even the TNMP Power System Emergency Report, which calls for a complete
18 description with any contributing factors, does not mention the buzzard. See, Attachment
19 TF-05. The buzzard went from not being even mentioned as a contributing factor to the
20 incident on TNMP's official report to being claimed as the sole cause of the entire
21 incident as time progressed.

22 **Q. Does that conclude your testimony?**

23 A. Yes.

Attachment TF-01
TNMP Discovery Response page 460