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1 provide a lot of good grass and such, but it's a very
2 thin layer on top of the limestone that's common in the
3 karst formation.

4 CHAIRMAN SMITHERMAN: Man, I hate to even
5 ask this --

6 MR. STRACKE: Uh-oh.

7 CHAIRMAN SMITHERMAN: -- but I'm going to
8 ask it. Ferdie, what's the cost of undergrounding per
9 mile through this territory? And is it even feasible?
10 And you may want to think about this, because you've got
11 a pipeline there, which complicates things.

12 MR. RODRIGUEZ: It does. If you will give
13 me a second, I think we can come up with a figure.

14 CHAIRMAN SMITHERMAN: All right.

15 COMM. ANDERSON: Let's me ask a question.
16 I'm sorry. The last name is --

17 MR. STRACKE: "Stray key," like a lost
18 key.

19 COMM. ANDERSON: Okay. Stracke.
20 Mr. Stracke, I had my staff kind of run a few numbers.
21 I want to see if you agree with this or can confirm.
22 And it may actually be in -- this may come from the
23 record. But of the 19 homes in the Tierra Linda area
24 that would be directly -- I guess that were noticed or
25 that were directly affected, there are 12 within

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1 300 feet of the centerline. Does that conform to what
2 you know?

3 MR. STRACKE: That's consistent with my
4 knowledge.

5 COMM. ANDERSON: Within 300 feet. And
6 then there are 15 within -- I guess within 400 feet but
7 12 within 300 feet?

8 MR. STRACKE: That's consistent with my
9 understanding.

10 CHAIRMAN SMITHERMAN: What does the
11 property on either side of the development look like
12 along this pipeline corridor? Again, I'll refer back to
13 Google Maps. It looks like it's undeveloped. Can you
14 give me the nature of --

15 MR. STRACKE: They're larger tract
16 ranches. They are farther to the east -- yes, farther
17 to the east. On B56, there are additional smaller
18 tracts similar to ours that are old family ranches that
19 have been, you know, broken up and given to the kids.
20 But the ranches directly adjacent to us on either side
21 are currently still larger tracts.

22 CHAIRMAN SMITHERMAN: Because your
23 development is sort of an oddly shaped development, and
24 I can only assume that's because of the size of the
25 properties on either side.

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1 MR. STRACKE: It's very unique in the Hill
2 Country, yes, sir.

3 (Simultaneous discussion)

4 MR. RODRIGUEZ: I don't know if this will
5 help. This is one of the maps in the filing.

6 CHAIRMAN SMITHERMAN: Okay. Let's --

7 MR. RODRIGUEZ: It's kind of a --

8 CHAIRMAN SMITHERMAN: Give me a reference.

9 MR. RODRIGUEZ: Sheet 26 of 28, the -- at
10 26.2. We just had them made.

11 CHAIRMAN SMITHERMAN: Okay.

12 MR. RODRIGUEZ: And I don't know if this
13 would be helpful or not.

14 UNIDENTIFIED SPEAKER: Yes.

15 MR. RODRIGUEZ: Thank you for your
16 services. But I think to answer your question, if this
17 was your question, there were I think eight directly
18 affected properties.

19 CHAIRMAN SMITHERMAN: Oh, this helps.

20 COMM. ANDERSON: How do you define
21 "directly affected"? Is that within the right-of-way?

22 MR. RODRIGUEZ: They would be within the
23 right-of-way.

24 COMM. ANDERSON: Within the right-of-way.
25 But there were I think 19 that were within 500 feet of

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1 the centerline that were noticed.

2 MR. RODRIGUEZ: Well, the blue line is the
3 noticed -- the blue lines are the noticed corridors.

4 COMM. ANDERSON: Okay.

5 CHAIRMAN SMITHERMAN: While they're
6 crunching numbers, if you guys want to keep on.

7 MR. WEINKAUF: Can I say one other thing?

8 CHAIRMAN SMITHERMAN: Sure.

9 MR. WEINKAUF: At our place we've got some
10 pine trees, and I don't know who put them there, but
11 they don't belong there, but they're about 80 feet tall.
12 And I can go to the back of the ranch and see them, and
13 I can go to the front of the ranch and see them. And if
14 you put towers up there, you'll see them from
15 everywhere.

16 MS. WEINKAUF: 100 feet higher.

17 COMM. ANDERSON: Which tract are y'all
18 on -- or is it 249?

19 MR. STRACKE: B56008.

20 COMM. ANDERSON: I'm sorry?

21 MR. STRACKE: B56008.

22 COMM. ANDERSON: Okay. I see it.

23 CHAIRMAN SMITHERMAN: 249.

24 COMM. ANDERSON: So it's 249.

25 MR. STRACKE: Oh, I'm sorry. 249.

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1 MR. RODRIGUEZ: Mr. Chairman?

2 CHAIRMAN SMITHERMAN: Yes, sir.

3 MR. RODRIGUEZ: The answer to the previous
4 question, Mr. Symank estimated probably 70 million.

5 (Simultaneous discussion)

6 CHAIRMAN SMITHERMAN: Hold on a second.

7 MR. RODRIGUEZ: Approximately 70 million
8 if you were thinking about going underground.

9 CHAIRMAN SMITHERMAN: Seven zero?

10 MR. RODRIGUEZ: Yes.

11 UNIDENTIFIED SPEAKER: Man, how can it be
12 that expensive?

13 (Simultaneous discussion)

14 (Laughter)

15 CHAIRMAN SMITHERMAN: Okay. Hey, Ferdie,
16 do this for me. Will you put some numbers in the record
17 on this on -- do this.

18 MR. RODRIGUEZ: Sure.

19 COMM. ANDERSON: Will we have to reopen?

20 CHAIRMAN SMITHERMAN: Or just -- I don't
21 want to reopen it. But somehow give me some -- for
22 demonstrative purposes, give me some numbers.

23 MR. RODRIGUEZ: Right now would you like
24 us to write something and file it tomorrow, whatever
25 your pleasure?

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1 CHAIRMAN SMITHERMAN: Why don't you think
2 about it a little bit more.

3 (Laughter)

4 CHAIRMAN SMITHERMAN: That number can't be
5 right.

6 MR. STRACKE: It's my understanding that
7 going through Tierra Linda costs more than the --

8 CHAIRMAN SMITHERMAN: Because it was
9 50 million to bury the line around the airport.

10 COMM. ANDERSON: For a half mile.

11 UNIDENTIFIED SPEAKER: For 1500 feet.

12 MR. STRACKE: Well, they're spending more
13 going through Tierra Linda than --

14 CHAIRMAN SMITHERMAN: Okay.

15 MR. STRACKE: -- it would be I-10.

16 CHAIRMAN SMITHERMAN: All right.

17 MR. JOURNEYAY: If you didn't hear, sir, he
18 was 249 on that map.

19 UNIDENTIFIED SPEAKER: Yes, sir.

20 CHAIRMAN SMITHERMAN: All right. Just
21 check your math, will you? I'm not --

22 COMM. NELSON: So the cost above ground
23 for that same segment of three-quarters of a mile is?

24 CHAIRMAN SMITHERMAN: One point --

25 MR. RODRIGUEZ: 1.8.

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1 CHAIRMAN SMITHERMAN: -- something.

2 COMM. NELSON: Because usually we hear a
3 multiplier of 10.

4 CHAIRMAN SMITHERMAN: That's what's kind
5 of throwing me off.

6 COMM. NELSON: Which was 18 million is
7 what we have heard, like in Houston when they talked
8 about it after Hurricane Ike.

9 MR. RODRIGUEZ: Well, as Mr. Symank
10 mentioned, this is double circuit, and it's going
11 through rock.

12 COMM. NELSON: Right.

13 CHAIRMAN SMITHERMAN: Okay. Well, let's
14 check the math on that.

15 Who else do we have, Bruce?

16 MR. STRACKE: Thank you.

17 CHAIRMAN SMITHERMAN: Thank you very much
18 for coming.

19 So let me see what you got on -- show
20 me -- do you wear one of your products here?

21 MR. WEINKAUF: You bet.

22 CHAIRMAN SMITHERMAN: That looks good.
23 Okay.

24 (Laughter)

25 MR. STRACKE: You're down to me.

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1 CHAIRMAN SMITHERMAN: Okay.

2 MR. STRACKE: And I appreciate your act of
3 compassion.

4 CHAIRMAN SMITHERMAN: Sure.

5 MR. STRACKE: Thank you.

6 As I kind of alluded to in my opening
7 remarks, the route across Tierra Linda Ranch is atop a
8 rolling ridge that divides the Guadalupe and Pedernales
9 watersheds. As this ridge is the high ground for the
10 surrounding country, it possesses a striking Hill
11 Country vista, not quite the same as a busy freeway
12 corridor.

13 In the last 180 days, I can tell you I've
14 struggled to learn this process as someone who has never
15 done it and doesn't have the resources available to just
16 hire the entire thing out. It's been a community effort
17 to learn this process and the (inaudible) corridors that
18 you have to go through to accomplish everything.

19 But in doing that, I think what I've
20 learned is that counting habitable structures allows
21 things like the showroom or a paint shop or a parts
22 warehouse or a service building for heavy equipment to
23 count and carry as much weight as someone's home that's
24 been carefully placed among the mature oaks of a
25 similarly sized tract of land. And I've learned that

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1 the process doesn't seem to account for the way we
2 choose where to work, shop and live or the fabric of our
3 own communities.

4 Though more weight is given to a
5 commercial property with multiple building than a home,
6 our perception of the impacts are just the opposite and
7 extend far beyond just property lines that are imaginary
8 on the ground. Even PUC Staff members have commented
9 that they had not purchased a particular home because of
10 its proximity to power lines, though no one has
11 suggested to me that they wouldn't shop or work near
12 them.

13 It's been interesting to me to note, as
14 it's not a numbers game, as you all pointed out earlier,
15 but that the intervenors from towns have been far out-
16 numbered by those from the country. Even on those
17 segments within the city limits where higher numbers of
18 habitable structures exist, town folks didn't get all
19 that involved.

20 While I wouldn't suggest that the process
21 be a popularity contest, if we consider human nature, we
22 must recognize folks tend to get involved when an issue
23 matters to them. I understand that there are over 1,000
24 intervenors in this docket, though in the southeast
25 portion of the study area near I-10, only one business

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1 person chose to intervene, and none of the residents
2 along the freeway did.

3 Of the 276 homeowners on Tierra Linda
4 Ranch, 233 property owners intervened. One out of every
5 five of the over 500 residents of Tierra Linda Ranch are
6 actually here today. You may have seen the hundreds of
7 individual, and I might add very personal letters from
8 Tierra Linda community that have been sent to you. I
9 assure you this decision matters to us.

10 To wrap up, in your memo from yesterday,
11 Chairman Smitherman, you had this to say, if you don't
12 mine me quoting you, I hope.

13 CHAIRMAN SMITHERMAN: People often do --
14 (Laughter)

15 MR. STRACKE: In this docket --

16 CHAIRMAN SMITHERMAN: -- particularly when
17 they're trying to argue against something.

18 (Laughter)

19 MR. STRACKE: I'm trying to emphasize a
20 point you made. In this docket -- you might quote from
21 your memo -- "In this docket, almost universally open
22 house commenters ranked using or paralleling existing
23 right-of-way, maximizing distances from residences,
24 minimizing environmental impacts and minimizing the
25 visibility of the lines as the highest priorities. Few

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1 folks would envision a 50-foot wide break among hundreds
2 of mature oaks atop a Hill Country ridgeline to be a
3 compatible right-of-way. Nor do they realize the USDA
4 laboratory counts as much as 10 residences."

5 In fact, I can assure you that just
6 yesterday I amazed someone when I told them that a
7 habitable structure did not mean someone's home. I
8 think most folks today understand environmental impacts.
9 But what exactly does reducing the visibility of the
10 lines mean? Frankly, to me, that sounds like a non
11 sequitur.

12 I have learned when you ask folks if they
13 believe lines should follow a freeway or pass through
14 our neighborhoods, they answer, "Along the freeway"
15 every time. Route MK62 takes advantage of the gracious
16 offer of those folks who welcome the lines while
17 honoring the clear voice of Hill Country folk to site
18 lines away from our homes and along freeways where they
19 pose little disruption.

20 Please do the right thing and honor the
21 many voices of the Hill Country. And I cannot tell you
22 how much I thank you-all and appreciate the fact that I
23 do not have your very, very difficult job. And I have
24 just been -- if you would allow me a little latitude,
25 the lady who said that she was too emotional to speak

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1 earlier has asked to speak.

2 MS. HEISE: I thought someone was going to
3 read my letter, because I don't know if I can get
4 through it.

5 UNIDENTIFIED SPEAKER: Jeanne, you get up
6 here and speak. Come on.

7 MS. HEISE: I don't have it in front of
8 me.

9 UNIDENTIFIED SPEAKER: Well, you know it.

10 MS. HEISE: I can't. I painted this,
11 because I can't talk about it. This is my back yard
12 now. The reason we bought our house was because of this
13 gorgeous view -- you can take it out. Paper cut.

14 MR. STRACKE: She is one of our many
15 resident artists.

16 MS. HEISE: Yes. That's another reason we
17 moved. We left Houston to get away from power lines and
18 traffic and, you know, everything over there, and we
19 bought in Kerrville, because it's a great artist
20 community. And Tierra Linda itself has at least a dozen
21 or so working artists. It's just the neatest place.

22 And outside of my studio window -- it's
23 just a bedroom; it's not a detached building. We're the
24 second closest house to the line, on the power line, I
25 believe. We're just next to Becky and the Weinkaufs,

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1 we're right across Oak Alley from them.

2 Anyway, this is what I see when I look out
3 my window when I'm painting now. This is what it's
4 going to look like if you put that thing in my back
5 yard. It's going to be a toxic waste dump with nothing
6 but rubble and huge awful towers.

7 And that's all I have to say about it.
8 But not only that, but we invested our entire life
9 savings in this place, and we have nothing else to live
10 on when that's gone.

11 I can't read the letter, but that's really
12 all I have to say.

13 CHAIRMAN SMITHERMAN: Thank you.

14 You know, let me just point out one thing.

15 UNIDENTIFIED SPEAKER: Yes, sir.

16 CHAIRMAN SMITHERMAN: You mentioned
17 habitable structures and prudent avoidance. And I think
18 it's insightful to really read the language of our rule,
19 25.101(A)(4), because when it talks about prudent
20 avoidance, it says, "The limiting of exposures to
21 electric and magnetic fields than can be avoided with
22 reasonable investments of money and effort."

23 I don't think we've ever really discussed,
24 when we talk about prudent avoidance, if this is more
25 pertinent to single-family homes, apartments, commercial

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1 buildings, hospitals. You know, should we give greater
2 weight to a structure where people were there 24/7 as
3 opposed to them being there from 9:00 to 5:00 or 9:00 to
4 9:00 or whatever the workday happens to be? So it's an
5 interesting idea.

6 I mean, I think we're going to talk about
7 this in the concept of particularly what do we do on the
8 southeast portion of the corridor, as I tried to
9 highlight in my memo. To me that's the most difficult
10 part of this whole analysis.

11 MR. STRACKE: And I have read the rule,
12 and I'm familiar with it. I appreciate you mentioning
13 it. The point I'm trying to make is that beyond the
14 rule, just by human nature, we view the impacts
15 instinctively in our guts differently when we go visit
16 industrial or commercial or more urban settings when
17 we're nearer to freeways in towns and such. We expect
18 to see the signs of progress in these kinds of things.

19 But when we leave those things behind when
20 we go out into the Hill Country or other native areas in
21 the country, we expect to see them less. And so it's
22 more shocking to our sensibilities when we do that. And
23 I was trying to go beyond that and follow your guidance
24 on bringing up a different way to look at things.

25 CHAIRMAN SMITHERMAN: Yes. And this is

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1 not in the rules either, but to me at some point it's
2 sort of a question of: What were your expectations when
3 you purchased the property? You know, if you purchase
4 it in a particular place expecting a particular future,
5 driven by what you find when you get there, you know,
6 does that have any role to play? It's not in our rules.

7 MR. STRACKE: No.

8 CHAIRMAN SMITHERMAN: It's not in the
9 statute. We don't talk about it.

10 MR. STRACKE: You're right. But I have a
11 young family. My oldest just got into college, and my
12 youngest is seven. And so, I mean, my plan was to live
13 there, you know, until the kids are all out of college
14 at least, if not to retire there afterwards. You're
15 right.

16 UNIDENTIFIED SPEAKER: Lightning strikes
17 if you're --

18 CHAIRMAN SMITHERMAN: Better not. Let's
19 not go there. I mean, I think your argument begins to
20 lose weight if it's just an anti-transmission argument,
21 because we love electricity, we love the comfort, we
22 love the economic development that comes from it, and
23 you really can't have it without transmission,
24 regardless of whether the power plant at the end of that
25 is a nuclear plant, a gas plant, a coal plant or a wind

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1 farm.

2 Anyone else, Bruce? Is that it?

3 MR. STRACKE: No, sir.

4 CHAIRMAN SMITHERMAN: All right. Thank
5 you very much.

6 MR. STRACKE: Thank you so much for your
7 compassion and --

8 CHAIRMAN SMITHERMAN: Does that --

9 MR. LLOYD: I think we may have one more.

10 CHAIRMAN SMITHERMAN: One more. I'm
11 sorry.

12 MS. DENDY: My name is Fran Dendy. I did
13 not intend to speak today. You don't have me listed
14 anywhere. But I don't feel like my area has been
15 represented. I came on the bus with these Tierra Linda
16 people, and I'm wearing this tag, but we don't -- I'm
17 not living on the Tierra Linda Ranch. We are on the B48
18 right as it exits I-10. And our ranch is there, and
19 there are --

20 COMM. ANDERSON: What was the name again?

21 MS. DENDY: Dendy, D-e-n-d-y. You have a
22 bunch of letters from us, but I didn't ask to speak
23 today.

24 CHAIRMAN SMITHERMAN: Well, thank you for
25 letting us know you came.

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1 MS. DENDY: Our ranch has been in the
2 family -- three more years, it will be 100 years. And
3 we don't want those -- the big lattice work poles there,
4 too. I know you're talking about the monopoles in
5 Tierra Linda and all, and I think that's wonderful. But
6 we're worried about our ranch as well. I talked with
7 one of my six grandchildren just yesterday on the phone,
8 telling her that we have that pipeline coming through
9 and now we're -- now, it's not at the same location --
10 but now there's a possibility of having the power line
11 come through, and we wanted to give them something that
12 they could be very proud of, and they're not going to be
13 getting it if this happens. At least the pipeline is
14 not above ground. You can't see it.

15 COMM. ANDERSON: How far is the ranch
16 headquarters or your house from the pipeline?

17 MS. DENDY: Our house is a ways from where
18 it's going to come through. But my sister's house and
19 my nephew's house would be -- and my neighbor's house
20 back there -- are right on that B48.

21 CHAIRMAN SMITHERMAN: Thank you.

22 MS. DENDY: Thank you.

23 COMM. ANDERSON: Thank you again.

24 CHAIRMAN SMITHERMAN: Yes, sir. Do we
25 have one more?

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1 MR. STRACKE: No, we don't.

2 CHAIRMAN SMITHERMAN: All right.

3 MR. STRACKE: But thank you very much. We
4 really appreciate your working with us and allowing us
5 to come before you today. We appreciate the difficulty
6 of your job.

7 CHAIRMAN SMITHERMAN: Okay. Shannon, did
8 you want to say something?

9 MS. McCLENDON: Yes, sir.

10 CHAIRMAN SMITHERMAN: Somehow I had a
11 feeling that you had --

12 (Laughter)

13 CHAIRMAN SMITHERMAN: I wanted to hear
14 from your client, but I understand they're not here, AC
15 Ranches.

16 MS. McCLENDON: That is correct.

17 CHAIRMAN SMITHERMAN: Okay. Probably
18 because we said we should limit the number of people who
19 came, but --

20 MS. McCLENDON: And sometimes you don't
21 want the lawyers to talk, just the landowner, and I
22 didn't want him hurting our case.

23 CHAIRMAN SMITHERMAN: Okay.

24 (Laughter)

25 MS. McCLENDON: He would be okay with

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1 that.

2 For the record, I'm Shannon McClendon.
3 I'm with the Law Firm of Webking McClendon. I represent
4 120 people in this case. 117 of them are with the
5 Alliance For A3. They are -- I discouraged them from
6 packing the room. I know that that's not going to make
7 a difference with y'all. Y'all have said it's not a
8 numbers game, so we didn't do that. We did, however,
9 have six come in case you had questions. They're in the
10 overflow room right now.

11 One, Mark Carama (phonetic) is with the
12 Falling Water Subdivision, and David Hartman (phonetic)
13 is with the Reserve Subdivision. And then we just have
14 other speckled ones throughout.

15 COMM. ANDERSON: Shannon --

16 MS. McCLENDON: Yes, sir.

17 COMM. ANDERSON: -- if I recall correctly,
18 they're on the P lines?

19 MS. McCLENDON: No, sir. We are in
20 between -- I'm sorry. We're in between the Gillespie
21 substation and the Kendall substation. And so once you
22 took that line off, A3 came off, which was the line that
23 we were supporting. The Alliance for --

24 CHAIRMAN SMITHERMAN: Maybe you didn't
25 hear me.

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1 MS. McCLENDON: Yes, sir.

2 CHAIRMAN SMITHERMAN: I said what I was
3 interested in hearing was about AC Ranches.

4 MS. McCLENDON: Yes, sir.

5 CHAIRMAN SMITHERMAN: Is that your client?

6 MS. McCLENDON: Yes, sir, it is.

7 CHAIRMAN SMITHERMAN: Okay.

8 MS. McCLENDON: And if I can state for the
9 record, so is the McGinley L-Bar Ranch and the Armstrong
10 Exempt Trust. But let's talk about AC Ranches, sir.

11 CHAIRMAN SMITHERMAN: Because I found it
12 unique that your client wanted to make their property
13 available for the line. And since they constitute such
14 a big portion of that one segment, you know, I think
15 it's worthy of noting, because I'm not sure the last
16 time we've had anybody volunteer that big of a piece of
17 property for the line to go through in a diagonal way.

18 MS. McCLENDON: That's correct; that's
19 correct, Mr. Chairman. The AC Ranches, the primary
20 owner is Charlie Nicholas, and he is in contract with a
21 wind company to have a wind farm. It's not sure whether
22 or not that's going to happen, as we continue to have
23 more and more of these farms come up. He also has such
24 a large amount of land as well, that if it was going to
25 come on his property or nearby, we would prefer to

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1 figure out where it should go instead of it going
2 somewhere else.

3 So he went to the expense, or the company
4 went to the expense of hiring a land surveyor as well as
5 a right-of-way services company to place the -- to
6 maximize the amount of line so it wouldn't harm as many
7 of the neighbors as much. AC Ranches also has another
8 ranch, which is in the record -- hopefully everything
9 I'm saying is in the record -- that is south of the AC1,
10 the more north. We originally designed the line to go
11 through all three of those, but it would cause a lot
12 more distance and required right-of-way. So we went to
13 LCRA and proposed this, and we worked with them and
14 provided them data. They provided us data, and we're
15 able to get it on the map.

16 CHAIRMAN SMITHERMAN: Do you guys have any
17 questions of Shannon?

18 COMM. ANDERSON: I don't.

19 CHAIRMAN SMITHERMAN: Thank you.

20 MS. McCLENDON: Yes, sir.

21 CHAIRMAN SMITHERMAN: So let's do this, if
22 you-all are amenable.

23 COMM. ANDERSON: There may be some
24 other --

25 CHAIRMAN SMITHERMAN: Do we have someone

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1 else?

2 MS. CRUMP: Yes, Your Honor. I represent
3 Mr. Atkission from the City of Kerrville. He's a
4 directly affected property owner. He is a party.

5 CHAIRMAN SMITHERMAN: Okay. All right. I
6 thought we did Kerrville earlier today, but --

7 UNIDENTIFIED SPEAKER: I think you did the
8 public officials, sir.

9 CHAIRMAN SMITHERMAN: Please, sir.

10 MR. ATKISSION: Good afternoon. My name
11 is Cecil Atkission. I live in Kerrville. I have a lot
12 in common with a lot of the people that are here today,
13 and that's the love for the Hill Country and Kerrville
14 and surrounding areas. The things that you haven't
15 heard from today is, I'm a businessman in Kerrville.
16 You held up the picture earlier about the -- showed a
17 picture of the dealership.

18 CHAIRMAN SMITHERMAN: Right.

19 MR. ATKISSION: And I'm the car guy.

20 In my business we employ 57 people. If
21 the proposed route that's referred to as 19B, which
22 encompasses my property, we have a substantial
23 investment in Kerrville in our real estate. And, like
24 everybody else here, we're really concerned with what
25 the power line will do to the value of our property.

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1 Besides that, we are also concerned about
2 what it would do for our business if the preferred
3 route -- the route you have around my piece of
4 property -- I'm not an engineer, but I would probably
5 have someone in the neighborhood of between three and as
6 many as 10 poles on my property, most of those poles
7 being less than 100 feet of my business.

8 I've showed you a -- I'll give you a
9 piece of property -- a picture that has my property and
10 the hard surfaces and the buildings of the dealership.
11 I'm just here to ask you to consider the preferred route
12 from LCRA.

13 CHAIRMAN SMITHERMAN: Ken?

14 COMM. ANDERSON: And I'm looking at --
15 well, I asked the County Judge of Kerr County and the
16 Mayor earlier -- I don't know if you were here for that.

17 MR. ATKISSION: I wasn't.

18 COMM. ANDERSON: -- about an idea that
19 LCRA raised in their reply to the exceptions. And I'm
20 looking at Attachment A to, I believe, the Kerr -- the
21 Kerrville -- I think they were the exceptions -- let me
22 just verify that -- yes, the exceptions. I guess it's
23 your exceptions, too.

24 MR. ATKISSION: Yes, sir.

25 COMM. ANDERSON: It's about -- for some

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1 period or some distance crossing south -- because of the
2 bulk of the habitable structures appear to be on the
3 north side right in this segment, by crossing -- and I'm
4 not -- I haven't decided what I'm going to do. But if
5 we went down this route -- because while I have you
6 here, I want to make a list of possible adjustments
7 before we -- crossing south of I-10 across the Lowe's
8 parking lot, there's I guess a Holiday Inn, some other
9 commercial property before -- and I don't know exactly
10 what LCRA, how far they would take it south, but
11 cross -- and then at some point, I don't know if it's
12 the other side of 16 or where, but it would cross back
13 over north.

14 It would appear, at least from the
15 exhibit -- this is Attachment A to your exceptions --
16 that that would -- that would significantly reduce the
17 number of habitable structures. Now, a lot depends how
18 far they go. You know, again, I'm not trying to draw
19 the line. But if we went that way -- and I understand
20 that you prefer the preferred route, LCRA's preferred
21 route; in the absence of that, the ALJs' route.

22 Is that something that you -- do you view
23 that as a more preferable approach?

24 MR. ATKISSON: This gives me an
25 opportunity to take off my business hat and talk about

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1 being a citizen from Kerrville. Because of where I
2 work, I get to look across that area a lot. And, first
3 of all, I'm very, very fortunate. Not very many people
4 get to go to work and get to have the view that I have.

5 Where you're talking about doing that, we
6 have two ways off I-10 that you get into Kerrville, and
7 we have two gateways to our town. If you did that on
8 that one, I don't -- coming off that big hill, coming
9 into Kerrville and seeing nothing but power lines across
10 the gateway to our city I think is very detrimental to
11 our town and the growth of our town, and I hope you can
12 understand that. I'm not giving you excuses. I'm just
13 trying to tell you what things are on my heart, sir.

14 COMM. ANDERSON: Even if they were
15 monopoled, because the Judge did recommend monopoling
16 through the community that --

17 MR. ATKISSON: I think it's just a
18 distraction, and I think that if somebody comes into our
19 town and -- you know, we only have those two spots that
20 you can really get off to come into our town. And when
21 you come off that hill and you see nothing but power
22 lines running across -- it has to be close to Interstate
23 10 where it crosses 16 -- I think it would be a very big
24 distraction.

25 Also from the economic part of our town,

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1 when you get off the interstate there, we have -- we
2 actually have four corners there, and only one of them
3 is developed. We have three other corners that are yet
4 to be developed. And I just think that is so important
5 to the growth of our town and our community, to leave
6 that property alone so we can develop that area.

7 COMM. ANDERSON: Well, because you're a
8 businessman, I actually want to follow this up because,
9 again, I frankly never noticed transmission lines much,
10 even though actually I drive under one that's I guess
11 City of Austin on a residential street. And it's
12 actually a transmission line, albeit a lower voltage
13 than these, about a block north of the apartment
14 building which we own.

15 But, you know, I'm from Dallas and I -- I
16 mean, you just don't notice the transmission lines that
17 run even through the city, much. They're actually green
18 space. You know, the right-of-way that cuts through
19 residential neighborhoods, people use them as parks.

20 Out where my folks live -- and they live
21 in the Hill Country -- because in LCRA, there's an LCRA
22 power plant that preexisted the neighborhood -- they're
23 criss-crossed by everything, by double 345s, by -- well,
24 I don't even know there's anything but 345s out there.
25 But in any event -- and it didn't -- they run over the

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1 parking lots of the strip of what amounts to Main Street
2 where there are lots of -- where the commercial area is,
3 it hasn't seemed to have affected that.

4 And I'm not trying to argue. I understand
5 the concern and the fear. I just -- that just doesn't
6 seem to have slowed down development where I've seen
7 them, the commercial development in particular. Now,
8 you know, I do -- I'm not trying to get on a slippery
9 slope of what's more valuable. But with respect to at
10 least commercial development, light commercial, it just
11 doesn't seem to have really adversely affected that.
12 You know, the businesses locate where they think there
13 are people and customers.

14 And I'm trying to keep -- I'm keeping an
15 open mind on all this. I'm just really -- but this is
16 one issue that I've been struggling over.

17 MR. ATKISSON: I can appreciate that. I
18 had the pleasure of living in Austin quite a few years
19 ago, and there's a reason I chose to live in the
20 country. And I share that feeling with a lot of my
21 friends and neighbors and customers that are in this
22 room. And I think the -- I hope that part of the
23 messages that your getting is: We live there because we
24 went there when it's what it was and what it is.

25 And, ironically, we have a -- I'm a little

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1 embarrassed about this -- but ironically in Kerrville,
2 we have a very nice new road, and it's been there now
3 about a year-and-a-half. And my wife and I were driving
4 out down that road -- and it's beautiful land, and it
5 will be developed one of these days -- and we go over a
6 big hill, and I'll be darned, here runs a big old power
7 line across that -- right across the highway. And I
8 guess, because of being where I'm from and getting to
9 live where I live, I notice all those things. And I'm
10 amazed when I came down 5th and Lamar today -- I used to
11 work on the corner at Capital Chevrolet, and it was a --
12 it's not the way it used to be. It's changed a whole,
13 whole bunch.

14 And I hope you'll hear the message, I hope
15 that most of the people are delivering today, is that we
16 just love where we live and we want to keep it as much
17 as we can, as long as we can. And I would also say,
18 being as I come to any big city -- Dallas, Houston,
19 Austin, wherever it might be -- I think you can put up
20 another building and another power line and it won't be
21 noticed very much. But I think when you start doing
22 things like that out where we don't have them, it makes
23 a big difference. It makes a big difference to me and
24 makes a big difference to us. I'm sorry. I can't speak
25 for everybody else, but it makes a big difference for

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1 me.

2 I'm going to say something real selfish
3 about my picture of the store. That flag pole that's
4 out in front of my store, it's 100 foot tall, and it has
5 a pretty good size flag on it. It's a 30 by -- by the
6 way, I didn't put that there. I mean, it was there when
7 I bought the store when I came to town, but I'm also
8 glad that Mr. Benson, when he built the store, put it
9 there.

10 But if those power lines come down through
11 there and criss-cross across Interstate 10 or down I-10,
12 if they come on my property, I'm not sure I'm going to
13 have to take the flag down. But that flag is very, very
14 important to me, and it's very, very important to a lot
15 of people that live in the Hill Country. And I'm not
16 making this up, but there's very seldom a week goes by
17 that somebody doesn't stop me and say, "You know, I come
18 over that hill down I-10 and I know I'm home when I see
19 that flag," or "When I'm coming from Fredericksburg and
20 I'm coming down 16, when I cross -- top that hill and I
21 see the flag, I know I'm home."

22 And I would hate to see that flag go away,
23 not because it's just the flag but what it stands for,
24 for being home and what it means to the people that live
25 in the Hill Country.

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1 CHAIRMAN SMITHERMAN: Previously I had a
2 discussion with the Mayor about this religious center or
3 memorial, whatever it is behind your store.

4 MR. ATKISSION: Yes, sir.

5 CHAIRMAN SMITHERMAN: I'm looking at an
6 attachment to LCRA's third response for information,
7 Cecil Atkission. This is Kerrville Exhibit No. 12?
8 Anyway, this is a picture of your store with proposed
9 lines going behind your store.

10 MR. ATKISSION: Yes, sir.

11 CHAIRMAN SMITHERMAN: Tell me how far back
12 your property goes before it becomes the property of
13 this religious center.

14 MR. ATKISSION: It is not very far. If
15 you looked at the bigger picture that you might have
16 like this.

17 CHAIRMAN SMITHERMAN: Right.

18 MR. ATKISSION: Okay. The terrain rises
19 right there behind the dealership, and it goes up that
20 way probably, from the back of the showroom floor,
21 75 feet, maybe 100. And I'm real bad on measurements
22 but it's not very -- it's not very far. It's a typical
23 deal for me. I thought I owned it all till he bought
24 it, so here I am.

25 (Laughter)

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1 MR. RODRIGUEZ: This might help.

2 CHAIRMAN SMITHERMAN: I'm sorry, Ferdie.
3 Yes.

4 MR. RODRIGUEZ: This might help. This is
5 another one of those pictures we took. It's Sheet 26 of
6 28. And, Commissioners, I think that might answer that.

7 CHAIRMAN SMITHERMAN: Right. Okay.

8 COMM. ANDERSON: Yes.

9 CHAIRMAN SMITHERMAN: So do you own back
10 to the yellow line?

11 MR. ATKISSION: Yes, sir.

12 CHAIRMAN SMITHERMAN: Okay.

13 MR. ATKISSION: Wait just a minute.

14 CHAIRMAN SMITHERMAN: I'm talking about
15 the solid yellow line behind your store that has some
16 green space between where the asphalt stops and where
17 this caliche road takes up, leading up the hill. Is
18 that your property?

19 MR. ATKISSION: I'm sorry, sir. I was
20 trying to figure something out. Would you ask me that
21 one more time?

22 CHAIRMAN SMITHERMAN: Well, let me point.

23 MR. ATKISSION: Okay.

24 CHAIRMAN SMITHERMAN: I'm talking about
25 this area between your store and your pavement and the

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1 dirt road, this undeveloped area. Is that your
2 property.

3 MR. ATKISSION: I would say my property
4 runs about halfway between that yellow line and the red
5 line.

6 CHAIRMAN SMITHERMAN: Oh, okay.

7 MR. ATKISSION: You're getting pretty
8 close.

9 CHAIRMAN SMITHERMAN: All right. Okay.
10 So how do you feel about this proposal to run these
11 lines and poles behind your store?

12 MR. ATKISSION: I'm very, very concerned
13 about people that live in the Hill -- I'm not very --
14 I'm concerned about my business aspect, that all the
15 power lines. I don't know that people are going to come
16 up and want to look at cars and be conducive to the
17 atmosphere that we have in my store, with a bunch of
18 power lines running across the back of it, sir.

19 CHAIRMAN SMITHERMAN: Well, you're a Chevy
20 dealer, and I assume one day you'll be selling a Volt.

21 (Laughter)

22 MR. ATKISSION: I would say that I'm very
23 fortunate. I do have one of those, and that's the only
24 reason, is because I'm close to Austin. But I -- yes,
25 sir, I'm sure I will, and I hope I get a bunch of them.

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1 CHAIRMAN SMITHERMAN: Anything else for
2 Mr. Atkission?

3 COMM. ANDERSON: Thank you.

4 CHAIRMAN SMITHERMAN: Great. Thank you.

5 MR. ATKISSION: Thank you very much to
6 take the time to hear me.

7 MR. HENKE: Mr. Chairman, Charlie Henke
8 for intervenor CYH Ranch, and we have a witness whenever
9 it pleases the Commission.

10 CHAIRMAN SMITHERMAN: All right. Come on
11 down. Thanks for coming.

12 MS. YANT: Good afternoon, Commissioners.
13 My name is Elizabeth Yant --

14 CHAIRMAN SMITHERMAN: Hold on. Let's hold
15 it down so we can hear the witness, please.

16 I'm sorry. Start over.

17 MS. YANT: Good afternonn. My name is
18 Elizabet Yant, and I am a landowner affected by MK15
19 route. And it's in the southeast part of the survey
20 area, Commissioner Smitherman, that you referred to.
21 And it's just south of Highway 16. It's Segment C6.

22 Specifically, Segment C6 -- and my counsel
23 is here with a graphic that might help you see it
24 visually -- Segment C6 in its original route would
25 bisect my property on a diagonal along no existing

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1 right-of-way. I have participated in these
2 proceedings --

3 CHAIRMAN SMITHERMAN: Hold on. I'm sorry.
4 I'm still trying to find it. Where is it?

5 COMM. ANDERSON: I think it's -- is this
6 the --

7 MS. YANT: It goes south of the area where
8 Tierra Linda is.

9 COMM. ANDERSON: It's C6.

10 MS. YANT: And you cross Highway 16.

11 CHAIRMAN SMITHERMAN: Oh, there it is.

12 Okay. Got it.

13 MS. YANT: Got it?

14 MR. JOURNEAY: And if you looked at our
15 briefing material, the Attachment 9 is going to show you
16 the specifics.

17 CHAIRMAN SMITHERMAN: I'm sorry. Go
18 ahead.

19 MS. YANT: Okay. I participated in these
20 proceedings as an intervenor on behalf of my mother, my
21 sister and myself under the name of CYH Ranch. I would
22 ask that the Commissioners consider a landowner
23 modification that my counsel addressed at the hearing on
24 the merits with LCRA TSC and the PUC Staff, and it is
25 part of the evidentiary record.

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1 Prior to the prehearing in September, I
2 corresponded with LCRA TSC staff to propose this
3 modification. I participated in the intervenor process,
4 attended the prehearing. I submitted the filings,
5 attended the entire hearing on the merits. And I've
6 engaged legal counsel to represent me in the entire
7 process.

8 The modification that I'd propose and
9 agreed with LCRA TSC and PUC Staff would move the route
10 that bisects my property on a diagonal and not
11 paralleling any existing compatible right-of-way to a
12 line that parallels the existing NextEra or Horse Hollow
13 line just north and east.

14 CHAIRMAN SMITHERMAN: Now, would that
15 still be on your property?

16 MS. YANT: No. The agreement that we
17 discussed with LCRA and with the PUC Staff would move
18 that north and east of our property and parallel the
19 NextEra line, which is north and east of the property.

20 CHAIRMAN SMITHERMAN: Well, what does the
21 property owner that it would be placed on think about
22 this?

23 MS. YANT: Well, both of them have -- are
24 notified landowners, and that was agreed in the record
25 and discussed at the hearing on the merits, that the --

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1 when you cross that line and parallel the NextEra line
2 that the properties that you affect with that were
3 noticed landowners. In fact, one of them was a -- filed
4 as an intervenor.

5 CHAIRMAN SMITHERMAN: Okay. This looks to
6 me like a different type of adjustment than the ones
7 we've been talking about before where people are saying
8 I know it's going to be on my property, I want you to
9 follow it this way or that way rather than going across
10 it. This actually takes a line that would be on your
11 property and puts it on someone else's.

12 MS. YANT: Correct. And this is what we
13 discussed. In fact, there's an extended discussion in
14 the hearing on the merits record in which the PUC Staff
15 acknowledged that it would do this and agreed that it is
16 possible. And in fact, even in the PUC Staff filing
17 recently on the exceptions that they -- that they filed,
18 they agreed with the modification. And PUC Staff in the
19 hearing on the merits even recommended this
20 modification.

21 CHAIRMAN SMITHERMAN: So, Ferdie, help me
22 out on this because I'm starting to get confused. Maybe
23 it's been a long day. But her statement is that this
24 landowner that would now get this line had been -- had
25 been noticed. I guess that potentially the entire

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1 NextEra line was a candidate for having a line -- a new
2 line next to it. Is that --

3 MR. RODRIGUEZ: Both landowners were
4 noticed. They didn't participate. This is one of the
5 ones that we called an Attachment 13 route modification.
6 It is one that we looked at. We costed it out, and we
7 said it is feasible and if ordered to build it we would
8 do so.

9 And during the hearing I did talk to
10 Mr. Ally just to make sure that we understood that this
11 is what he was talking about. And I think Ms. Yant is
12 correct -- I think that's what she's talking about, the
13 extended discussion, because I asked Mr. Ally if this in
14 fact is what you're recommending and he responded in the
15 affirmative. But it does take it off their property and
16 puts it on noticed -- other noticed property owners.
17 And if I remember correctly, it even requires us to
18 cross over the NextEra line.

19 MS. YANT: That is correct, and that was
20 in the record, the discussion on that.

21 CHAIRMAN SMITHERMAN: But in terms of
22 routes -- route segments that have been discussed and/or
23 embodied on any of these maps, whether it's in the
24 filing or in the PFD, there presently is not a route
25 segment that takes this route north along the eastern

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1 side of the gen tie and then takes it west.

2 MR. RODRIGUEZ: Mr. Chairman, I've been
3 advised we intentionally stayed on one side of the gen
4 tie. We did not try to jump back and forth, if that was
5 your question.

6 CHAIRMAN SMITHERMAN: Well, my question
7 is -- I'm putting myself in the place of this landowner.
8 Is this landowner here, by the way? Not even here.

9 I'm putting myself in the place of this
10 landowner who has seen a map and on that map C6 does
11 not, at least in this particular portion, does not cross
12 his or her land, and now the proposal is to put it on
13 his or her land without their permission.

14 MR. RODRIGUEZ: Mr. Chairman, I think
15 you're right. The other landowners did not participate.
16 And if I was the other landowner --

17 CHAIRMAN SMITHERMAN: If you can get their
18 permission, fine. But I'm not going to go for it
19 without their permission.

20 COMM. ANDERSON: Well, there's two -- if I
21 look at the materials, there's two -- there's two
22 suggestions, one of which has an attachment -- one of
23 which has the line crossing the NextEra, which is what
24 we're looking at. But then there's another that takes
25 it just south of the NextEra line along the -- along the

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1 property line. It looks to me like the property line.
2 Is that --

3 MR. JOURNEAY: That was Page 44 of the
4 attachment --

5 CHAIRMAN SMITHERMAN: Right.

6 COMM. ANDERSON: There's 43 of
7 attachment -- corrected Attachment 13, and then there's
8 Page 44 of corrected Attachment 13.

9 MR. HENKE: Excuse me, Commissioner. My
10 name is Charlie Henke. I'm counsel for CYH Ranch. We
11 had a three-way stipulation in the hearing, and Page 44
12 was actually removed from that exhibit. So I'm -- it
13 actually should not even be before the Commission. Page
14 44 was removed as part of a three-way stipulation.

15 CHAIRMAN SMITHERMAN: Among whom?

16 COMM. ANDERSON: Stipulation with whom?

17 MR. HENKE: LCRA TSC and PUC Staff. I
18 mean, it was raised at the hearing on the record. It
19 was withdrawn.

20 COMM. ANDERSON: That runs counter to what
21 LCRA just said, that they did not want to cross the
22 NextEra line.

23 COMM. NELSON: I think what they said was
24 they didn't provide a route that would cross the NextEra
25 line.

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1 MR. HENKE: That's correct.

2 COMM. ANDERSON: But you stipulated to
3 what?

4 MR. HENKE: To withdrawing Page 44 from
5 that exhibit. And in fact, at the hearing, I made sure
6 that Page 44 had been removed from the exhibit, which is
7 why I'm surprised that Page 44 is before you, because we
8 stipulated on the record that Page 44 was being removed
9 and then physically removed Page 44 from the exhibit so
10 there wouldn't be any confusion on this issue.

11 CHAIRMAN SMITHERMAN: I mean, that's
12 interesting, because I could actually be for Page 44,
13 but, you know, I'm not for Page 43.

14 COMM. ANDERSON: Yeah, I'm --

15 MR. JOURNEAY: Well, in fact 44 could be
16 done under the minor deviation.

17 CHAIRMAN SMITHERMAN: Yes, that's correct.

18 COMM. ANDERSON: Page 44 can be done under
19 the minor deviation regardless --

20 CHAIRMAN SMITHERMAN: Whereas 43 can't
21 without the approval of that landowner.

22 COMM. ANDERSON: Not under our standard
23 ordering.

24 MR. RODRIGUEZ: Mr. Chairman, would it be
25 possible if I could have Ms. Morgenroth explain that?

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1 Ms. Morgenroth is our case manager and she probably has
2 the best command of the facts on this.

3 CHAIRMAN SMITHERMAN: Okay.

4 MS. MORGENROTH: Sara Morgenroth, LCRA
5 TSC. I'm going to try to walk you through where we
6 parallel NextEra and then it gets to this C6 area. If
7 you look a little bit back to the east, Segment C11 and
8 Segment C10 parallel on the north side of the NextEra
9 line.

10 CHAIRMAN SMITHERMAN: Hold on. Wait,
11 wait, wait, wait.

12 MR. HENKE: This purple might help them --

13 COMM. ANDERSON: Okay. Start over again.

14 MS. MORGENROTH: Okay. I'll start over
15 again. So if you -- and actually the gentleman's map up
16 here also shows this in a really big version. But if
17 you see C11, just a little bit to the east of C6 --

18 COMM. ANDERSON: Oh, you are across the
19 north side.

20 MS. MORGENROTH: We're on the north side.
21 You can't see it on that map, Commissioner Nelson,
22 that's correct.

23 CHAIRMAN SMITHERMAN: There's C11.

24 MS. MORGENROTH: So you follow C11 and
25 then go west. So then you see C10, Segment C10. We're

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1 paralleling NextEra on the north side. And then you can
2 see where C6 kind of goes up to the north. And NextEra
3 is still -- is now on the west side of C6. And then you
4 see how C6 kind of veers off? That is following --

5 CHAIRMAN SMITHERMAN: Hold on a second.
6 Let's let the room clear out.

7 MS. MORGENROTH: Okay. So then at C6 --
8 C6 goes up and then it kind of angles north --
9 northwesterly, and what it's doing is C6 is paralleling
10 the ETC pipeline. And then NextEra is more northerly of
11 C6, so we are not paralleling NextEra at that point.

12 CHAIRMAN SMITHERMAN: Got it.

13 MS. MORGENROTH: And then we don't pick
14 NextEra's line back up again until we hit Segment B58A.
15 So what she's talking about is moving it up to the
16 NextEra line and paralleling that where we chose not to
17 do that. When we routed this, we were following the
18 pipeline.

19 CHAIRMAN SMITHERMAN: Yeah, I understand
20 that. My issue is by extending it north, you're
21 extending it onto another property owner's land.

22 MS. MORGENROTH: Right. And it's
23 clarification -- the Attachment 13, what we did is we
24 verified that when landowners ask us to look at a
25 modification, we wanted to make sure it did not impact a

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1 non-noticed landowner. And that's what we did. So we
2 looked at this and said, "Okay. Well, that landowner is
3 noticed." But we didn't say one way or the other that
4 we supported it. We just made the modification because
5 we looked at it from an engineering perspective, an
6 environmental perspective and notice. And it met that
7 criteria.

8 CHAIRMAN SMITHERMAN: Well --

9 COMM. NELSON: You're saying it's
10 feasible.

11 MR. RODRIGUEZ: Yes.

12 COMM. NELSON: That's all you're saying.

13 MS. MORGENROTH: That is correct.

14 MR. RODRIGUEZ: Yes.

15 CHAIRMAN SMITHERMAN: That landowner was
16 noticed because there was a possibility of a part of
17 this going through his or her land. But once you put C6
18 on a map, suddenly that landowner doesn't think that
19 this is going to go on this particular part of the land.

20 MS. MORGENROTH: That is correct. That
21 landowner is noticed because they're within that 500
22 foot notice corridor. But you're absolutely right,
23 Commissioner Smitherman.

24 MR. RODRIGUEZ: Now, I do have to say
25 there are places where we noticed folks to give the

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1 Commission the ability to make routing adjustments if
2 you thought it was appropriate. That might be a
3 situation like this, too. But you're right. I think
4 you're rendition of the facts is correct.

5 CHAIRMAN SMITHERMAN: Yeah.

6 COMM. ANDERSON: I'm going to have to
7 think about this.

8 CHAIRMAN SMITHERMAN: Yeah. So, ma'am,
9 the NextEra line, is any of it on your property?

10 MS. YANT: No, it is not. It's very near
11 the property line on the north part of the property.
12 And both of those landowners, you know, certainly agreed
13 to having that private line put on their property.

14 CHAIRMAN SMITHERMAN: So how do you feel
15 about a private line negotiated with landowners that is
16 what looks like to essentially be on the other side of
17 your fence that you have to look at suddenly becoming a
18 potential avenue for another, bigger line? I don't know
19 if you heard earlier when I raised this as a potential
20 policy discussion --

21 MS. YANT: -- earlier, and I find it very
22 disappointing that that private line went through there.
23 They approached us, my family --

24 CHAIRMAN SMITHERMAN: I'm sure they did,
25 yeah.

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1 MS. YANT: -- and we were very much
2 against it. And -- as we still are -- and very
3 unfortunately have to look at it and it's very, very
4 close to my mother's home. So I guess that -- you asked
5 what my feelings were about it. I went through a very
6 arduous process in doing this whole process to put forth
7 my feeling that I don't want the power line coming
8 through my property. My neighbors chose to have one
9 come through theirs. So if another one has to be routed
10 in this direction, it would seem that it could be a twin
11 and parallel the one that's there.

12 CHAIRMAN SMITHERMAN: In other words, if
13 they wanted one, they -- two is better?

14 (Laughter)

15 MS. YANT: Excellent choice of words.

16 COMM. ANDERSON: You know, this is not --
17 I don't think there's any evidence in the record. They
18 may not have intervened because they may have thought,
19 well, that's just double my money on the right-of-way.

20 CHAIRMAN SMITHERMAN: I don't know.

21 COMM. ANDERSON: There's no way of
22 knowing.

23 COMM. NELSON: -- speculating.

24 MS. YANT: Well, could I just add one of
25 those landowners did in fact file an intervention?

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1 COMM. NELSON: But I think the Chairman's
2 point is they haven't participated because so far every
3 route that's being considered isn't on their land.

4 MS. YANT: But they did file as an
5 Intervenor.

6 CHAIRMAN SMITHERMAN: So C6 as it
7 presently is configured on your land is parallel -- does
8 it run parallel to a pipeline? It looks like I see the
9 pipeline.

10 MS. YANT: There is a pipeline that goes
11 through there. It's an old pipeline that's grown over.
12 The line that was originally drawn actually diverts from
13 that pipeline is what --

14 CHAIRMAN SMITHERMAN: Yeah, it looks like
15 there's some kind of right-of-way running from northeast
16 to southwest. What is that? I'm looking at -- yeah,
17 I'm looking at this one right here. It looks like a
18 clear brush --

19 MS. YANT: Are you looking at like a black
20 line -- I think what you're looking at is the property
21 line there.

22 CHAIRMAN SMITHERMAN: No, no, I'm looking
23 at something that actually intersects with the box that
24 says C6. And then --

25 MS. YANT: Oh, that is -- that's also a

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1 very old pipeline.

2 CHAIRMAN SMITHERMAN: It looks like it
3 terminates at what might have been a well site right up
4 there north of your property, that clear pad --

5 MS. YANT: Yeah. I think originally in
6 discussions with LCRA, I think they originally thought
7 that that little diamond pad was a telecommunications
8 tower of some sort. And they told me originally they
9 weren't looking to parallel along NextEra because of the
10 proximity to what they thought was a telecommunications
11 line -- tower, but it's not. It's just an old pipeline
12 station of some sort we think.

13 CHAIRMAN SMITHERMAN: Any other
14 questions --

15 MS. YANT: Now, I would just urge you to
16 consider this modification that we went to a lot of
17 trouble to agree -- we believe makes sense. We believe
18 it follows more of a compatible right-of-way than the
19 one that bisects our property in half. And I would urge
20 the Commission to please consider this modification
21 that's part of the corrected Attachment 13.

22 CHAIRMAN SMITHERMAN: Thank you.

23 MS. YANT: Thank you for your time.

24 CHAIRMAN SMITHERMAN: Yes?

25 MR. JOHNSON: Mr. Chairman, as I mentioned

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1 earlier, I've got some clients that would like to
2 address comments to the Commission, and then I might
3 have a few remarks at the end on purely new topics for
4 those that don't choose to speak.

5 CHAIRMAN SMITHERMAN: Okay.

6 MR. JOHNSON: There is Mr. Trey Whichard.
7 Generally in terms of our clients on the B19 segments, I
8 think we'll just move from west to east to put them in
9 easy order.

10 MR. WHICHARD: Thanks, Rob. And thank
11 you-all. My name is Trey Whichard, and I'm on B19B. My
12 property is -- fronts Highway 83. Mr. Stener had
13 referred to my property earlier when he spoke about the
14 plane accident that occurred on my place.

15 As was mentioned earlier -- and I echo --
16 I'm really thankful I don't have your job. And I know
17 there is the old saying you can't please all the people
18 all the time. But it occurs to me after listening to a
19 lot of this and reading all the information that I have,
20 it's going to be difficult to please some of the people
21 some of the time.

22 (Laughter)

23 I'm also concerned, too, as we've rushed
24 through this and the complexity of it, that there's
25 become -- the objective has become meeting a deadline as

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1 opposed to making a good informed decision, and that
2 worries me. It worries me that there's a lot of
3 information that is out there that's been produced that
4 as a group we haven't been able to collectively think
5 through and sort through fully. The airport is just one
6 of those issues.

7 You know, whether or not it was part of
8 the record, you know, the wreck that was described
9 earlier and discussed earlier in fact is public
10 information. And shame on somebody for not putting it
11 as part of the public record. I mean, it's out there
12 and it should have been known. Certainly everybody
13 around Junction knows about it.

14 But what's interesting to me -- and
15 somewhat confounding, and I'm glad that the law firm of
16 Gardere Wynne has been helping. It's somewhat regretful
17 that I'm having to pay for this. But I've got at least
18 average intelligence, and it's difficult to read and
19 keep up with all of the information that goes back and
20 forth. And as I try to read and understand and have an
21 appreciation and respect for all of the criteria that
22 has been set forth in terms of the decisions that go
23 into picking a route, to me -- and I'm more than just a
24 casual observer -- it's selective. Sometimes criteria
25 are important for certain parts of the routes and

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1 sometimes those criteria are unimportant. As I
2 mentioned, it's just confounding to me in trying to get
3 an appreciation and understanding for why we're choosing
4 what we're choosing.

5 For example -- and believe me, you know,
6 inasmuch as a tax/ratepayer, I'm going to be footing
7 part of this bill. It does please me to hear the
8 discussion around cost and the concern over costs. And
9 at some point, maybe over a beer, I'd like to talk about
10 the whole of the project and how expensive the thing is
11 and what we're getting out of it. But inasmuch as we
12 think about cost, what is puzzling to me is why
13 sometimes -- or rather the focus tends to be on
14 incremental costs of this versus that as opposed to
15 talking about the whole of it.

16 For example, if we stayed on the preferred
17 route and it's \$40 million cheaper than the MK15 route,
18 \$40 million cheaper. And it follows more of the
19 criteria than does MK15. And there's a lot of talk
20 about MK15 being compatible with I-10. The fact is that
21 when you go through and map it, it only follows -- 28
22 percent of the route follows I-10. So there's a big
23 chunk of that route that's not even on I-10.

24 However, getting back to the cost point,
25 if we went with the preferred route, that's \$40 million

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1 cheaper. So why haven't we had, you know, more
2 discussions around -- around that when we talk about the
3 cost element? A little bit ago it was interesting to
4 me -- and just quick math -- at \$300,000 a mile using
5 monopoles over the lattice towers -- if we went with the
6 preferred route and at \$300,000 a mile substituted
7 lattice towers with monopoles, the cost comes in
8 identical to the MK15 route. And there again, it meets
9 more of the criteria set forth by someone with respect
10 to the decisions that go into these routes.

11 The airport issue is a complicated one.
12 Certainly more so than I'm able to articulate. However,
13 what's interesting is I'm at the top of the hill --
14 quote, "hill," unquote. And I drive past the airport --
15 in fact, I land at the airport. I own an airplane. My
16 partner is a pilot and I'm not. And the pucker factor
17 coming in and out of that airport is tremendous. And
18 particularly when the lady on the radar is telling you
19 "warning, warning, warning, obstacle." And then there
20 are towers south of town sitting on top of those hills
21 that when you're taking off to the south -- or
22 approaching from the south -- you've got to be very
23 careful of. And it's discerning (sic) I'll tell you.
24 And as Mr. Stener mentioned earlier, you know, the
25 approaches taking off in the summertime, those guys come

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1 over my ranch in the summer and you can read their tail
2 numbers on the plane.

3 And there was some commentary earlier -- I
4 don't remember by who, perhaps by LCRA -- about being
5 such a safe distance away from the airport. My property
6 line, as the crow flies, may be a half a mile from the
7 north end of that runway. And when you've got to take
8 off to the north in the summertime, it's really -- it's
9 frightening, quite honestly.

10 But what I wanted to say beside all that
11 is there is no hill up there. It's just up. It goes
12 up. My property is 500 feet above the runway elevation.
13 There's no hill. You can't run behind a hill and hide
14 behind -- you know, you drive through Kerrville, for
15 example and you see a hill and you see another hill.
16 This is just up.

17 There's canyons that run through there
18 which go down. They're not contiguous. I suppose
19 perhaps what they're suggesting is they can snake their
20 way through the canyons at some point. But once again
21 they're not contiguous. I can tell you going across 83
22 there's no canyon. If you were to leave my property and
23 continue east towards the Scott's property and Ken
24 Hirmas, for example, there's no canyon that connects the
25 west side of 83 to the east side of 83.

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1 So while you may be able to go down for
2 some, you're going to pop back up for others. And it's
3 not just the pole that becomes a problem. It's the
4 line -- it's the line. The whole length of it is a
5 problem. The information that I've read suggests there
6 hasn't been a complete and thoughtful enough
7 understanding as to what exactly the issues are putting
8 the line south of the airport. From what I read,
9 erosion issues aren't a concern. That's been discussed
10 by engineers qualified to do such an analysis.

11 So once again, you know, I'm confounded by
12 why you have pretty thoughtful -- certainly from
13 landowners such as myself -- who have paid for
14 engineering studies and done these analyses. But then
15 yet again you get -- we tend to start moving down this
16 path and riding a wave of believing what we hear. And
17 what we're hearing is incomplete and that concerns me,
18 particularly as this runs through my property. But, you
19 know, the whole of it is, I suppose, that if it is --
20 if, you know, the character that trumps all other
21 factors, or the criteria, rather, that trumps all other
22 factors is compatible right-of-way, we wouldn't be on
23 I-10. We would be on -- following the Horse Hollow line
24 or the P routes. You know, if it were costs that we
25 were concerned about, we wouldn't be talking about

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1 anything other than the MK13 route, and we'd be focused
2 on using monopoles that unanimously have been
3 recommended by the -- by the public, by the community.
4 And when you think about the whole of the cost, and you
5 think about using the preferred route, together with the
6 monopoles, it's no different than MK15.

7 So rather than go on and on, I'll stop it
8 at that and once again thank you guys for a pretty full
9 day of some complicated and emotional issues. With that
10 I'll pause and let you ask any questions.

11 CHAIRMAN SMITHERMAN: Questions?

12 COMM. NELSON: I don't have any.

13 CHAIRMAN SMITHERMAN: Thank you.

14 MR. WHICHARD: Thank you.

15 MR. JOHNSON: Next we've got Mr. Brent
16 Scott.

17 MR. SCOTT: Good afternoon.

18 CHAIRMAN SMITHERMAN: Howdy.

19 MR. SCOTT: First let me say thanks for
20 allowing me to talk. We -- my family and I came a long
21 way today to sit in front of you and I was hoping that
22 we had a chance to talk to you. My dad used to tell me,
23 "Son, don't ever be a judge for a beauty contest. Never
24 judge a baby contest." He never did mention being a
25 judge at an ugly contest. And I feel sorry for the

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1 three of you that have to make this decision, because
2 this a tough one. I do appreciate your professionalism.
3 And I -- I hope that you'll hear me out on some of the
4 issues that we have.

5 I can talk to you about how much I love
6 the Hill Country and the land, and I intend to. I could
7 mention that our ranch has been in our family for over
8 six generations, and it has.

9 Do I want a power line? No, I don't want
10 it. I don't like what it's going to do to the value of
11 the property, and you know all those things. But, you
12 know, one thing that looms in my mind is the safety
13 issue. It's 1.9 miles from the corner of my property to
14 the end of that runway. And we're definitely on the
15 downwind side of the traffic pattern for that airport.
16 The towers are going to be on the hills. I know there
17 are those that try to convince you they can bury them in
18 the valleys and that they can mitigate it. And the fact
19 is they can't, because no valley runs straight across,
20 and no valley runs continuous to another valley and
21 sooner or later they're going to rear their head and
22 they're going to be on top of those hills.

23 Those hills are already an issue in safety
24 as we've already had one crash there and two killed and
25 there's no lines there to avoid now, no power lines, no

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1 poles. But there will be if you decide to take this
2 loop around that side.

3 I'm a pilot, flown in and out of there a
4 jillion times. And I'll tell you right now, it's
5 daunting to go in and out of that airport on that side.
6 Adding the power lines to that side is just not a
7 responsible thing to do. It's just dangerous for a
8 pilot.

9 My son is a pilot. He's a professional
10 pilot. And he'll tell you the same thing, that it's a
11 dangerous thing to do. And I'll talk about him just a
12 little bit more in a minute.

13 Another thing I want to voice is the undue
14 hardship that's going to be put on us. My family -- my
15 niece and I -- for where this routing is going to go,
16 we're lucky enough to be at the corner where you turn.
17 So we're going to get wrapped no matter how you do it,
18 cross it and down one side and down the other and we're
19 wrapped.

20 CHAIRMAN SMITHERMAN: Sir, exactly where
21 is your property.

22 MR. SCOTT: We're on B19C on 377, and
23 we're where you turn to cross 377. So if they cross us
24 as they originally wanted to do and then head south,
25 they wrap us on two sides. If they hit the property

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1 line on the west side, as they talked about, they'll be
2 on top of a hill right there, I promise you, because it
3 runs from one side of the ranch to the other. And then
4 they're going to head south and then across the front of
5 the property. So it will be wrapped that way, too.

6 The other issue is going to be the towers.
7 They say they can use shorter towers. I'm just a
8 country boy, but in my way of thinking if you say you're
9 going to use shorter towers, then you must admit that
10 there's a problem in the height of those towers and that
11 there could be an issue with aircraft going in and out
12 of there or you wouldn't need to use shorter towers.

13 We're lucky enough that -- I looked at a
14 manual that the FAA is going to have those towers
15 painted orange and white, so we get to look at those.
16 And there will be more towers because they're shorter.
17 The right-of-way won't be a hundred feet wide, it will
18 be 200 feet wide, so they'll clear cut that. And that's
19 an undue burden that no other landowners have to put up
20 with.

21 And the other thing is we don't just get
22 to enjoy them during the day. They're going to have
23 lights on them so we get to enjoy them during the night,
24 too. So even the cover of darkness doesn't take care of
25 that issue.

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1 But it still comes back to safety. This
2 meeting -- this meeting is particularly poignant to me
3 because I said earlier my son is a professional pilot,
4 and he is. He's a United States Marine pilot. And he
5 would be here today except he's preparing to leave in a
6 week for his second deployment in Afghanistan. And he
7 talks to me about this, and he says, "Dad, the very
8 thing I'm fighting for in Afghanistan is property
9 rights. And when I come home, they're going to be
10 diminished on the land that I'm fighting for."

11 But he'll tell you that it's about safety,
12 too. It's just not a safe place to put those power
13 lines is that loop going around. He'd be here if it
14 weren't for that fact.

15 You know, you heard the judge say earlier
16 if you can mitigate it, it's okay. I don't believe you
17 can. I don't believe you can mitigate it. And why
18 should you when you've got other choices? Why should
19 you have to try to mitigate it? It's a dangerous thing
20 to do, and if someone hits a power line and you had
21 alternative choices, wouldn't that be the thing to be
22 thinking about now rather than later on? We've already
23 had one fatal accident where they're not there. What
24 are the odds if they are there?

25 Commissioners, I'll tell you that I agree

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1 with you about being concerned earlier in the testimony
2 about the LCRA using their discretion to work for
3 solutions. Based on the testimony I heard here today,
4 they don't want to work around going down to the south.
5 They just don't want it. So after you make your
6 decision and you leave and you're done with it, there
7 won't be -- we won't get a second chance to come back
8 and say, "Hey, look, they said they would, but they
9 didn't." And they really didn't want to and they
10 testified today they didn't want to, and pretty
11 vehemently I might add.

12 So my concern is I do believe you're going
13 to have to be prescriptive in your order, if that's in
14 fact what you decide to do. I think you're going to
15 have to be prescriptive in it and not just count on it.
16 That would be my concern as a landowner.

17 All things considered, costs and meeting
18 all the standards of the preferred route is probably the
19 one that meets all those criteria. I'm glad I don't
20 have to make this decision and I wouldn't wish it on my
21 neighbors and I certainly don't wish it on me.

22 Following the existing right-of-way a P
23 line follows that the most. Saving money or costs goes
24 back to the preferred line, \$40 million. And I somehow
25 cannot do the math as a country boy that says that you

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1 can bury a line for 1500 to 2500 feet for \$57 million
2 when I watch -- and know for a fact where I live now
3 they built the Eisenhower tunnel for a lot less and
4 there's -- and it's four lanes going both ways with
5 semis going through it. So I don't know about the math,
6 but \$57 million gets you 2500 feet and 70 million gets
7 you a mile. That doesn't add up. Shouldn't it be \$114
8 million if it's a mile? It doesn't add up. I'm just
9 saying -- I've heard about the government getting
10 charged \$600 hammers, but I don't know about \$57 million
11 for 1500 to 2500 feet. I just say we ought to scratch
12 and sharpen our pencil on that one.

13 I appreciate you letting me come up here
14 and talk. It's six generations and I know my dad would
15 have wanted me to. I know my son wants me to and is
16 expecting a full report when I get out of here. And I'm
17 talking for my niece, too, as we operate the ranch
18 together as my brother just passed this last year and
19 she now takes stewardship of his undivided half.

20 I thank you, and I don't envy you your
21 position. I appreciate your professionalism and I pray
22 that you'll weigh this loop heavily when you do have
23 alternatives. Thank you.

24 CHAIRMAN SMITHERMAN: Thank you.

25 Questions?

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1 COMM. ANDERSON: No.

2 MR. JOHNSON: Just a few very brief
3 remarks, Mr. Chairman. First, I'd like to address
4 Commissioner Anderson's question about the major
5 deviation clause, and the one concern that I have is it
6 would depend entirely on what route LCRA would be
7 deviating from. If the ordered route were actually
8 including the B19 loop, then in order to have a major
9 deviation that would put everything south of the
10 airport, my understanding would be you would have to
11 have the agreement of all of the landowners that are on
12 the existing MK33 as well as the landowners that are
13 creating the new southern --

14 COMM. ANDERSON: You'd have to have the
15 consent of all the landowners across which the line
16 would go, the modification would go. That's correct.

17 MR. JOHNSON: And if I were representing a
18 landowner on the existing MK33, I can't imagine why they
19 would say yes.

20 COMM. ANDERSON: You'd be surprised.
21 This -- the genesis of the paragraph actually came from
22 one of the early cases where you had neighbors who said,
23 you know, what -- I remember the guy sitting right about
24 in the middle section saying, you know, I like
25 electricity, and we're a growing state and we've got to

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1 have power lines, put them on my property. And so we
2 came up with that language and we've kept it there
3 because there are folks who are willing to do it.

4 MR. JOHNSON: And I can see that.

5 COMM. ANDERSON: They may also look at
6 their property and say, you know what, you're going to
7 pay me to put this line across. I don't mind looking at
8 them and you're going to pay me, so sign me up. So
9 there's a lot of reasons why people take them.

10 MR. JOHNSON: And might I just suggest it
11 would -- it would be more straightforward and allow for
12 requiring fewer agreements if there were some way to
13 create an order to take the line south of the airport if
14 you can build above ground if you can't go north, and
15 then you have a major deviation clause that would apply
16 either way. That's just a suggestion. Obviously today
17 was the first time I contemplated such an idea, so it's
18 not fully thought out.

19 CHAIRMAN SMITHERMAN: You know, I won't
20 speak for my colleagues, but I think all of us generally
21 would like to go south. It's just the cost that we were
22 hit with of a delta of, you know, 50-plus million
23 dollars, at least from my perspective, made that an
24 undesirable choice. If somehow we could thread the
25 needle and it's not 50 million and we don't have to bury

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1 it and we can hopscotch through the floodplain and all
2 that, I'd be fine with that.

3 COMM. ANDERSON: Yeah, I'm not opposed to
4 the -- it is more direct, for example. And it parallels
5 a compatible right-of-way more or less. Of course, I
6 guess, in this case we'd be deviating actually further
7 south potentially --

8 MR. JOHNSON: But for a shorter
9 distance --

10 COMM. ANDERSON: But for a shorter
11 distance. So even if the cost of the deviation were
12 greater for whatever reason, whether it's land
13 acquisition or whatever, you might be able to make it up
14 because of the eliminating the loop, a flattening out
15 the line.

16 MR. JOHNSON: And that's one interesting
17 thing. It's easy to compare the statistics if you're
18 talking about just flattening out the loop, because if
19 you take Staff's MK15 and flatten out the loop, you end
20 up with what got christened MK15 Segrest. So it's a
21 very straightforward way to compare the statistics.

22 And in reviewing the Chairman's memo,
23 there were some other statistics that immediately left
24 out that if you take that B19 detour, you cross 10 more
25 recorded historic and prehistoric sites than if you stay

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1 on I-10. Just that one deviation impacts 10 more sites.
2 And that's a difference of two sites if you don't take
3 the loop and twelve if you do. It's a very large
4 difference. And an additional 13 within a thousand feet
5 of the centerline adds 11 more stream crossings just for
6 that one loop.

7 There's one significant stretch of known,
8 occupied golden-cheeked warbler habitat in the entire
9 study area. And if you take that loop, you go right
10 through it. And that's .88 miles through known,
11 occupied habitat, an additional 4.2 miles --

12 CHAIRMAN SMITHERMAN: Of course that's
13 cedar trees. And if you have cedar fever right now, you
14 may feel differently about golden-cheeked warbler
15 habitat.

16 (Laughter)

17 COMM. NELSON: I'm all for chopping all
18 the --

19 CHAIRMAN SMITHERMAN: Take them all down.

20 COMM. NELSON: Take them all down.

21 CHAIRMAN SMITHERMAN: Take them all down.

22 COMM. NELSON: They weren't here in the
23 first place. They shouldn't be here now.

24 (Laughter)

25 CHAIRMAN SMITHERMAN: And by the way,

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1 what's interesting to me is if you look at all these
2 maps, particularly these over here, there's a segment of
3 the Hill Country that supposedly still has jaguar. It
4 still has jaguar habitat. Guess what runs right through
5 the middle of that? The Horse Hollow gen tie.

6 (Laughter)

7 MR. JOHNSON: Yeah. And I think I would
8 support -- if the Commission wanted to promulgate a
9 rule -- to add allergy abatement as a factor, you would
10 have our public comments in support.

11 (Laughter)

12 COMM. ANDERSON: Well, in the non-wind
13 renewable portfolio standard on the biomass, that's
14 considered non-invasive -- that's invasive species that
15 can be cut for fuel. But that's --

16 CHAIRMAN SMITHERMAN: I mean, I'll cut to
17 the chase on this. From sort of day one I've been in
18 favor of using as much of I-10 as possible. Now, it
19 was -- it was the AC Ranch's proposal and the ability to
20 reduce the cost that lead me to take that particular
21 path once you get on the western edge of this. And I --
22 I would be for continuing to follow I-10 but for what I
23 have in the PFD right now which tells me that that's a
24 very expensive option.

25 So, you know, we're going to talk about

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1 this maybe a little bit more today and certainly at the
2 next Open Meeting, but I kind of like the idea perhaps
3 of a -- of an ordering that says we're going to try to
4 go along I-10. If we can't do it, if it doesn't work --
5 and this has to be within LCRA's discretion because
6 they're responsible. Right? I mean, I don't think your
7 law firm wants to indemnify them for someone getting
8 hurt or an accident or something like that.

9 Try to do it. If you can't, then the
10 alternative is the loop with all of the deviation
11 paragraphs that we can put into it. I'm going to -- I
12 don't know about you-all, I'm going to noodle on that a
13 little bit .

14 COMM. NELSON: I am, too. I have -- I'll
15 be honest with you. I have as many problems if not more
16 with the northern part of that route, the one you're
17 talking about. I have lots of problems with that.

18 CHAIRMAN SMITHERMAN: Of the loop?

19 COMM. NELSON: Yes. I am not convinced
20 it's safe. And LCRA might be responsible, but guess
21 who's ultimately responsible? That would be the three
22 of us sitting up here. And I am also -- even though the
23 judges found that it needed -- the line needed to be
24 buried, I'm still not convinced of that. So I do need
25 to think about it more.

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1 MR. JOHNSON: And if I could address one
2 other issue: The question of how compatible is
3 right-of-way to be paralleled. And it was really kind
4 of highlighted by the Chairman's memo that the 138-kV
5 line on the P routes is not really perhaps compatible
6 right-of-way. But at the same time, on the B19 detour
7 loop when it comes back down, it's paralleling 138 line,
8 and that was cited as a plus or at least some benefit of
9 taking the detour. And I'm really concerned if a 138-kV
10 transmission line is not compatible right-of-way, then
11 it's very difficult to envision that a pipeline is
12 compatible right-of-way or a county road or a minor road
13 or an apparent property boundary or any of the other
14 things that are actually cited in the rule as compatible
15 rights-of-way. I mean, the 345, as I understand it, is
16 the biggest line in the state of Texas, and there aren't
17 a whole bunch of them all over the place --

18 COMM. ANDERSON: -- in ERCOT.

19 MR. JOHNSON: In this particular study
20 area, there's only two major sources of compatible
21 right-of-way that you can parallel. It's either I-10 or
22 it's the 138 line up north, and that's why they were
23 added to the study area. And if -- if some of them are
24 taken out of play, then it -- it makes your job even
25 more difficult than it already is because there's just

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1 not a lot of stuff on this map to parallel.

2 You know, I've got to hand it to LCRA,
3 they gave it their best shot when they chose their
4 preferred route, it's pretty clear that what they did
5 was they treated all statistical categories and factors
6 as being completely equal and none of them weighted.
7 And they found a route that was clearly superior in a
8 whole bunch of categories and said, okay, we can call
9 that our preferred. It's short. It's cheap. It avoids
10 all the cities. It avoids most of the houses. We'll go
11 with that. And those are the factors that we've talked
12 about case after case.

13 But in doing so, there's just not a lot of
14 compatible right-of-way to parallel. If the choice is
15 to parallel that right-of-way, I would argue that choice
16 should be fully embraced and you should parallel as much
17 of that right-of-way as possible and not just grab
18 28 percent in the middle of the route.

19 CHAIRMAN SMITHERMAN: Well, this is
20 beginning to sound like closing argument, counsel.

21 (Laughter)

22 COMM. NELSON: Yeah.

23 CHAIRMAN SMITHERMAN: Compatible is in the
24 eyes of the beholder. It's not a defined term.

25 MR. JOHNSON: Obviously.

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1 CHAIRMAN SMITHERMAN: And so that presents
2 challenges. There's also no weighting. I mean, we
3 don't give more weighting to paralleling an existing
4 transmission line as opposed to a pipeline or a highway.
5 And so this is where the art of the decision comes in.
6 It's not a mathematical exercise.

7 MR. JOHNSON: And that's where the real
8 challenge is, and that's left soundly to your
9 discretion. And I will treat what started sounding like
10 closing argument as exactly that and thank you for your
11 time.

12 MR. SPRAGGINS: Hello?

13 CHAIRMAN SMITHERMAN: Yes, sir?

14 MR. SPRAGGINS: My name is Don Spraggins.
15 May I --

16 CHAIRMAN SMITHERMAN: Grab a mic, yes.

17 MR. SPRAGGINS: All right. My name is Don
18 Spraggins. We are property owners in Gillispie County.
19 And -- although we live in Dripping Springs, we are
20 property owners over there.

21 CHAIRMAN SMITHERMAN: Where exactly, sir?

22 MR. SPRAGGINS: In the southwest part of
23 the county.

24 COMM. ANDERSON: Do you know what link?

25 MR. SPRAGGINS: I'm sorry?

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1 COMM. ANDERSON: What link?

2 MR. SPRAGGINS: B56, I believe. If it's
3 not B56 it's B56A.

4 COMM. ANDERSON: Well, there's two.

5 MR. SPRAGGINS: So it's B56A. We're at
6 the same location -- just past the location where B47
7 connects and comes on down and enters -- and connects in
8 with B56A. We're east of Tierra Linda Ranch.

9 CHAIRMAN SMITHERMAN: Okay. Got it.

10 MR. SPRAGGINS: There was some
11 conversation earlier about landowners on either side of
12 Tierra Linda. We fit the category of being a landowner
13 on the east side of Tierra Linda. We have land holdings
14 that fall in the category of a lot of other people in
15 Gillespie County, land that's been in the family for
16 over a hundred years, and so we have a lot of attachment
17 to that.

18 And so because there was some mention of
19 what property owners on either side of Tierra Linda --
20 what views they might have -- I just wanted to address
21 that, plus our own personal situation as it relates to
22 the gen tie. The initial understanding of what was
23 going -- what was going to happen goes way back. We've
24 participated very much in this whole process. We're
25 intervenors. Went to the first hearing or public

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1 meeting in San Angelo and attended those in Gillespie
2 County area. So -- and intervened in the process and
3 have followed the process to date.

4 So our situation is one that also involves
5 the gen tie. There were several proposals earlier from
6 the gen tie that we discussed with their
7 representatives, as well as there were several proposals
8 when the CREZ line came out that affected our --
9 affected our property. And so the main thing that I
10 wanted to point out is that you've been discussing the
11 gen tie and what relationship it should have. Our
12 circumstance is one that the gen tie is just east --
13 like 500 feet -- on the east side of one of our
14 properties. And so we have a high point on our property
15 that's one of several in that part of the county.

16 One thing I did want to stress is that the
17 MK15 route, in following the pipeline I think it's been
18 stated earlier, is that it's on -- it has a very high
19 profile. There are properties that are to the west of
20 us that have been -- that are owned by relatives. And
21 there are -- there is one particular point on the -- not
22 necessarily neighboring, but the second ranch to the
23 west from where we are that is one of the very highest
24 points in Gillespie County. And it's marked with a U.S.
25 Geological Survey marker. And it's marked with that

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1 marker for that reason, that it is a very high point in
2 the county.

3 So the point I'm getting to is -- or the
4 two points that I'm getting to are, one, the MK15 route
5 is going to be very, very visible. The high point that
6 we have on our property, we can see I-10 from our
7 property, which is five or six miles away. So we'll
8 have this high-profile power line if constructed along
9 MK15 to our west. We already have the gen tie to our
10 east. So in very common terms, you know, the gen tie
11 will be our sunrise and this line would be our sunset.

12 So those are the points that I was wanting
13 to make about our own personal --

14 CHAIRMAN SMITHERMAN: So did the
15 developers of the gen tie approach you about putting it
16 on your property initially?

17 MR. SPRAGGINS: Yes, they did, and we were
18 not interested.

19 CHAIRMAN SMITHERMAN: And so it went on
20 your neighbor's property?

21 MR. SPRAGGINS: Correct.

22 CHAIRMAN SMITHERMAN: And how far on the
23 other side of your fenceline is it?

24 MR. SPRAGGINS: Probably 5 or 600 feet.

25 CHAIRMAN SMITHERMAN: And when that was

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1 happening, did it give you a thought that this might
2 provide a corridor for LCRA or any other --

3 MR. SPRAGGINS: No, it did not.

4 CHAIRMAN SMITHERMAN: -- utility to put a
5 line next to it?

6 MR. SPRAGGINS: At the time that it -- if
7 you're asking if at the time the gen tie was coming
8 through, we were aware -- this was very early on in the
9 CREZ process as far as it affected us. And I don't
10 believe at that time there was any specific information
11 on the CREZ routing at the time we were having the
12 discussions with gen tie.

13 CHAIRMAN SMITHERMAN: Any questions
14 further?

15 Thank you.

16 MR. SPRAGGINS: Thank you.

17 CHAIRMAN SMITHERMAN: Anyone else? You
18 don't have to, you know.

19 MR. FULLER: I know. I represent an
20 intervenor who was unable to come today. And if I could
21 just take a few minutes, Ahmand Fakhr, F-a-k-h-r.

22 CHAIRMAN SMITHERMAN: Tell us your name
23 and where this particular property is.

24 MR. FULLER: Yes. I'm Alex Fuller of
25 Davis, Fuller, Jackson, Keene here in Austin. He's

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1 along the C14A. It's between -- between Kerrville and
2 Comfort -- closer to Comfort along I-10. He has I-10
3 property.

4 CHAIRMAN SMITHERMAN: And what's the
5 nature of that property?

6 MR. FULLER: It's just a -- it was a ranch
7 he purchased probably about seven years ago, and he's
8 removed all the structures off of it --

9 COMM. ANDERSON: I'm sorry, it's C14?

10 MR. FULLER: I believe it's C14A.

11 COMM. ANDERSON: A or C?

12 MR. FULLER: C maybe -- well, is there --
13 do you see that little red line C8 running down? That
14 bisects his property -- or B8? What is that right along
15 there? I'm sorry, C1C --

16 MR. JOURNEAY: Or there's a C14A right
17 there.

18 MR. FULLER: And that's C8 -- the C8 route
19 would bisect his property.

20 COMM. NELSON: So the C14C would go around
21 your property?

22 MR. FULLER: It would go on the edge.
23 It's I-10. It would be I-10.

24 COMM. NELSON: Well, there's a jag --
25 there's a proposed jag --

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1 MR. JOURNEAY: -- where it goes off of
2 I-10.

3 COMM. NELSON: Yeah.

4 MR. FULLER: His property is right there
5 where those two come together.

6 MR. JOURNEAY: Kind of where C1B and C8
7 come together.

8 COMM. NELSON: Okay.

9 MR. FULLER: Right. And C8.

10 CHAIRMAN SMITHERMAN: Right in there.
11 Here it is, Donna, right here.

12 CHAIRMAN SMITHERMAN: Oh, okay. So is
13 there frontage on I-10?

14 MR. FULLER: Yes, sir.

15 CHAIRMAN SMITHERMAN: And how big is the
16 property?

17 MR. FULLER: On that part -- he has --
18 actually the I-10 cuts his property. But on that side
19 there's almost 300 acres, 285 or something like that
20 north. And then he has about 55 south. That's where
21 the home is is south. I just wanted to make -- he has
22 filed -- there's some testimony in the record that, you
23 know, there are interested persons along that route that
24 will be impacted if you take the I-10 preferred -- if
25 you go I-10 all the way.

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1 Obviously, when he purchased that
2 property, he's thinking for his grandchildren primarily,
3 to have a retreat for them. And he understood that I-10
4 was there, but he had no inkling that there was going to
5 be a large power line coming down through there. That
6 would not be compatible with what he wants to use that
7 property for, which is to keep it totally natural like
8 it is with no -- he took all the other cattle and
9 everything off of that structure when he bought that
10 property.

11 CHAIRMAN SMITHERMAN: But it does front
12 I-10.

13 MR. FULLER: Right. But having I-10 there
14 in a rolling hill situation versus having a 180-foot
15 tower, which would be on his property because we've been
16 told that the LCRA has difficulty with TxDOT in using
17 any of the I-10 right-of-way. So all of that
18 right-of-way would have to come off his property.

19 So, you know, when we're talking about,
20 again, what is compatible right-of-way, it's
21 compatible -- it's just going to be just like it was any
22 other ranch. It's going to come off his ranch is where
23 those structures are going to have to be built. That
24 also -- that particular area does not have a service
25 road. So I think access is going to be very difficult

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1 for them to come through there without building another
2 access road, which would even take more land out from
3 his property.

4 You know, it seems like to me in sitting
5 through this whole day's discussions and everything,
6 it's a very difficult challenge for you. I understand
7 that. But I also understand that there are a lot of
8 people living along I-10 that are not industrial,
9 they're not car dealerships, they're not 7/Elevens and
10 they're not truck stops. So I think those people need
11 to be considered, too, and that's what Mr. Fakhr is.

12 I'll be happy to answer any questions,
13 and -- I don't have a solution for you, but I just
14 wanted to indicate that there are just individual
15 landowners that live along that part, especially
16 between -- from Comfort out to Kerrville.

17 CHAIRMAN SMITHERMAN: Thank you. So,
18 Ferdie, this raises an interesting issue. I assume
19 you-all talked to TxDOT about I-10, and is there any
20 TxDOT right-of-way that was made available or could be
21 made available?

22 MR. RODRIGUEZ: Not to my knowledge.
23 Would you mind if I had Mr. Symank come up because he
24 actually is the person that dealt with TxDOT. We talked
25 with them extensively.

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1 CHAIRMAN SMITHERMAN: Yeah. You know,
2 Commissioner Anderson is really good friends with the
3 Chairwoman of TxDOT. I can't believe --

4 COMM. ANDERSON: I've had over the last
5 year or so several conversations with various members of
6 the Commission. And the impression that has been left
7 with me is that at least the Commissioners are eager to
8 work with you-all to facilitate. It's not evidence and
9 it's not -- at this point -- but I certainly intend to
10 follow up once the -- once we make a decision, once the
11 appeal period goes by, and I -- I am contemplating
12 adding a provision in the order permitting or -- and/or
13 directing that if it becomes available that you use that
14 land. Because it makes absolutely no sense to me why
15 right-of-way would not be used in that way. And I think
16 that the members of the Texas Transportation Commission
17 agree.

18 CHAIRMAN SMITHERMAN: So with that as a
19 backdrop, tell us what your conversations were.

20 MR. RODRIGUEZ: And if I might also, Mr.
21 Chairman, you asked me some time ago about kind of
22 pinning some underground numbers in Tierra Linda to the
23 record?

24 CHAIRMAN SMITHERMAN: Right.

25 MR. RODRIGUEZ: That's also something that

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1 Mr. Symank was working on, and he can tell you that as
2 well.

3 CHAIRMAN SMITHERMAN: All right.

4 COMM. NELSON: Have they changed? Have
5 they gotten any better?

6 MR. SYMANK: A little bit. I'll address
7 the underground first, just for some history. And,
8 Commissioner Nelson, yes, at 138-kV we see factors of 5
9 to 10 --

10 COMM. NELSON: Okay.

11 MR. SYMANK: -- overhead to underground
12 345-kV. It's ironic that, you know, all of these cases
13 y'all have seen the comments and questionnaires, too,
14 just put it underground.

15 COMM. NELSON: Right.

16 MR. SPANGLER: We did multiple studies in
17 multiple locations here and you do get a shock factor
18 when you see the costs. The deceptive things -- and
19 I'll explain the costs in a manner that will tell you
20 what the pieces are. I took the Junction airport
21 estimate, but then I looked at a different variation
22 than my first reference to a number earlier because it's
23 rock in the Tierra Linda area. I'm assuming at this
24 point that three small ditches per circuit are less
25 expensive to excavate than two very large ditches.

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1 There are three conductors per phase just for the
2 conductors, not counting communications grounding,
3 anything else. That would fit on about an 80 to 90-foot
4 wide easement.

5 That being the case, there are transition
6 stations on each end. They run approximately
7 \$16,300,000. The prorated data I simply took the Kimble
8 airport area estimate for 2500 feet, prorated it
9 linearly. All I'm doing is adding length. That's
10 \$35,700,000. 52 million before you add any project
11 interest -- CAPI overheads all of that. With the
12 different geometry that I'm assuming would be more
13 applicable in Tierra Linda, the number is still
14 \$62.9 million.

15 COMM. NELSON: And you would still have to
16 clear a big swath of oak trees.

17 MR. SYMANK: Yes.

18 MR. JOURNEAY: Excuse me, Commissioners.
19 Does -- when you're underground in this are you burying
20 underground cable or are you having to build some kind
21 of conduit out of concrete or something like that?

22 MR. SYMANK: You're building subsurface
23 duct banks. Backfill is concrete. Each of the conduits
24 is roughly 8 inches in diameter. If you know anything
25 about conductors, it's 3500 (inaudible) milled copper,

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1 three of them per phase. That's how you end up with a
2 lot of money invested in copper.

3 COMM. NELSON: That's crazy expensive.

4 CHAIRMAN SMITHERMAN: Crazy.

5 MR. SYMANK: Yes, yes. My jaw dropped,
6 too. That's why we had a consulting firm with a lot of
7 experience in underground do the estimates for us.

8 COMM. NELSON: We're starting to get
9 punchy.

10 MR. SYMANK: Does that address the
11 underground question?

12 CHAIRMAN SMITHERMAN: I don't know if
13 there's any Tierra Linda people here. Just to be clear,
14 I wasn't proposing that we would pay for it. I was
15 going to see if they wanted to pay for it. I think that
16 that number -- at that number, the answer is probably
17 no. Yeah.

18 COMM. NELSON: It's over half the value of
19 the whole acreage.

20 MR. SYMANK: Yes, it's very expensive.
21 There was also a question earlier today about water in
22 the underground, just to touch on that.

23 COMM. NELSON: That was by the airport,
24 though.

25 MR. SYMANK: Well, anywhere in the

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1 underground water exists in the vaults and the conduit
2 it's expected. You address the water issues with -- you
3 elevate control panels on -- you know, on stilts or
4 foundations.

5 To address the TxDOT, we met on at least
6 two occasions with state maintenance level folks, one of
7 the two people who at this point the way TxDOT is
8 organized is one of the two people who would have to
9 authorize any exceptions to the Texas Administrative
10 Code. As y'all know they operate under the TAC. They
11 corroborated and confirmed with us the provisions of the
12 TAC that would require exceptions in order for us do
13 extensively use any right-of-way. There's -- I included
14 a copy of a letter and I've got several pages of
15 testimony in my direct testimony that addressed that,
16 and it includes a letter from TxDOT.

17 COMM. NELSON: I agree. I think we need
18 to revisit this issue because if there's right-of-way
19 that's available in areas, then I think we need to try
20 to do something with that.

21 COMM. ANDERSON: Well, it reduces the
22 amount of land you have to take from private landowners.

23 COMM. NELSON: Right.

24 COMM. ANDERSON: And I just -- well, I
25 have both driven 130 as well as flown over it numerous

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1 times, and you see the power lines that are paralleling
2 it but -- in fact, they may be LCRA lines --

3 MR. RODRIGUEZ: Yes.

4 COMM. ANDERSON: -- I guess you have your
5 own right-of-way that abuts the TxDOT right-of-way --

6 COMM. NELSON: I remember on 130 they
7 would not let --

8 COMM. ANDERSON: Well, that's what spurred
9 me to begin conversations with some of the TxDOT
10 Commissioners.

11 MR. SYMANK: And I believe there have been
12 conversations internally at TxDOT even to address the
13 concepts of acquiring enough right-of-way when they
14 preplan a conceptual freeway.

15 COMM. NELSON: Yeah, we've been talking
16 about that for years.

17 COMM. ANDERSON: Well, that was part of
18 the notion behind the Trans Texas Corridor --

19 CHAIRMAN SMITHERMAN: Man, don't go there.
20 (Laughter)

21 COMM. ANDERSON: But there would be
22 sufficient right-of-way to --

23 MR. SYMANK: I didn't use the name.

24 COMM. ANDERSON: -- you know, things like
25 transmission lines.

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1 MR. SYMANK: Right.

2 COMM. ANDERSON: That was one of the
3 points was to minimize -- was to take land -- you could
4 consolidate the pain into one area.

5 CHAIRMAN SMITHERMAN: Well, at this point,
6 you know, we don't have -- we obviously don't have time
7 to come to closure on this issue --

8 MR. SYMANK: Right.

9 CHAIRMAN SMITHERMAN: But I think I'd be
10 open to something in the order if we choose segments
11 that go along I-10 directing LCRA to engage at the
12 highest levels, whatever the appropriate language is,
13 for the use of, you know, co-sharing, whatever the
14 arrangement, whatever the ownership arrangement is. It
15 would be great if they just give it to us, but
16 right-of-way where it appears to be abundant and would
17 not likely be used in the near future --

18 MR. SYMANK: -- in the future --

19 COMM. NELSON: -- wait for the state to
20 get money -- start -- settle the budget deficit.

21 (Laughter)

22 MR. RODRIGUEZ: I think we would welcome
23 that. I think the bind we're in is we did do due -- I'm
24 punchy, too. We engaged in due diligence. We met with
25 them a number of times. And under the utility

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1 accommodation rules what Mr. Symank is saying exactly
2 what our understanding is, it's exactly the
3 understanding we had from them when we dealt with them
4 on Clear Springs to Hutto. And if you just want to put
5 some bones on this, in Mr. Symank's direct testimony,
6 his Exhibit CDS-10 is a copy of the letter sort of
7 cementing in place our understanding with Mr. Garza from
8 TxDOT of their interpretation of the utility
9 accommodation rules.

10 COMM. ANDERSON: I'm sorry, what is it
11 again?

12 MR. RODRIGUEZ: CDS-10 in Mr. Symank's
13 direct testimony.

14 CHAIRMAN SMITHERMAN: Well, I hear they're
15 going through sunset, so this might provide an
16 opportunity for some suggestions.

17 All right. Unless there are more
18 questions of LCRA, is there anyone else who feels
19 compelled to put something on the record they haven't
20 heard before?

21 MR. WHICHARD: I've got a question -- is
22 it inappropriate to ask about the math?

23 CHAIRMAN SMITHERMAN: Well --

24 MR. WHICHARD: I just -- because you had
25 made a point in your letter, Mr. Chairman, about the net

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1 cost of burying the line, and it sounded like the number
2 you had reconciled to was the gross cost of burying the
3 line for approximately 2500 feet south of the airport
4 being close to \$57 million. Is that right?

5 MR. SYMANK: 54 million.

6 MR. WHICHARD: But there is an incremental
7 cost of looping -- just looking at it linearly it's
8 going to be close to 11 million --

9 CHAIRMAN SMITHERMAN: Sir, I'm going to
10 have to stop you here. I mean, this is not really an
11 opportunity for you to cross examine LCRA. I mean, I
12 appreciate your interest. You can either believe their
13 numbers or not, and that will be up to us to decide
14 whether we think they've calculated --

15 MR. WHICHARD: -- gross or net --

16 CHAIRMAN SMITHERMAN: I'm sorry. I
17 appreciate your interest, but I think we're -- we're at
18 a point -- yes, ma'am? Ma'am, you're going to have to
19 come down and tell us who you are and speak loudly into
20 a microphone.

21 MS. SUTHERLAND: I live on the gas
22 pipeline --

23 CHAIRMAN SMITHERMAN: Your name, please?

24 MS. SUTHERLAND: Victoria Sutherland, one
25 ranch down from Tierra Linda. There's --

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1 CHAIRMAN SMITHERMAN: Okay.

2 MS. SUTHERLAND: -- I'm going east.

3 CHAIRMAN SMITHERMAN: East?

4 MS. SUTHERLAND: Yeah. And I missed a lot
5 and haven't had an opportunity to read a lot of the
6 technical testimony. I think I had to pay for the
7 transcript and stuff like that.

8 When you put these big towers over gas --
9 live gas transmission, does that bother y'all, fire
10 wise, explosion wise? Does it bother you?

11 CHAIRMAN SMITHERMAN: Well, I don't think
12 that's really the right question.

13 MS. SUTHERLAND: Scare you or --

14 CHAIRMAN SMITHERMAN: Ferdie, what is your
15 policy with regard to following pipeline easements?

16 MS. SUTHERLAND: I mean, should I be
17 concerned about it?

18 CHAIRMAN SMITHERMAN: What's your
19 practice?

20 MR. RODRIGUEZ: It's a practice. Yes,
21 we've followed pipelines before. We do it all the time.
22 Sometimes there's cathodic protection, but we work with
23 pipelines all the time.

24 MS. SUTHERLAND: What kind of protection
25 did you say?

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1 MR. RODRIGUEZ: Cathodic.

2 MS. SUTHERLAND: What does that mean?

3 MR. RODRIGUEZ: I'll let Curtis explain
4 that to you.

5 (Laughter)

6 I tried to do it one time in a case.

7 MS. SUTHERLAND: Well, whatever it is,
8 it's probably not on this old -- 30-year year-old gas
9 transmission line, or is that something that you install
10 on your equipment?

11 MR. SYMANK: Well, generally speaking, we
12 would abutt but not share or overlap --

13 CHAIRMAN SMITHERMAN: And not over the top
14 of it --

15 MR. MASON: -- to reduce the interaction
16 between the two systems.

17 MS. SUTHERLAND: Okay.

18 MR. SYMANK: There are several things that
19 we would do. We work with the pipeline to implement a
20 protection scheme for the pipeline to reduce or
21 eliminate any impact that might be induced into the
22 pipeline from the transmission line. Similar things go
23 on with railroads. When you parallel railroads, you
24 create havoc for them if you're not careful so it's not
25 unusual for us to do this.

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1 MS. SUTHERLAND: Okay. That's it.

2 CHAIRMAN SMITHERMAN: Let me see if I can
3 ask for a little bit more input from the two of you. I
4 jumped out with my memo today, and it seems to me --
5 maybe I could be misreading both of you -- but it seems
6 to me that perhaps there's some consensus as to what
7 lines not to pick. And if there's not, tell me, but I
8 would like to go away from here today by at least
9 communicating to some of the parties that showed up here
10 today that they don't need to come back next week. They
11 may come back any way, but you know I expressed in my
12 memo that I didn't think the P lines were appropriate.
13 I didn't like the preferred line chosen by LCRA. And
14 generally my preference is I-10 for a portion or all,
15 and so I laid out my analysis of the study area in three
16 parts, what I thought we should do on the west and the
17 middle, and then really left the eastern part open for
18 further conversation.

19 Are either of you willing to sort of take
20 something off the table today?

21 COMM. ANDERSON: Yeah, I'll -- you're
22 senior by --

23 CHAIRMAN SMITHERMAN: -- two weeks?

24 COMM. ANDERSON: -- by two days?

25 COMM. NELSON: I'm willing to take the P

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1 lines off the line. I'm not willing at this point to
2 take the LCRA preferred route off the line, only because
3 of the airport issue. I want to look into that record a
4 little more, see what's there. It would be my
5 preference not to go there and to do what you suggest,
6 but it depends on what happens with the airport.
7 Because I don't want anything we do to have any
8 ramifications in terms of flight safety.

9 CHAIRMAN SMITHERMAN: Before you -- let me
10 just tease this out a little bit more. The P lines, we
11 know those are pretty clear. We know what those are.
12 In the middle of the study area there are the three
13 lines that sort of parallel each other that were really
14 part of your initial study proposal --

15 COMM. NELSON: Right.

16 CHAIRMAN SMITHERMAN: -- one of which is,
17 for the most part, the preferred line. Would you be
18 inclined to choose one of those other than the preferred
19 line or is it --

20 COMM. NELSON: No.

21 CHAIRMAN SMITHERMAN: Okay. Commissioner
22 Anderson?

23 COMM. ANDERSON: And I sort of reached
24 this conclusion before your memo, Mr. Chairman, but I
25 came down after reading the PFD, the exceptions, the

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1 replies, some of the record that was particularly
2 interesting -- of concern and I sort of came down on, I
3 guess, one of three routes, more or less in the area
4 that you talked about. I think the PFD has a great deal
5 going for it. The judges' recommended route I think,
6 particularly in the western -- western side, I'm -- I'm
7 less wild about it on the east side, but it is a route
8 that I think deserves attention.

9 I find that MK32 or 33 to be a route I
10 could live with, although I -- I'll go back to the
11 airport in a minute. The biggest problems with both
12 obviously are costs, which is -- which is why I go back
13 to MK15 at least in the western portion, and then MK62
14 as the judges themselves noted --

15 CHAIRMAN SMITHERMAN: Right.

16 COMM. ANDERSON: -- is a very viable
17 alternative. Now, with all of them, I have -- whichever
18 route would be selected, there would be a number of
19 tweaks --

20 CHAIRMAN SMITHERMAN: Right.

21 COMM. ANDERSON: -- to accommodate various
22 landowners, and I think -- and also, frankly, there's
23 some ideas that LCRA mentioned in their replies that I
24 want to think about some more and think about -- one of
25 the issues I've got to think about is directing them to

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1 do certain things versus relying on their discretion.
2 There's -- there are issues there.

3 On balance, the interesting thing about
4 MK16 or 15, they're about the same cost.

5 CHAIRMAN SMITHERMAN: Right.

6 COMM. ANDERSON: So it becomes a question
7 of -- and this is where the art of routing comes in, not
8 a science -- is that it's sort of what are the relative
9 merits? Normally, as anybody who observes these
10 proceedings, I put a great deal of emphasis on the
11 habitable structure count. And while I understand the
12 admonition that LCRA placed in their exceptions and in
13 their replies about distinguishing between that, I think
14 there are differences. How much weight in this
15 particular case, I'm just going to have to reflect
16 upon -- upon further. But that's -- that's where I am
17 today.

18 Back to the airport, to wrap it up, in
19 Junction, I have a -- that's a real dilemma because the
20 judge -- or the judges who heard all the evidence at the
21 end of the day were concerned about the southern route.
22 I think they -- for one reason or another they dismissed
23 all the alternatives on the south other than burying the
24 line as not practical, that that was the only
25 alternative -- the only safe alternative, and the cost

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1 of that is prohibitive.

2 COMM. NELSON: Crazy.

3 COMM. ANDERSON: Going north, the north
4 loop around it, the judges accepted -- and the LCRA's
5 view that it could be done and done safely, that is one
6 area in which a number of the intervenors, particularly
7 the Segrest group, vigorously and vociferously dispute
8 and continue to dispute in their exceptions and in their
9 replies. I'm going to dig back into the record on that.
10 And I -- I've just got to think about that.

11 COMM. NELSON: I am where you are. I
12 think on the eastern part -- eastern portion of the
13 route -- I mean, I think we're caught in that. You
14 know, this is a great illustration of the quandary
15 between, you know, transmission -- I mean, a compatible
16 right-of-way because you would think there's no better
17 compatible right-of-way than a federal interstate and,
18 you know, areas that have not really been cleared. So
19 I'm struggling with that.

20 COMM. ANDERSON: And I know I've spent
21 probably too much time on this with some of the folks
22 who spoke today, but one thing I'm going to think -- an
23 interstate versus a transmission line in terms of
24 upsetting -- I just don't -- I have a hard time --

25 COMM. NELSON: Drawing a --

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1 COMM. ANDERSON: -- drawing a distinction.

2 COMM. NELSON: And I agree with you.

3 CHAIRMAN SMITHERMAN: Well, I think -- I
4 see our friends from Parks and Wildlife and I should
5 have asked you guys if you wanted to comment, but I
6 think they probably agree with you on that.

7 COMM. ANDERSON: Well, they obviously --
8 that's where they came out as --

9 CHAIRMAN SMITHERMAN: Did you guys want to
10 say anything?

11 MR. GEORGE: -- going to answer questions,
12 if you have any.

13 CHAIRMAN SMITHERMAN: I'm sorry I didn't
14 recognize you earlier.

15 COMM. ANDERSON: And let me note for the
16 record that the Parks and Wildlife actually intervened
17 in this case and participated.

18 CHAIRMAN SMITHERMAN: Yes.

19 (Laughter)

20 COMM. ANDERSON: -- which I appreciate.

21 You know, I just have a hard time,
22 particularly if you monopole per the judges'
23 recommendation through Kerrville or other urban areas,
24 more populated areas, and make other adjustments that
25 these lines are particularly disruptive. I mean, if

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1 they go over big box store parking lots and -- it's
2 just --

3 CHAIRMAN SMITHERMAN: I agree with you.

4 COMM. ANDERSON: -- I see them all the
5 time. But I take the commentors at their word that it
6 is deeply upsetting. Where I have seen them, I don't
7 think it impairs commercial value. I just don't see
8 that.

9 CHAIRMAN SMITHERMAN: Well, it doesn't
10 seem to be hurting property values in Horseshoe Bay.

11 COMM. ANDERSON: It doesn't seem to be
12 either.

13 CHAIRMAN SMITHERMAN: And as we commented,
14 there's a -- what is that, a 138 line running out the
15 backdoor of the Four Seasons here in town?

16 COMM. ANDERSON: Yeah. And I cross under
17 a -- whatever it is. It's the City of Austin, but it is
18 a transmission line, that's just -- well, it's the north
19 end of my block.

20 COMM. NELSON: And a lot of those are not
21 monopoles.

22 COMM. ANDERSON: The one I'm thinking of
23 actually is a monopole, but --

24 COMM. NELSON: Okay. But there are lots
25 of them in the cities that are big transmission lines

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1 that are not monopoles.

2 COMM. ANDERSON: So I'm not trying not to
3 be too jaded about this because it's obvious that
4 everybody has very serious and heart-filled --

5 CHAIRMAN SMITHERMAN: I'm trying not to be
6 either, but I think I'm leaning more toward running down
7 I-10 on the eastern edge of this. I'm going to think
8 about it some more. I'm going to dive back into the
9 record a little bit more. But, you know, this is not
10 one of our criteria, but I think there's a common sense
11 element to it that if you buy a piece of property along
12 Interstate 10, you're running the risk of further
13 development.

14 COMM. ANDERSON: Almost -- in fact, that's
15 what Kerrville wants to facilitate.

16 COMM. NELSON: Right.

17 COMM. ANDERSON: If you're on an
18 interstate, by definition that's what it leads to.

19 CHAIRMAN SMITHERMAN: Particularly given
20 our policy of building feeder roads, access roads --

21 COMM. ANDERSON: Yeah, the frontage roads.

22 CHAIRMAN SMITHERMAN: Right.

23 COMM. ANDERSON: One thing that I want to
24 explore again and I want to look at some of the more
25 detailed maps is -- let me ask LCRA: How far south on

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1 each -- on either side of any of these routes did you
2 notice, I understand you noticed more than you had to
3 because there was some dispute in the exceptions and
4 replies -- or some -- there was some criticism and
5 concern raised, but --

6 MR. RODRIGUEZ: There was. And it would
7 depend on which segment or route you're talking about.

8 COMM. ANDERSON: For example, around the
9 Junction area.

10 MR. RODRIGUEZ: What we typically do --
11 the rule says 500 feet on either side of the centerline
12 and we go 550. We just build in a margin of error. In
13 some places we noticed 700 feet wide, for example, where
14 you're talking about jumping to the south side of I-10
15 across from the Atkission car dealership -- and let me
16 go back to that in a minute. But that's a 700-foot-wide
17 corridor.

18 Over on the east side we noticed wide
19 corridors where we had the Kendall to Gillespie issue
20 and we were noticing wide enough for paralleling
21 purposes. Further out west where we had difficulty
22 tying down property owners with the tax records, we
23 noticed by abstract. So if you have particular segments
24 that you're interested in we could tell you, but it's at
25 least 550 on either side.

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1 And with respect to the -- jumping on the
2 south side of I-10 in front of the car dealership, we
3 put that in the exceptions if in fact that was something
4 that Kerrville was interested in. It is not an optimum
5 solution by any means. If you look at the exhibit I
6 provided for, you'll see sort of like a little blue
7 cloud, that line, that's the notice corridor. It
8 doesn't allow us to jump over Highway 16. So basically
9 we would be crossing I-35 (sic) obliquely to get to the
10 other side and it would be on very tall poles to do that
11 because we have to get over the interstate.

12 COMM. NELSON: I-10?

13 MR. RODRIGUEZ: Yes. What did I say?

14 COMM. NELSON: I-35.

15 MR. RODRIGUEZ: I-10. So that's not an
16 optimum solution. But given what we saw from Kerrville
17 that they seemed to be upset about us being on the north
18 side, we said, well, there is a possibility to jump onto
19 the south side. But that's not an optimum solution. I
20 mean, the better solution is to stay on the north end --

21 COMM. ANDERSON: But it does take a
22 significant number of habitable structures out --

23 MR. RODRIGUEZ: It does -- if I might
24 address that just for a moment because we touched on it
25 this morning and I thought we were going to get back to

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1 it later today. It's never an optimum solution to take
2 a home. If it was on a slab foundation, it would be
3 very difficult to move. If that was the situation, you
4 might literally have to take the home and raise it. In
5 this particular situation in that Kerrville mobile home
6 park, they are mobile homes. And that's not to
7 denigrate the fact that they're habitable structures
8 because I don't think you have any distinction in your
9 definition.

10 CHAIRMAN SMITHERMAN: No, we don't.

11 COMM. NELSON: No.

12 MR. RODRIGUEZ: And that's how we treated
13 them. They are habitable structures. We went through
14 there. We drove through there. People live in those
15 homes.

16 But having said that, they are mobile
17 homes. We could move them perhaps to the back side of
18 the property or we could move them someplace else.
19 Someone said this morning people would lose their homes.
20 I don't think that's the case. We might move them, but
21 they wouldn't lose the homes.

22 COMM. NELSON: That's the --

23 CHAIRMAN SMITHERMAN: I think that's the
24 point you were making --

25 COMM. NELSON: -- what I said this

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1 morning. It's not that somebody in a mobile home is not
2 entitled to the same protections. It is that you can
3 move a mobile home.

4 MR. RODRIGUEZ: That's correct. And
5 obviously if you live in that particular -- and you'll
6 see on the exhibit that I provided for you. I think
7 there's six of them right there right along the fence
8 line right by the access road.

9 COMM. NELSON: Right.

10 MR. RODRIGUEZ: And they couldn't stay
11 there. If the line goes there, we would have to move
12 them. I think there's six if I remember --

13 COMM. NELSON: There's a total of eight in
14 the two different areas right around I-10

15 MR. RODRIGUEZ: And I think that's
16 correct. And I think one of the other two is a
17 collision repair center.

18 COMM. NELSON: It doesn't look like a
19 house because it doesn't have any windows or anything.

20 MR. RODRIGUEZ: It's a commercial
21 establishment. But that's a factor. And like I say,
22 it's never an optimum solution. We prefer not to do it.
23 But one of the things we try to point out in the
24 exceptions was this was very difficult. I mean, as
25 you've heard today, this is -- you know, we've been