

## OPEN MEETING - ITEM 11 1/13/2011

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

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

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

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

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

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1 MAYOR WAMPLER: Yes, sir.

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

4 MAYOR WAMPLER: Yes, sir.

5 CHAIRMAN SMITHERMAN: Okay.

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

8 CHAIRMAN SMITHERMAN: Okay.

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

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

14 MAYOR WAMPLER: Neither.

15 CHAIRMAN SMITHERMAN: Okay. Tell me about  
16 it.

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

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

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

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

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

17 MAYOR WAMPLER: Right.

18 CHAIRMAN SMITHERMAN: Any other questions  
19 of the Mayor?

20 COMM. ANDERSON: I have one.

21 CHAIRMAN SMITHERMAN: Ken.

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

24 MAYOR WAMPLER: Yes, sir.

25 COMM. ANDERSON: -- the Kerr County Judge

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1 about the LCRA observation or comment in their replies  
2 to the exceptions, about for a brief period going south  
3 over I-10 and through what amounts to parking lots and  
4 then going back across I-10, picking up, which would  
5 appear to avoid a number of habitable structures as well  
6 as the car dealership.

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

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

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

23                   MAYOR WAMPLER: I understand -- well, I  
24 mean, the hypothetical that we're discussing at this  
25 time, my initial reaction is to say, "No, it would not

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1 be something that we would support," simply because of  
2 the fact we are obviously concerned about habitable  
3 structures, and that's what we've talked a lot about  
4 here today.

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

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

16                   MAYOR WAMPLER: Yes.

17                   COMM. ANDERSON: -- because there's the  
18 route, but then there's also instructing LCRA as to  
19 individual mitigation efforts that we can include in our  
20 order. LCRA has suggested -- has thrown out the idea --  
21 I don't want to overstate what they said in their  
22 exceptions -- about crossing over, going through a  
23 couple of commercial parking lots on the south side and  
24 back over. And looking from the photo that's actually  
25 in your exceptions, of a blowup of one of the sections,

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1 it looks like there is no undeveloped property. In  
2 that scenario -- but I don't want to -- I don't want to  
3 pick a route for you if you -- but this is your  
4 opportunity to say, "Well, despite our opposition, if  
5 you go this way, that is something we would at least  
6 want the Commission to entertain." That's what I'm --  
7 that's why I'm asking the question. It's not to somehow  
8 trap you or get you to change your position.

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

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

21           COMM. ANDERSON: Thank you.

22           MAYOR WAMPLER: Thank you very much.

23           CHAIRMAN SMITHERMAN: Thanks, Mayor.

24           MAYOR WAMPLER: Appreciate it.

25           CHAIRMAN SMITHERMAN: Appreciate your

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1 comments. Anyone else at the mayor, council member,  
2 county commissioner level? We may have missed -- again,  
3 thank you-all for coming.

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

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

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

24 We did provide a list to Mr. Journey of  
25 several of the landowners, and then we also have Bill

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1 Neiman who's the president of Clear View Alliance and  
2 has been involved in this process for 20 years -- 20  
3 months. It seems like 20 years.

4 (Laughter)

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

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

10 MR. BAYLIFF: We'll start with Bill.

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

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

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

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

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

25 (Laughter)



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

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

7 CHAIRMAN SMITHERMAN: Closer.

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

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

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

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

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

22 And once that occurred, a lot of the  
23 ranchers stood around the maps. And it seemed like it  
24 took us a while to kind of overcome the shock, but  
25 within about 20 minutes we concluded that I-10 was a

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1 place to put an infrastructure of this type.

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

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

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

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

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

25 MR. NEIMAN: That would have been

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1 probably --

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

4 (Laughter)

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

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

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

22 That was really -- it was a -- it met and  
23 exceeded my expectations of what I thought might occur  
24 there. The other thing that is very encouraging about  
25 this process is, since my first LCRA open house, I went

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1 to another one at the Kerrville one in 2009 and then the  
2 expansion of the study area, then the whole second round  
3 of open houses. I went to every one of them in the  
4 winter of 2010.

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

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

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

21 When I first moved to Junction 15 years  
22 ago, I attended some meetings on a local level to try  
23 and understand my community that I had brought my family  
24 to, and TxDOT had a figure that was pitched back in 1995  
25 that 30,000 vehicles a day go by I-10 on Junction, but

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1 20,000 of them are trucks.

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

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

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

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

25           A couple of the other larger

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1   disappointments in this process was to see the impact of  
2   this on community values.  It's very difficult.  Because  
3   I am based at Junction -- and it's been touched on a  
4   little bit -- I'm a user of the Kimble County Airport.

5                   One of the disappointments I've had in  
6   this process is that during the settlement -- the  
7   preconference settlement period -- there's kind of a  
8   period that leads up to the hearing.  So there's an  
9   opportunity to talk in more detail about some of the  
10  issues.  Clear View was working closely with the Staff  
11  to facilitate a joint meeting with LCRA in the field to  
12  focus on what we -- our engineers were beginning to find  
13  that clearly indicate there are above-ground options  
14  along the interstate, and they're, obviously, much more  
15  economical than the unbelievable single quotation that  
16  was put into evidence by the utility.

17                   But being aware that only four days before  
18  a tentative meeting that we were trying to facilitate  
19  there was an unraveling of another CREZ case up in north  
20  Texas that was thought to have been settled.  It kind of  
21  came apart, and the Staff seemed to lose -- they had a  
22  change in their interest in trying to facilitate that  
23  meeting and we never got a chance to get on the ground  
24  with the utility or the Staff to address this airport,  
25  and that was disappointing.

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1           We worked as hard as we could through the  
2 hearing process to get that out on the table and  
3 transparent, but it is not a sound byte. It has some  
4 measure of complexity to it, and it can almost only be  
5 explained through graphics and an expert walking through  
6 it.

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

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

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

19           The floor of that approach is actually  
20 already penetrated by the hills themselves, and anything  
21 that is further elevated brings detriment to the quality  
22 of that approach. In an instrument condition when you  
23 are with low visibility and a power-off setting in your  
24 aircraft, you are losing options if you encounter or  
25 need to make an erratic or quick change.

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1                   It's very similar and reflects the issues  
2 in driving that you would have to make a movement to  
3 increase your power, and then the response time for the  
4 power to develop and the aircraft to become  
5 maneuverability to avoid an obstruction is very  
6 different than on a power-on departure, which probably  
7 90 percent of the departures at Kimble County are  
8 southbound, and you have full control and full power  
9 upon your departure.

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

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

23                   CHAIRMAN SMITHERMAN: Well, I want to be  
24 careful going too far along this line, because we don't  
25 have that in evidence.



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1 MR. NEIMAN: That's correct.

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

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

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

20 COMM. ANDERSON: The other observation I  
21 will make is that our typical order -- and, in fact,  
22 it's in, I think, Commissioner Nelson's memo -- is to  
23 allow more than minor deviations where it's both cost  
24 effective as well as you obtain all the consent of the  
25 landowners.

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1                   COMM. NELSON: And you continue to go in  
2 the same direction.

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

5                   CHAIRMAN SMITHERMAN: Basically in the  
6 same direction.

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

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

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

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

24                   CHAIRMAN SMITHERMAN: Why don't we -- I  
25 know this sort of interrupts the flow a little bit.

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1 But, Ferdie, do you or someone want to come up? I mean,  
2 while we're on this airport issue, let's go ahead and --

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

4 CHAIRMAN SMITHERMAN: You can. Sure.

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

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

9 MR. NEIMAN: That would be great.

10 COMM. NELSON: If you could just sort of  
11 summarize it. Your opinion is, that's not an issue.  
12 I'm not overstating that, am I --

13 MR. NEIMAN: If I can --

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

15 MR. NEIMAN: Shall I continue?

16 COMM. NELSON: Go ahead.

17 MR. NEIMAN: Okay.

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

21 COMM. NELSON: Okay.

22 MR. NEIMAN: Okay. Either way.

23 COMM. NELSON: And it is about the  
24 airport, Barry. It's about the flooding issue with  
25 respect to the line on the I-10 part of the route.

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1 CHAIRMAN SMITHERMAN: Well, here's the map  
2 of that section.

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

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

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

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

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

20 MR. RODRIGUEZ: Okay.

21 COMM. ANDERSON: And then let's assume,  
22 however, that one or more landowners to the south  
23 actually volunteer a routing that takes it off the river  
24 bottom or wherever to the south, which at least looking  
25 at my larger scale map would appear to be more direct.

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1 Do you believe -- and then you are  
2 familiar with our major deviation language -- do you  
3 believe that that major deviation language would give  
4 you the ability assuming it's a cost effective  
5 alternative to go ahead and route it directly to the  
6 south?

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

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

14 That's the problem. It is not safe.

15 CHAIRMAN SMITHERMAN: Safe from what  
16 perspective?

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

22 COMM. ANDERSON: Ferdie, I think you're  
23 missing my question. This is -- I'm not suggesting the  
24 route they proposed in the -- or that was proposed in  
25 the floodplain.

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1 MR. RODRIGUEZ: You're right. Then I  
2 think I have misunderstood your question.

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

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

16 MR. RODRIGUEZ: May I have just a moment?

17 COMM. ANDERSON: Sure.

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

20 MR. NEIMAN: Yes.

21 COMM. NELSON: Is the landowner within the  
22 floodplain?

23 MR. NEIMAN: The landowner is on the south  
24 side of the North Llano River in direct alignment with  
25 the airport.

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1                   COMM. ANDERSON: But it would be out of  
2 the -- presumably out of the floodplain.

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

5                   (Laughter)

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

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

10                  CHAIRMAN SMITHERMAN: Why don't we take a  
11 10-minute break here. You guys can caucus and --

12                  COMM. NELSON: That's a good idea.

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

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

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

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

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

24                  COMM. NELSON: Did you guys get it all  
25 solved while we broke?

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1 MR. NEIMAN: It's already built. We are  
2 ready to turn the power on.

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

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

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

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

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



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1 line of trees.

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

9           If we get the towers high enough, to get  
10 the span high enough over the water, you're too tall,  
11 because now even though maybe we don't violate the Part  
12 77 surface, we are violating the obstruction slope which  
13 is lower, and in this area it's defined by the existing  
14 rim of trees.

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

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

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1 of Junction.

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

6                   MR. NEIMAN: You said that right.

7                   COMM. NELSON: -- if they are here.

8                   CHAIRMAN SMITHERMAN: Sure.

9                   COMM. ANDERSON: They're here.

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

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

14                  CHAIRMAN SMITHERMAN: Would you introduce  
15 yourself?

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

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

25                  But if you actually look at the FAA

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1 regulations in Part 77, that is not something that FAA  
2 looks at to say, "This is creating a new obstruction."

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

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

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

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

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

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1 something.

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

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

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

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

25 CHAIRMAN SMITHERMAN: So let me make sure

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1 I understand what you are saying, Rob. The proposed  
2 loop that the judge recommends around -- are you saying  
3 that that doesn't resolve the problem?

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

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

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

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

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

23 The only party that had a transmission  
24 engineer look at this from the perspective of how do you  
25 build a safe transmission line is LCRA. It's Mr. Symank

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1 who's sitting right here who's ready to talk if you'd  
2 like him to.

3           The problem south is not just an FAA  
4 problem. It is something more than that. If you can  
5 build something that -- as Mr. Johnson said, "Well,  
6 maybe the FAA will not complain." That's part 1. Part  
7 2 is, "Can you build it in a safe manner?" That's the  
8 part we can't get past. Mr. Symank is very clear. To  
9 build the line in such a way so it's tall enough to get  
10 over the river, and they're proposing that we cross the  
11 river three times -- three times. To get it tall enough  
12 to cross the river, you make it too tall. We now become  
13 the obstruction. That is not safe.

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

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

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

25           The second hill behind the first hill is

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1 the one that we're talking about with respect to the  
2 Part 77 surfaces. The Part 77 surface piercers the  
3 hill. The hill is the obstruction for Part 77.

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

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

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

17 COMM. NELSON: There's a potential?

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

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

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1 away -- almost 12,000 feet away.

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

5                   MR. NEIMAN: Highway 83.

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

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

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

21                   That's one of the concerns that we have  
22 is, you know, my clients own the land on the b19  
23 segments and they have no idea what hill they're talking  
24 about tucking this line behind. The cross-section that  
25 they put into evidence doesn't show where they can hide



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1 a tower that it's not going to be sticking up above and  
2 be in the airspace.

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

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

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

23           I'm not -- now, if -- and assuming all the  
24 other hypotheticals which are that you get all landowner  
25 consent and if it involved city property in Junction for

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1 some reason -- Junction's consent -- that's all I'm  
2 really asking.

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

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

10 COMM. ANDERSON: Sure.

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

16 CHAIRMAN SMITHERMAN: Then you don't do  
17 it.

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

19 MR. RODRIGUEZ: But what do we do then?

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

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

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1 you've got consent of all the landowners."

2 MR. RODRIGUEZ: I guess I would say this:  
3 If the order were written in such a way that the  
4 assumption is that the northern -- the b19 reroute is in  
5 the order and then we could try to work with folks  
6 south, we could try to do that.

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

11 MR. RODRIGUEZ: Yes, sir.

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

16 MR. RODRIGUEZ: Yes.

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

20 MR. RODRIGUEZ: Yes, sir.

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

24 MR. NEIMAN: Yes, sir.

25 COMM. ANDERSON: -- had said there was

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1 sort of a late -- perhaps late development and that some  
2 landowners are willing to take a line to the south  
3 voluntarily. And I don't know any of the topography,  
4 the -- any of that.

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

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

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

19 MR. RODRIGUEZ: Okay.

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

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1 routing deviation?

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

4 MR. RODRIGUEZ: No.

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

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

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

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

23 COMM. ANDERSON: No.

24 COMM. NELSON: That's still a potential.  
25 I mean, there is not a -- the record is not clear.

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1 There is evidence on both sides of it with respect to  
2 that north loop the ALJ accepted, because two of the  
3 parties are saying that you still have to get FAA  
4 approval, which I don't think you are disputing --  
5 right -- even if you use the ALJ loop?

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

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

16 MR. RODRIGUEZ: That's right.

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

19 MR. RODRIGUEZ: That's right.

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

24 MR. RODRIGUEZ: That's right.

25 CHAIRMAN SMITHERMAN: So I think we've

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1 gone down a bit of a rabbit trail here.

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

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

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

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

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

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

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

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1 Okay?

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

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

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

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

12 MR. NEIMAN: Thank you.

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

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

17 CHAIRMAN SMITHERMAN: Okay. Sure. Come  
18 on down.

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

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

24 MS. SAVAGE: I'm Roybeth Blackburn Savage.  
25 I live on the b23a connection right where the -- one of



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1 the two places that the poles would cross the river.

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

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

10 CHAIRMAN SMITHERMAN: All right. Hold on.

11 COMM. ANDERSON: Is it b86 as opposed to  
12 88? I'm looking at the map.

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

15 COMM. ANDERSON: Yeah, b86.

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

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

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

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1 planned.

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

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

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

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

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

18 MS. SAVAGE: That is correct.

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

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

23 CHAIRMAN SMITHERMAN: I'm sorry?

24 MS. SAVAGE: With the side entrance on  
25 County Road 23.

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1                   CHAIRMAN SMITHERMAN: Okay. So -- and so  
2 then the proposed line running from east -- from west to  
3 east would go along your northern boundary?

4                   MS. SAVAGE: That is correct.

5                   CHAIRMAN SMITHERMAN: How big is this  
6 piece of land?

7                   MS. SAVAGE: 496 acres.

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

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

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

18                   MS. SAVAGE: No. It's an elderly couple  
19 who took all of their retirement money and bought these  
20 40 acres and put everything they had into it.

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

23                   MS. SAVAGE: Yes, where I live.

24                   CHAIRMAN SMITHERMAN: Okay. And tell me  
25 where that is again.

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1 MS. SAVAGE: At the end of that airport  
2 loop where it crosses the Llano River right out my front  
3 window.

4 COMM. ANDERSON: Is that on the b23a?

5 MS. SAVAGE: Yes, sir, it is.

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

8 MS. SAVAGE: Yes, sir.

9 CHAIRMAN SMITHERMAN: Go ahead, ma'am.

10 MS. SAVAGE: Have you found --

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

13 MS. SAVAGE: Yes.

14 CHAIRMAN SMITHERMAN: How does that  
15 interface with your property?

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

19 So, you know, it's in my Texas blood.  
20 It's hard to beg, but I've come today to beg. Please  
21 spare me one place or the other. When the first line  
22 came close to the homeplace, the place where I live, I  
23 thought, you know, "When I've had enough of looking at  
24 the lines, I can go out to the ranch; I can build a  
25 cabin."

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1                   That line was inserted last summer. So I  
2 have no place to run.

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

5                   MS. SAVAGE: That route.

6                   CHAIRMAN SMITHERMAN: This route.

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

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

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

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

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1 it please have monopoles to be the least obtrusive?

2 CHAIRMAN SMITHERMAN: Well, we appreciate  
3 you coming.

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

6 CHAIRMAN SMITHERMAN: Thanks for being  
7 here.

8 MS. SAVAGE: Please.

9 CHAIRMAN SMITHERMAN: Brad, who's next?

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

13 CHAIRMAN SMITHERMAN: All right.

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

16 CHAIRMAN SMITHERMAN: Exactly where,  
17 Mr. Mudge?

18 MR. MUDGE: About seven miles west of  
19 Junction.

20 CHAIRMAN SMITHERMAN: Are you east or west  
21 of 1674?

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

24 COMM. ANDERSON: Are you on Y9 or --

25 MR. MUDGE: I think it's Y7b.

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1 CHAIRMAN SMITHERMAN: All right.

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

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

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

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

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

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1 things --

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

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

8 CHAIRMAN SMITHERMAN: Because that's one  
9 piece.

10 MR. RODRIGUEZ: They are very heavy.

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

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

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

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

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

24 In visiting with the LCRA -- I suppose it  
25 was an engineer -- I'm not sure -- just some of their



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1 staff -- when they became aware that we did own the land  
2 on both sides, they said, "Oh, yes. That's feasible.  
3 Just show us here on the map and, in fact, draw it where  
4 you would like for it to be."

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

9 MR. MUDGE: Yes, sir.

10 CHAIRMAN SMITHERMAN: Anything else, sir?

11 MR. MUDGE: No. That's it.

12 CHAIRMAN SMITHERMAN: Thank you.

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

15 CHAIRMAN SMITHERMAN: Next.

16 MR. BAYLIFF: Donna Schooley is not  
17 present today, but located on b84. She has testimony  
18 that was filed asking that you follow her property line.

19 COMM. ANDERSON: I'm sorry. What?

20 MR. BAYLIFF: B84.

21 COMM. ANDERSON: Her name again?

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

23 Part of a larger exhibit of several CVA intervenors who  
24 filed testimony supporting a CVA decision for all of the  
25 intervenors, but she had specific testimony that she

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1 wished to request modification and following her  
2 property lines rather than bisecting B84 to b86 go from  
3 northwest to southeast and to meet the needs of AC  
4 Ranches and the place that it wanted but other property  
5 owners in that area are affected.

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

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

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

18 CHAIRMAN SMITHERMAN: Okay.

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

24 We, of course, would be thrilled if you  
25 would choose the route down 277 and avoid our property

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1 entirely. But from early on, we've been pretty  
2 realistic that that probably wasn't going to happen,  
3 that it's going to save the LCRA, you know, 40 to  
4 \$50 million to shortcut across our ranch.

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

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

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

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

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

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1 this and getting information.

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

6 MS. RUNGE: Correct.

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

10 MS. RUNGE: And if I could explain.

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

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

20 But if it were moved 1,000 feet south,  
21 that would be below the edge of that hill. It would  
22 still stick up quite a bit above the hill, but it  
23 wouldn't be just extremely obtrusive. I mean, right now  
24 it's located directly off the porch and directly into  
25 the sunset.

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1 I mean, we have a lot of gatherings on our  
2 porch. We've had this ranch -- this part of our ranch  
3 has been in the family only for 88 years, but we  
4 actually make our living on this ranch. It's not  
5 recreational property. Unlike a lot of Schleicher  
6 County people, we don't have oil income. We make our  
7 living strictly off of cattle and sheep and goat  
8 operations.

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

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

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

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

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

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1 across the pasture.

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

9                   CHAIRMAN SMITHERMAN: Thank you, ma'am.

10                  MR. BAYLIFF: Cora McGowan is also --

11                  COMM. ANDERSON: Sorry. Her first name?

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

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

21                  If you will remember, 38140 happened with  
22 a settlement agreement, and that sort of stopped a lot  
23 of settlement discussions right at the time that we were  
24 trying to get Staff to help arrange something with LCRA,  
25 and I think the problem may have been more in the LCRA

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1 availability rather than Staff's willingness to  
2 cooperate, and I didn't want any misperception that  
3 Staff was uncooperative.

4 CHAIRMAN SMITHERMAN: We got it.

5 MR. BAYLIFF: Thank you.

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

8 MS. MCGOWAN: Cora McGowan.

9 COMM. ANDERSON: Is it McGowan or McAllen?

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

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

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

16 COMM. ANDERSON: What link are you on?

17 MS. MCGOWAN: MK15. B84.

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

21 MS. MCGOWAN: I'm an intervenor.

22 MR. BAYLIFF: You are?

23 MS. MCGOWAN: Yes.

24 MR. BAYLIFF: I apologize.

25 MS. MCGOWAN: I did. I did.

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1                   COMM. NELSON: We were going by what Brad  
2 said, that you were not. So...

3                   MS. MCGOWAN: No, I did.

4                   CHAIRMAN SMITHERMAN: Shannon?

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

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

10                  MS. McCLENDON: I just needed that  
11 clarified.

12                  CHAIRMAN SMITHERMAN: Go ahead, please.

13                  MS. MCGOWAN: Well, I was never contacted  
14 by AC Ranches on wanting this line. I hope it doesn't  
15 really affect your decision in that someone would profit  
16 privately from this line. To add to Caroline Runge's,  
17 our ranchland has been in the family for over 130 years.

18                         You know, we do care about our land.  
19 We're good stewards of our land. The other route that  
20 the LCRA proposed runs right by my sister's house and  
21 she's going to speak to that.

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

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



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1 Right?

2 MS. MCGOWAN: Yes, between Donna Schooley  
3 and AC Ranches.

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

6 MS. MCGOWAN: Yes, sir. 864 runs right in  
7 front of my entrance.

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

12 MS. MCGOWAN: Yes.

13 CHAIRMAN SMITHERMAN: You've done that?

14 MS. MCGOWAN: Yes, sir.

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

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

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

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

24 MS. MCGOWAN: Yes, please. That's already  
25 a cleared area through the ranch.

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1 CHAIRMAN SMITHERMAN: Ferdie?

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

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

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

8 MS. MCGOWAN: Okay.

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

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

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

18 MS. MCGOWAN: Thank you.

19 COMM. ANDERSON: Again, unless LCRA tells  
20 me they don't think that's how they read it, I think  
21 this would -- there are a couple of solutions. One is  
22 we could direct -- we could make it explicit. But it  
23 also sounds like this might fall into the minor --  
24 almost minor deviations because it's on your property  
25 and there's already a right-of-way that -- I mean,

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1 you're just asking them to move it on your -- where it  
2 goes on your property.

3 MS. MCGOWAN: Yes.

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

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

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

10 MS. MCGOWAN: Thank you.

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

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

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

25 COMM. ANDERSON: State your name again for

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1 the record.

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

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

9 (Laughter)

10 CHAIRMAN SMITHERMAN: I guess an  
11 Australian.

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

14 CHAIRMAN SMITHERMAN: Well, welcome.

15 MR. STENER: Thank you very much.

16 CHAIRMAN SMITHERMAN: We like you.

17 MR. STENER: Thank you.

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

20 CHAIRMAN SMITHERMAN: She came almost as  
21 far.

22 (Laughter)

23 MR. STENER: Where from?

24 COMM. NELSON: South Dakota, but I've been  
25 here for 30 years. I think I've earned my Texas wings.

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1 MR. STENER: Sixteen for me. I'll try and  
2 keep this as brief as possible. There's some other  
3 landowners here that I'm actually adjacent to that will  
4 become relevant. That's Trey and Jill Whichard.  
5 They're part of the Segrest group.

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

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

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

22 And actually on the hills above Kimble  
23 County there was in 2005 -- it's not a matter of the  
24 record. No one has entered this into the record, but I  
25 would like to speak about it. There was a small general

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1 aviation aircraft that actually went down very close to  
2 the proposed line -- b19b -- and actually went down on  
3 Trey Whichard's property about half a mile from where my  
4 house is.

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

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

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

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

25 FROM THE AUDIENCE: Commissioners --

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1 Mr. Stener, I apologize, but I had a hard time hearing  
2 back there in the back. But did I hear correctly that  
3 none of this was introduced in the record at the trial  
4 on the merits?

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

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

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

12 FROM THE AUDIENCE: I apologize.

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

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

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

25 There is material out there through the

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1 NTSP records and everything else of the number of  
2 aircraft that get strung in transmission lines. I am  
3 well aware of the work with the LCRA, what they did  
4 around Bergstrom, because I am working with AOPA and  
5 various other parties that should the LCRA approach the  
6 FAA and the obstruction group we will tackle this,  
7 because this is inappropriate when there are alternates  
8 to the south of the airport -- legitimate alternatives.

9 So partly because I'm dry, I'm going to  
10 answer any questions you may have and pass time to  
11 others.

12 CHAIRMAN SMITHERMAN: Thank you for  
13 coming. Appreciate it.

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

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

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

25 MR. STENER: My name is Gavin Stener,



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1 S-t-e-n-e-r.

2 CHAIRMAN SMITHERMAN: Got it. Thank you.  
3 Yes, sir?

4 MR. WHITWORTH: Yeah. I'm Ward Whitworth.  
5 I'm an intervenor with CVA. I did provide written  
6 testimony. Thank you for the opportunity to speak.

7 COMM. ANDERSON: Where's your property?

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

11 CHAIRMAN SMITHERMAN: Where on I-10?

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

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

15 MR. BAYLIFF: 8.

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

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

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1 (Laughter)

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

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

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

15 (Laughter)

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

19 COMM. ANDERSON: Here, here.

20 MR. WHITWORTH: Yeah. You better get in  
21 the right lane. That's the general gist of things. I  
22 would follow up with some comments about the monopoles  
23 and say that they're much preferred. Whoever gets this  
24 line, I pray that they get monopoles on them, whether  
25 it's us or others.

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1           And I would say that since this process  
2 began, our property that's in the LCRA preferred route  
3 area, we view the private line up there from that.

4           CHAIRMAN SMITHERMAN: You can see it?

5           MR. WHITWORTH: I can see it.

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

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

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

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

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

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1 a single circuit.

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

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

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

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

21 MR. WHITWORTH: I'm sure. I'm just  
22 encouraging you to consider that, if you could. You  
23 know, as this all first began, when we had public  
24 meetings, the issue with the lattice towers versus  
25 monopoles was brought up.

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1                   From a landowner perspective, it was a  
2 little bit unpalatable that expense uses the issue of,  
3 you know, it's an expense issue. Well, we feel like  
4 you're taking a lot away from our property and damaging  
5 it. And when you're using lattice poles versus -- or  
6 lattice towers versus monopoles, it's a little bit of an  
7 insult saying, "Well, we really don't care what it's  
8 going to do to the value of your property," is kind of  
9 the message that it feels like we're getting.

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

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

22                   People in Houston are going to pay for it.  
23 People in the Valley; other people throughout ERCOT are  
24 going to pay for this because we uplift the cost to  
25 everybody. And at least according to their

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1 calculations, monopoles are more expensive and you have  
2 to use more of them because you can't span as far.  
3 So -- hey, they don't care. I mean, if we tell them to  
4 do it, they'll do it. It's not their money, but it is  
5 everybody else's money.

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

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

12 (Laughter)

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

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

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

25 COMM. ANDERSON: The LCRA preferred route?

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1 MR. WHITWORTH: Correct. And I'm for  
2 monopoles for wherever the route goes.

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

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

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

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

21 I don't know if there's a distinction  
22 there or not. I'm looking forward to what my colleagues  
23 have to say about it. But I'm somewhat sympathetic to a  
24 landowner who may say, "I didn't want that private line  
25 on my property and, therefore, I didn't negotiate to put

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1 it on and I didn't get any of the money. My neighbor  
2 did. And now because of my neighbor's actions -- not  
3 the action of some government -- my neighbor's actions,  
4 I run a higher risk of having this new line on my  
5 property." I'm waiting on these guys to tell me what  
6 they think about this.

7 (Laughter)

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

10 (Laughter)

11 CHAIRMAN SMITHERMAN: Thank you for  
12 coming.

13 MR. WHITWORTH: Thank you very much.

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

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

25 You can come almost all the way up to



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1 Menard and Mason and be able to see parts of the  
2 preferred route in one part of the study area, and that  
3 was one of the things as we were putting everything  
4 together it was a big surprise. That's the reason a lot  
5 of people are concerned about this. It will be visible  
6 to a number of people throughout the hearing.

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

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

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

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

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

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1 your spellings.

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

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

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

8 CHAIRMAN SMITHERMAN: Your name, please,  
9 sir.

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

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

20 And just in a little bit of association, I  
21 really feel like we've always been kind of the  
22 red-headed stepchild in this docket. We didn't have the  
23 resources to hire a PUC attorney or someone who  
24 specializes in that, and we have because of our  
25 community, because of the willingness of these folks to

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1 ban together and do their own efforts and their own  
2 research and work have tenaciously stayed in this fight  
3 to make their voice be heard so that they would at least  
4 know that when you made a decision you knew what our  
5 opinion was.

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

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

17 Does this look familiar to you?

18 MR. STRACKE: Yes, sir.

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

22 MR. STRACKE: That's correct, sir.

23 CHAIRMAN SMITHERMAN: Okay. Like I'm sure  
24 everyone in the room did, I went to Google maps. It's  
25 an amazing technology. I focused in on -- in particular

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1 on Tierra Linda and on this right-of-way. So a couple  
2 of questions.

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

5 MR. STRACKE: Yes, sir, Rocky Point Park.  
6 It's part of our parks and trail system, all part of the  
7 community property that the ranch owns through the  
8 homeowners' association.

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

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

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

24 MR. STRACKE: I believe it's just a fence  
25 line. We don't have any north and south running --

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1 CHAIRMAN SMITHERMAN: Okay. Now, this gas  
2 line, I think from the testimony it was described as an  
3 older gas line right-of-way. Do they still come through  
4 and maintain the right of way and clear this thing out,  
5 or what sort of maintenance goes on there?

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

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

11 MR. KERR: Aerial.

12 CHAIRMAN SMITHERMAN: Aerial inspection  
13 or --

14 MR. KERR: Aerial inspection.

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

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

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

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

24 CHAIRMAN SMITHERMAN: Okay. Then in terms  
25 of the number of homes that would be -- I'm going to say

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1 "directly affected" -- I know that everyone who can see  
2 this or would drive under it believes them to be  
3 affected. The number of lots that looks like would be  
4 affected is somewhere in the neighborhood of -- what --  
5 10, a dozen?

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

8 CHAIRMAN SMITHERMAN: 15?

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

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

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

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

24 MR. STRACKE: They're probably about six  
25 acres.

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1 CHAIRMAN SMITHERMAN: Even in this area of  
2 where the transmission line would go?

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

9 MR. KERR: They're six to 10.

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

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

18 CHAIRMAN SMITHERMAN: Septic? Okay.

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

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

23 CHAIRMAN SMITHERMAN: Now, are there other  
24 transmission lines that are going through this  
25 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 CHAIRMAN SMITHERMAN: Okay. So your  
4 electricity is served by --

5 MR. STRACKE: CTEC.

6 CHAIRMAN SMITHERMAN: -- a co-op?

7 MR. STRACKE: Yes, sir, Central Texas  
8 Co-op based out of Fredericksburg, I believe.

9 CHAIRMAN SMITHERMAN: So your electricity  
10 is served by --

11 MR. STRACKE: CTEC.

12 CHAIRMAN SMITHERMAN: Co-op?

13 MR. STRACKE: Yes, sir, the Central Texas  
14 Co-op based out of Fredericksburg, I believe.

15 CHAIRMAN SMITHERMAN: Other questions of  
16 Mr. Stracke before we hear -- sir, please. Go ahead.

17 MR. STRACKE: And I wanted to introduce  
18 these homeowners. And I do have a very short, three  
19 minutes of comments, at the very end, if I could.

20 CHAIRMAN SMITHERMAN: Okay.

21 MR. STRACKE: Thank you.

22 MR. KERR: Okay. Let me introduce myself  
23 a little bit first. My background is building  
24 transmission structures. I started out the AB Chance  
25 Company when we were still building lattice towers. I



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1 designed all the structures on the Houston-Dallas double  
2 circuit 345 lattice tower line.

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

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

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

23 (Laughter)

24 MR. KERR: I respect your job with what  
25 you have to do, because you're affecting the lives of

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1 people, and all we were doing was supplying a product.  
2 People's lives are dependent upon the value of the  
3 property that they own. And it will diminish our  
4 property values if the line does, in fact, go through  
5 there, but it will do the same wherever it goes.

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

9 I do have some questions that I have not  
10 had answered, and I'm concerned about it. One is the  
11 height of the structures with a monopole, and that's  
12 been proposed pretty much for this line. The higher you  
13 go, the greater the groundline moment, can't be avoided.  
14 We have very high winds right across that pipeline  
15 right-of-way. I've clocked ground speed winds at over  
16 50 miles an hour.

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

24 I don't want to see a lattice tower in  
25 there; I would prefer not to see a monopole in there.

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1 But because they're saying this structure is over  
2 200-foot tall, I don't see how that they're going to  
3 handle that on monopole. Are they planning to upgrade  
4 this line to 800 kV or 790?

5 CHAIRMAN SMITHERMAN: No.

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

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

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

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

17 MR. KERR: Still high but less than that?

18 CHAIRMAN SMITHERMAN: Yes.

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

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1 and that's where that right-of-way is.

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

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

6 MR. KERR: Yes, sir.

7 COMM. ANDERSON: As between -- assuming  
8 that the tower is somewhere between 120 and I guess  
9 180 -- and the Judge has actually already recommended  
10 that it be monopole. I just want to make sure I  
11 understand. If it were to come through, you prefer  
12 monopoles?

13 MR. KERR: Yes.

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

16 MR. KERR: About three quarters of a mile.

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

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

22 COMM. ANDERSON: The number that I recall  
23 was -- and it depends on the structure and depends on a  
24 lot of different factors. But when I was doing some  
25 rough back-of-the-envelope calculations, it was about --

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1 it shouldn't generally exceed 300,000 --

2 CHAIRMAN SMITHERMAN: Per mile?

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

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

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

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

11 CHAIRMAN SMITHERMAN: Okay.

12 COMM. ANDERSON: And so in my  
13 calculations, I was averaging up, to be safe, at about  
14 300,000 a mile.

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

17 MR. RODRIGUEZ: Yes. We would -- let me  
18 say this: If it were to go through Tierra Linda, I  
19 think this would be one of those areas where -- I'm not  
20 saying that expense is not a concern, but we would use  
21 the 100-foot right-of-way, smaller towers, shorter  
22 towers, as many towers as necessary to keep it within  
23 the right-of-way, keep it short, keep it as unobtrusive  
24 as possible. If we needed to use the rusted towers,  
25 that would be one of those areas where we would ask that

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1 you give us as much discretion as possible to minimize  
2 the footprint and the aesthetic --

3 MR. KERR: I would say one more thing  
4 before I get up. You might get a kick out of this. The  
5 towers that we delivered to Texas Power & Light in  
6 1959 -- delivered, galvanized -- 14.6 cents a pound.

7 (Laughter)

8 CHAIRMAN SMITHERMAN: Thank you; thank  
9 you.

10 UNIDENTIFIED SPEAKER: Times have changed  
11 all right.

12 (Laughter)

13 CHAIRMAN SMITHERMAN: Who is next?

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

21 MS. FREEMAN: Becky Freeman.

22 CHAIRMAN SMITHERMAN: Welcome.

23 MS. FREEMAN: Hello. Thank you for  
24 letting me speak. My husband and I live on Tierra Linda  
25 Ranch located in the corner of Gillespie County, but our

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1 mailing address is Kerrville, so we're kind of step-  
2 children of both of those municipalities.

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

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

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

23           COMM. ANDERSON: You just lost the  
24 Chairman.

25           (Laughter)

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

4 (Simultaneous discussion)

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

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

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

22 Most of us are retirement age. My husband  
23 and I are both 70, and we've worked hard for a long time  
24 to be where we are, and we're enjoying the Hill Country  
25 and want to preserve it. We are one of what I think is



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1 13 homeowners living along the proposed MK transmission  
2 line who would be the most affected by a line crossing  
3 our properties. From our back door, it's close enough  
4 that I could literally throw a rock -- and I do throw  
5 like a girl -- to that right-of-way.

6 (Laughter)

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

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

25 According to figures I've seen, building

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

9 Thank you very much.

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

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

15 (Laughter)

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

18 (Laughter)

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

21 (Laughter)

22 MR. FREEMAN: Hey, I know she does.

23 CHAIRMAN SMITHERMAN: Is that you? Are  
24 you --

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

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1 baby.

2 (Laughter)

3 CHAIRMAN SMITHERMAN: And for the record,

4 I'm 53.

5 (Laughter)

6 MR. FREEMAN: Our daughter is 45.

7 (Laughter)

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

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

15 MS. FELL: I'm here.

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

18 Well, let me just tell you a little bit  
19 about Sharon, just so you understand. Her and her  
20 husband bought their property about two years ago. And  
21 he has a medical condition which I can't pronounce, but  
22 they have been advised that if the lines come through,  
23 because of the equipment that they have that they  
24 cannot -- they should not build. It would not be  
25 advisable. And so they have been delaying their

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1 construction to see what happens in this docket. And,  
2 as you saw, she's decided not to speak today.

3 Carlos Reyes lives -- he's my neighbor.  
4 He lives right next to me. Carlos, his home is about  
5 800 feet from the center of the proposed B56 centerline.  
6 Anyway, I'll let Carlos --

7 MR. REYES: Thank you, Bruce.

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

20 Additionally, a pervasive theme during all  
21 these proceedings has been community value. And my wife  
22 and I have become so appreciative of the value of  
23 community. I know it hasn't escaped the attention of  
24 the Commission, the on-going participation of our  
25 community throughout these proceedings. And, you know,

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1 I'm joined here by over 100 of my friends, neighbors and  
2 their families. And the balance of the ranch that  
3 stayed behind are responsible for responding to  
4 emergencies or are infirm.

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

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

16 CHAIRMAN SMITHERMAN: Thank you.

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

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

24 My wife has something she can read, if you  
25 can.

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1 MS. WEINKAUF: Because I knew I wouldn't  
2 be able to speak, as John said, my husband and I live  
3 directly in the pathway of the suggested route which  
4 means we will lose all that we have lived for and  
5 invested in. Not only this ranch as a whole will lose  
6 the unique and innovative qualities that make it a  
7 fixture in our community of Tierra Linda. We are  
8 69 feet from the center. The lines threaten to uproot  
9 us and to slice up the ranch. Tierra Linda is a land of  
10 private property owners, young and old, all income  
11 levels, who share the costs of maintaining the ranch as  
12 a whole. As a community, we work hard to maintain the  
13 natural beauty of the ranch where we can have space for  
14 horseback riding, biking, walking, hiking and  
15 picnicking, all the things that we do together.

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

25 CHAIRMAN SMITHERMAN: Well, wait a minute;

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1 wait a minute. Just stop right there.

2 (Laughter)

3 CHAIRMAN SMITHERMAN: Stop right here.

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

6 (Laughter)

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

10 (Laughter)

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

17 If you vote to slice the transmission  
18 lines through our land -- and for us it will be through  
19 our home -- we will lose all that we have worked to  
20 establish. The past year we have had to replace well  
21 pump and pipes, water lines, plus electrical work, just  
22 to enable us to stay living there until the PUC made  
23 their decision. We have had to pay taxes on a property  
24 that may be taken away by imminent domain. And our life  
25 has been nothing like the peace it was.

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1 Starting out the new year with these  
2 uncertainties is anything but peaceful. And while we  
3 are very much looking forward to some final decision  
4 being made, we are concerned about your choice. And I  
5 understand it's a tough decision. And I thank you for  
6 letting us share our stories.

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

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

15 As you come from I-10 headed in this  
16 directions, coming through this development, I assume  
17 you were trying to make your way over to the gen tie so  
18 that you could use that right-of-way to work your way  
19 down to the substation. And because they have a  
20 pipeline running through here, that provided a potential  
21 avenue?

22 MR. RODRIGUEZ: That's correct,  
23 Mr. Chairman. As we were coming down I-10 -- in fact,  
24 if you look at the area there, there's a reason why  
25 infrastructure is where it is. The topography of the



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1 area lends itself to things like pipelines, I-10. And  
2 as we come down -- for example, as we came down I-10,  
3 under the rules we're supposed to look at paralleling  
4 compatible rights-of-way such as a pipeline.

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

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

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

24 CHAIRMAN SMITHERMAN: Well, let me sort of  
25 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 MR. RODRIGUEZ: They do converge on the  
8 substation.

9 CHAIRMAN SMITHERMAN: Because I think  
10 Horse Hollow -- I think paralleling Horse Hollow or the  
11 private gen tie really came into being in a later  
12 iteration of your routes.

13 MR. RODRIGUEZ: Mr. Chairman, I'm not sure  
14 that's correct.

15 CHAIRMAN SMITHERMAN: Okay.

16 MR. RODRIGUEZ: I think Horse Hollow was  
17 energized in the fall of '09, I believe, but we were  
18 aware of it, and it presented itself as another routing  
19 opportunity. And I know -- I guess we'll get into this  
20 later -- about whether or not a private line constitutes  
21 a compatible right-of-way. But without that kind of  
22 direction to us, it was something that we would have  
23 been expected to parallel.

24 CHAIRMAN SMITHERMAN: Listen, I'm not  
25 being critical.

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1 MR. RODRIGUEZ: Right.

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

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

14 CHAIRMAN SMITHERMAN: Okay.

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

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

19 MR. STRACKE: Yes, sir.

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

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

24 CHAIRMAN SMITHERMAN: And do you know the  
25 assessed valuation for the whole thing?

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1 MR. STRACKE: About \$126 million. And  
2 Bill Perkison nearby can confirm that.

3 MR. PERKISON: Yes.

4 MR. STRACKE: Is that right?

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

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

9 (Laughter)

10 UNIDENTIFIED SPEAKER: There is no soil.

11 UNIDENTIFIED SPEAKER: No top soil.

12 (Laughter)

13 CHAIRMAN SMITHERMAN: Tell me the nature  
14 of the rocks.

15 (Laughter)

16 UNIDENTIFIED SPEAKER: Wherever you've  
17 seen rocks.

18 MR. STRACKE: I'm a home builder, and I'm  
19 currently building a project on the ranch. And when I  
20 brought out the concrete guy, he says "No problem.  
21 We'll bring our hand shovels and move the little bit of  
22 dirt around," and we can have a foundation if you want."  
23 It's typically very rocky. There's a thin, what's  
24 common in the karst formation of the Edwards Plateau.  
25 You have that very thin dark soil on top that does