

SOAH DOCKET NO. 473-26-13152

PUC DOCKET NO. 59315

APPLICATION OF ONCOR ELECTRIC) BEFORE THE STATE OFFICE
 DELIVERY COMPANY LLC TO AMEND)
 ITS CERTIFICATE OF CONVENIENCE)
 AND NECESSITY FOR THE DINOSAUR)
 SWITCH-LONGSHORE SWITCH 765-KV)
 TRANSMISSION LINE PROJECT IN)
 BORDEN, BOSQUE, BROWN,) OF
 CALLAHAN, COKE, COLEMAN,)
 COMANCHE, EASTLAND, ERATH,)
 GLASSCOCK, HAMILTON, HOOD,)
 HOWARD, JONES, MITCHELL,)
 NOLAN, RUNNELS, SHACKELFORD,)
 SOMERVELL, STEPHENS, STERLING,)
 AND TAYLOR COUNTIES) ADMINISTRATIVE HEARINGS

HEARING ON THE MERITS

Tuesday, May 5, 2026

(HYBRID / IN PERSON / ZOOM VIDEOCONFERENCE)

BE IT REMEMBERED THAT at 9:00 a.m., on Monday,
 the 5th day of May, 2026, the above-entitled matter came
 on for hearing at the Austin Marriott Hotel Downtown,
 304 E. Cesar Chavez Street, Austin, Texas, before
 PRATIBHA J. SHENOY and BRENT D. MCCABE, Administrative
 Law Judges, and the following proceedings were reported
 by computerized stenotype machine by Della M. Duett,
 Certified Shorthand Reporter.

Volume 2

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1 JUDGE SHENOY: All right. Let's go on the
2 record. We are convening the second day of the Oncor
3 Dinosaur Switch to Longshore Switch 765-kV transmission
4 line case. We are in Austin, Texas, at the downtown
5 Marriott, and we are also on Zoom, and this meeting is
6 also being broadcast on YouTube.

7 I'm not going to go through appearances or
8 anything else. I'm just going to pick up where we left
9 off, but before we do that, I just want to repeat for
10 anyone who did not hear me say that your exhibits were
11 admitted yesterday, anyone who is still -- has exhibits
12 that they believe need to be admitted, you have until
13 noon today to file something on the PUC interchange
14 telling us what you believe is missing and why you
15 believe it should be admitted. You should also make
16 sure those documents are on Egnyte.

17 If you're here with us personally in the
18 hearing room, you can ask the Oncor folks who are not on
19 the panel but available nearby. If you are on Zoom, I
20 put that information in the chat again. So by noon
21 today, you need to have something there for us.

22 The -- what we're going to do then is at
23 lunchtime we're going to try and go through and make a
24 list of those, and then in the afternoon, we'll tell you
25 what the next steps are. I know that that means you'll

1 have to hang out and wait for us to tell you what's
2 next, but we're doing what we can, and this is how we're
3 going to manage what didn't exactly fit within the lines
4 for the first day. Hopefully that makes sense to
5 everyone.

6 And let's pick up with -- okay. I can see
7 the panel now. I put all of you under oath yesterday.
8 You remain under oath for the remainder of this
9 proceeding until you're released as witnesses.

10 And we will pick up where we left off.
11 Ms. Folgueras, you may continue your cross.

12 MR. TAYLOR: Your Honor, Jaren Taylor for
13 Oncor. I have one item we should take up before we
14 start this morning, if that would be all right.

15 JUDGE SHENOY: Okay.

16 MR. TAYLOR: This was uploaded onto the
17 document -- last night we filed errata to several of the
18 Oncor documents. This is modifying primarily things
19 to -- sorry -- making primarily two changes based on
20 things that the intervenors pointed out in their
21 testimonies. I just wanted to point out that is filed
22 at this point. It will be Oncor Exhibit 1A. The
23 witnesses have it up there on the table if you want to
24 refer to it. It deals with two airports and two
25 habitable structures that needed to be changed in the

1 data tabulation.

2 JUDGE SHENOY: Okay. Let me ask, is anyone
3 who already had their chance at cross-examination, is
4 anyone needing to go back because of those changes? I
5 don't know who that affects.

6 Okay. If that does affect you, then let me
7 know. It'll obviously be limited to those specific
8 issues.

9 All right. Thanks, Mr. Taylor.

10 Let's go back. Ms. Folgueras, you may
11 continue.

12 MS. FOLGUERAS: Thank you, Your Honor.

13 PRESENTATION ON BEHALF OF

14 ONCOR ELECTRIC DELIVERY COMPANY LLC (CONTINUED)

15 PANEL

16 CORIN COOLEY, P.E., JARED GURLEY, P.E.,

17 RUSSELL MARUSAK, P.E., KAYLYNNE PHILLIPS, P.E.,

18 AMY ZAPLETAL, P.E.,

19 having been previously duly sworn, testified as follows:

20 CROSS-EXAMINATION

21 BY MS. FOLGUERAS:

22 Q. Good morning, everyone.

23 A. (Gurley) Good morning.

24 Q. Mr. Gurley, we left off with you yesterday.

25 A. (Gurley) Yes, ma'am.

1 Q. So I just want to kind of do a quick recap of
2 where we were just to make sure that we're all on the
3 same page, and I think the last thing that we were
4 discussing were, I guess, these 765-kV transmission line
5 projects adding approximately 1,255 miles of new
6 transmission line. Do you recall that?

7 A. (Gurley) Yes.

8 Q. And we're adding these, you know -- and I'm
9 just going to round here, approximately 1200 miles of
10 transmission lines instead of looking at dispatchable
11 generation closer to load; is that correct?

12 A. (Gurley) Yes, again, because House Bill 5066
13 said that there needed to be a transmission plan --

14 Q. Right.

15 A. (Gurley) -- and again, ERCOT and Oncor --
16 Oncor's not allowed to build transmission and ERCOT --
17 and Oncor cannot site transmission -- or sorry, cannot
18 site generation, excuse me.

19 Q. Yes, I understood what you were saying.

20 We also talked about -- within the Permian
21 Basin Reliability Plan this approximately 17,170
22 megawatts of forecasted dispatchable generation. Do you
23 recall that? It's in Appendix A.

24 A. (Gurley) It's not all necessarily considered
25 for -- dispatchable, but it is added generation, yes.

1 Q. Okay. And you're aware that some of those, I
2 guess, sources listed within that list are battery
3 storage?

4 A. (Gurley) Give me just one second, please. And
5 you are talking specifically about the Permian
6 Reliability Plan; correct?

7 Q. Yes, sir.

8 A. (Gurley) Yes, some of them are battery
9 storage.

10 Q. And battery storage, in a way, acts as a load
11 that transmission line -- that the transmission lines
12 would have to service; is that correct?

13 A. (Gurley) At times for charging, yes.

14 Q. Okay. I want to talk more specifically about
15 the Permian Basin in general. I mean, we're aware that
16 it is extremely energy dense in terms of its oil and gas
17 production. Would you agree with that?

18 A. (Gurley) Yes.

19 Q. And it's really probably one of the most energy
20 dense regions in Texas if not the United States?

21 A. (Gurley) That's speculative. I'm not sure. I
22 haven't compared it to the rest of the country.

23 Q. Well, that's fair. But you would agree with at
24 least in Texas?

25 A. (Gurley) Yes, it is one of the major

1 production of oil and gas in the state of Texas.

2 Q. Okay. With the production of oil and gas
3 within that area, would it be possible, based on your
4 experience as an expert in these transmission line
5 cases, to generate local conventional generation within
6 the Permian Basin?

7 A. (Gurley) I'm sure it's possible.

8 Q. And would you agree that that possibility might
9 reduce the need for 1,255 miles of 765-kV transmission
10 lines?

11 A. (Gurley) I can't speculate to that as that's
12 not been studied, and we haven't studied that. Again,
13 as the Permian Basin Reliability Plan studied the
14 additional generation that was available to them to be
15 able to be studied at the time as well as developing a
16 plan to import power into West Texas.

17 Q. Okay. Thank you, Mr. Gurley.

18 Ms. Cooley, would you do me a favor and
19 please flip to Page 9 of your testimony.

20 A. (Cooley) Of my direct testimony?

21 Q. Yes.

22 A. (Cooley) Okay.

23 Q. And I'm looking at lines about 14 through 16
24 there where you're discussing, I guess, the proposed
25 conductor for these projects. Do you see that?

1 A. (Cooley) Yes.

2 Q. And Oncor is proposing to use the 795 kcmil
3 Drake aluminum conductor steel reinforced wire
4 conductor; is that correct?

5 A. (Cooley) Yes.

6 Q. Now -- and I'm just going to kind of abbreviate
7 this to ACSR because that's also how it's abbreviated
8 within your testimony, if that's okay.

9 So an ACSR wire, that's a -- I guess, a
10 steel core in the middle surrounded by aluminum; is that
11 correct?

12 A. (Cooley) It's a -- an aluminum core surrounded
13 by steel.

14 Q. Aluminum core surrounded by steel?

15 A. (Cooley) Yes.

16 Q. Okay. And those are -- I guess, it's -- it's
17 essentially bundles of circular wires surrounding the
18 core?

19 A. (Cooley) Not bundles. They're strands.

20 Q. Strands. Okay. That's fair.

21 A. (Cooley) So essentially you have your core in
22 the center, and then weaved around that are your -- are
23 your strands.

24 Q. Okay. Does that -- those strands, I guess,
25 weaved around the core, does that cause gaps between the

1 wires?

2 A. (Cooley) No, it does not. They're essentially
3 compacted together to form a uniform surface.

4 Q. Okay. And how do those ACSR conductors compare
5 to something like an advanced composite core conductor
6 cable?

7 A. (Cooley) So advanced composite cores are not
8 as, I guess, familiar as far as a commonly sourced
9 material in the transmission line system. So one of the
10 specific reasons that Oncor selected 795 ACSR was just
11 due to it being a commonly produced material and wire
12 cable type within the U.S. and so it's easy to source.
13 And then additionally, Oncor utilizes 795 ACSR on our
14 138 transmission system. So very familiar with the
15 application of it and the practice of it as well as have
16 copious amounts in warehouse in stock.

17 Q. So the selection of the ACSR conductor was
18 chosen, I guess, based on Oncor's familiarity with it as
19 opposed to, I guess, better ability to transport energy?

20 A. (Cooley) That's, I guess, one reason, but
21 also, I mean, cost is a really significant factor of why
22 you would choose an ACSR rather than any sort of exotic
23 conductor.

24 Q. Okay. And by exotic conductor, you're
25 referring to the advanced composite core conductor; is

1 that correct?

2 A. (Gurley) I would like to add something if I
3 can. The conductors that were chosen do meet ERCOT's
4 criteria for the ratings as far as what was needed into
5 the study. So as long as -- as well as the rest of the
6 equipment that was being planned to provide the system.

7 Q. Right. And thank you, Mr. Gurley, for chiming
8 in.

9 I wanted to ask -- and, Ms. Cooley and
10 Mr. Gurley, I mean, feel free to answer. Are you
11 familiar at all with the 240 miles of transmission line
12 that were reconductored along the Gulf Coast with
13 switching from the ACSR conductors to the advanced
14 composite core conductor cables?

15 A. (Cooley) No, I'm not.

16 (Brief sound interruption)

17 MS. FOLGUERAS: Testing.

18 Q. (BY MS. FOLGUERAS) Ms. Cooley, I believe you
19 answered, but I didn't quite catch it.

20 A. (Cooley) Yes. I said I wasn't familiar. I
21 mean, the Oncor service territory doesn't extend down to
22 the Gulf Coast.

23 Q. Okay. And, you're right, this was actually an
24 AEP project, but I was -- just wanted to know if you
25 were familiar or keeping up on other transmission line

1 activities within the state.

2 So, I guess, going off of that, you're also
3 not aware that that process, the reconductoring, doubled
4 that line's capacity?

5 A. (Cooley) No, I'm not aware.

6 Q. And then you're also not aware, I guess, that
7 they were able to do that without the need for
8 additional right-of-ways?

9 A. (Cooley) No, but I don't believe that that was
10 a 765-kV line. Ultimately, the first that we're talking
11 about have been these past couple of cases, and there's
12 not a way within existing right-of-way, at least on
13 Oncor's system, where we would be able to utilize
14 existing structures of, say, 345-kV systems in order to
15 expand to 765, if that's kind of what you're getting at.

16 Q. No, that's not what I was asking. It was more
17 of just the upgrading from the one cable to the second,
18 and that's what that 240 miles that I was referencing
19 involved. I wasn't alluding to upgrading a 345 to a
20 765.

21 Ms. Phillips, good morning.

22 A. (Phillips) Good morning.

23 Q. I wanted to reference something in your
24 rebuttal testimony on Page 11, if you would flip there
25 for me really fast.

1 A. (Phillips) Okay, I'm there.

2 Q. I'm looking at the top of Page 11, lines 1
3 through 2 there, and you're discussing herbicides used
4 by Oncor, and you're discussing how they're pre-blended
5 as concentrates or ready-to-use mixes. And I was
6 wondering, are those herbicides synthetic or are they
7 naturally derived?

8 A. (Phillips) I do not know the answer to that.

9 Q. If there are farmers in the area that have
10 organic farm ratings, would Oncor be willing to work
11 with them to use naturally-derived herbicides so it
12 wouldn't harm their operations?

13 A. (Phillips) All of the pesticides and
14 herbicides we used are EPA approved, and they are for,
15 as you'll see in my testimony, industrial right-of-way
16 manufacturers only. So our practices have been shown to
17 be effective, and I think we would continue to use our
18 own EPA-approved herbicides and pesticides.

19 Q. Would you recognize that the EPA-approved
20 herbicides and pesticides may not be, I guess, what's
21 best for potential organic farming practices? Or are
22 you not able to answer that?

23 A. (Phillips) I don't think that I can answer
24 that.

25 Q. Okay. Thank you, Ms. Phillips.

1 MS. FOLGUERAS: I will pass the panel, Your
2 Honor.

3 JUDGE SHENOY: All right. Next up, I have
4 Ms. Barton.

5 MS. BARTON: We have no questions for the
6 panel.

7 JUDGE SHENOY: All right. Thank you.
8 Mr. Nance.

9 MR. NANCE: Yes. Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. NANCE:

12 Q. Good morning, panel. I'm over here, front row.
13 My name is Clay Nance. I represent nine landowners,
14 ranches on the Links T2 and S4 in Shackelford and
15 Stephens Counties. And just to get your bearings for
16 today, those links that I just described are the
17 northernmost links in your project area; correct?

18 A. (Marusak) I'll answer for that. Yes.

19 Q. Okay. Thank you.

20 And I think my questions today will give
21 Ms. Cooley and Mr. Gurley a break. I think my questions
22 focus on the environmental assessment and community
23 values. So I think my questions will be mainly directed
24 towards Mr. Marusak and Ms. Zapletal.

25 So, like I said, I want to talk about

1 community values and specifically as they relate to the
2 Links T2 and S4 in those counties I just mentioned, and
3 I'll get to those specifically in a bit, but in a
4 general sense, when you have a project area that is
5 roughly 200 miles from the eastern edge to the western
6 edge, you do a community values assessment of the entire
7 area; correct?

8 A. (Marusak) Yes, that's correct.

9 Q. And that mileage is similar to the distance
10 between where we sit today in downtown Austin to the
11 Dallas-Fort Worth area; correct, roughly 200 miles?

12 A. (Marusak) Oh, I -- you know, it's a good ways.
13 Let's just agree to that, yeah.

14 Q. Okay. And my point being is that you need to
15 assess and evaluate community values throughout the
16 entire area because they may change from Austin to
17 Fort Worth or from the Dinosaur Switch over to the
18 switch near Forsan; correct?

19 A. (Marusak) Yes, I think -- to stick within our
20 study area, I can -- I have no problem agreeing that the
21 values and opinions that may be expressed in the eastern
22 part of the study area may be different than the central
23 portion of the study area, may be different than the
24 western portion of the study area.

25 Q. Okay. Thank you.

1 And what factors does Oncor consider to
2 assess community values?

3 A. (Marusak) Well, I'm going to just kind of --
4 let's go ahead and point to -- I'm in Section 36 of the
5 EA and I'm on Page 3-72.

6 You know, we have a list of things that is
7 commonly considered in community values. One of them
8 is, you know, approvals and permits that we have to get
9 from the various different governmental agencies when
10 Oncor goes to construct a route. Habitable structure
11 locations, which I'm sure we'll hear a lot about, is,
12 you know, part of that, and that was common in your
13 testimonies. Electronic installations, FAA-registered
14 airports, different parts of this study area we have
15 irrigated pasture and croplands, and center-pivot
16 irrigation, which also includes portions of your study
17 area -- I'm sorry, your group. And then comments
18 received from community leaders and members of the
19 public.

20 Q. Okay. Great.

21 So I want to talk about the last factor
22 that you mentioned and that's the public comments and
23 input from the communities. Is it accurate that your
24 public participation meetings are used to assess
25 community values?

1 A. (Marusak) Yes, it's a -- it's a source that we
2 use and we devote a chapter to in the EA.

3 Q. Okay. And the public participation meetings
4 are part of your overall public involvement program, I
5 think, is what you called it in the EA; correct?

6 A. (Marusak) Correct.

7 Q. Okay. And let's walk through -- I know there
8 was some cross-examination yesterday, and your good
9 answers yesterday about this process, but I want to,
10 kind of, get into a little bit more detail and walk
11 through the sequence of events or progression of your
12 community public involvement program --

13 A. (Marusak) Okay.

14 Q. -- for this particular matter.

15 A. Is it -- it's Mr. Nance?

16 Q. Yes, sir.

17 A. (Marusak) Okay. All right.

18 Q. Yes, sir.

19 A. (Marusak) At some point I might -- it may
20 swing over to Ms. Zapletal.

21 Q. Okay.

22 A. (Marusak) And if you're okay with it, I will
23 tran- -- I will answer to the extent I can testify, and
24 then I may transfer to Ms. Zapletal.

25 Q. That would be great. I appreciate it.

1 So just from reading the -- and it's a
2 detailed discussion in your EA about this public
3 involvement program. It began -- or one of the first
4 steps was you sent out -- or Oncor sent out consultation
5 letters to public officials back -- and those letters
6 were dated December 10th, 2024. Do you recognize that?

7 A. (Marusak) Yes.

8 Q. Okay. And those consultation letters are
9 included in Appendix A of your application; correct?

10 A. (Marusak) Yes, sir.

11 Q. Okay. And I think you stated -- and correct me
12 if I'm wrong, Mr. Marusak, in your direct on Page 8,
13 that you developed a list of officials to mail a
14 consultation letter, and this gave officials the
15 opportunity to provide information relevant to the study
16 area. Is that accurate?

17 A. (Marusak) I'm sorry. You said Page 8?

18 Q. Yes, sir.

19 A. (Marusak) Yes. Okay. I mean, yes, that's
20 accurate.

21 Q. That's accurate. Okay.

22 So would this request for consultation
23 letters from public officials be a factor that you
24 considered to assess community values?

25 A. (Marusak) Yes. It's kind of the initial stage

1 of, you know, gathering constraints information, some of
2 which include the items that, you know, I discussed, you
3 know, at the first set of your questions.

4 Q. Okay. And so attached to the consultation
5 letters in December of 2024 was a map of the study area
6 at that time; correct?

7 A. (Marusak) Correct.

8 Q. And that map is included on page A-3 of
9 Appendix A of your application; is that right?

10 A. (Marusak) You know, for the record, they start
11 on A-2. It's a series of three maps. It's A-3 and A-4.

12 Q. Okay. So I want to concentrate on page A-3
13 because I think that page focuses on the area that I'm
14 focused on today. And so in that original study area,
15 in December of 2024, Links T2, S4, and Shackelford
16 County were not included in the Oncor study area;
17 correct?

18 A. (Marusak) Okay. So just to clarify, links are
19 not including -- included on these maps.

20 Q. Okay.

21 A. (Marusak) And I understand your question, but
22 to -- but also the other part of your question, if we're
23 being, you know, clear to these maps, the study area
24 does not extend into Shackelford County and -- sorry. I
25 think technically it does into Jones at the finest

1 level, but on the map, it doesn't appear so just for
2 scale.

3 Q. Okay. And the study area also does not extend
4 up into Stephens County; correct?

5 A. (Marusak) I believe that to be correct.

6 Q. Okay. And just to clarify where I'm coming
7 from, my clients are located on Links T2 and S4 through
8 Shackelford and some of Stephens County, so I'll focus
9 on that area.

10 A. (Marusak) Understood.

11 Q. Okay. Thank you.

12 So in Appendix A, the letters to the public
13 officials, is it accurate that there was no letters sent
14 to the City of Albany?

15 A. (Marusak) I'm going to check. We sign a lot,
16 and it'll -- a real quick alphabetical check, I can
17 confirm that's correct.

18 Q. Okay. And then looking over towards Stephens
19 County, is it accurate that no letter was sent to the
20 City of Moran?

21 A. (Marusak) To the City of Moran?

22 Q. Yes, sir.

23 A. (Marusak) That is correct.

24 Q. Okay.

25 Okay. So moving forward, the next part of

1 your study -- or excuse me, your participation program
2 were the actual public participation meetings in June of
3 2025; is that correct?

4 A. (Marusak) Correct.

5 Q. Okay. And would you agree with me that the
6 public participation meetings in June 2025 were factors
7 to assess community values?

8 A. (Marusak) Yes, I believe we've established
9 that.

10 Q. Okay.

11 A. (Marusak) Yeah.

12 Q. And I think we also established that there were
13 only three public participation meetings, meeting in
14 June of 2025, that occurred prior to the Oncor
15 application filing in February of 2026; is that correct?

16 A. (Marusak) There were three public
17 participation meetings, correct.

18 Q. Okay. And prior to the public participation
19 meetings in June of 2025, you sent out certain notices
20 of those public meetings; correct?

21 A. (Marusak) And, Mr. Nance, this is where I'm
22 going to turn it over to Ms. Zapletal.

23 Q. Okay.

24 A. (Marusak) I'm happy to jump back in to help,
25 but this was kind of her part of the application.

1 A. (Zapletal) Yes, that's correct, we sent notice
2 to property owners within 520 feet of the centerline of
3 the preliminary links at that time.

4 Q. Okay. And attached to the notices that were
5 mailed out, there was also a map of the study area at
6 that time; correct?

7 A. (Zapletal) That is correct, and I believe the
8 map you are referring to is within Application
9 Attachment Number 1, the Environmental Assessment and
10 Routing Study, Appendix B on pages B-4 -- or on page
11 B-4.

12 Q. Okay. Okay. And those maps that were mailed
13 out prior to the June 2025 meetings did, in fact,
14 include links for this project; correct?

15 A. (Zapletal) Yes, it does. It has a black
16 dashed line indicating the preliminary links to be
17 presented at the public meetings.

18 Q. Okay. And is it accurate that those same maps
19 attached to the notices identified the names of the
20 counties that were within the project area?

21 A. (Zapletal) Yes, it actually includes all the
22 counties, even adjacent.

23 Q. Okay. Is it accurate that the notices and the
24 maps that were submitted prior to the public
25 participation meetings in June of 2025 did not show

1 Shackelford or Stephens Counties as being a part of the
2 project area?

3 A. (Zapletal) That is correct, with the caveat
4 that I do believe the line just extends a little bit
5 into certain of those, but not --

6 Q. Okay.

7 A. (Zapletal) -- not coordinating with the final
8 revised study area boundary.

9 Q. Is it accurate that the notices and maps for
10 the public participation meetings in June of 2025 did
11 not include Link T2 or S4 in the area?

12 A. (Zapletal) That is correct. It did not
13 include those or any of the other added or revised links
14 within the study area.

15 Q. Okay. And then going back to page B-2 of
16 Appendix B in the environmental assessment, I'm going
17 to -- just -- you can agree with me or disagree with me
18 if you think this statement is accurate. And I believe
19 the notice states, Oncor is committed to routing the
20 proposed transmission line in a manner consistent with
21 the values of local communities.

22 Is that accurate?

23 A. (Zapletal) It is, and it continues to say,
24 Along with the values of local communities, the Texas
25 Utilities Code, and the Public Utility Commission of

1 Texas's rules and policies.

2 Q. Okay. So if a recipient receives the notice of
3 the public participation meetings held in June of 2025,
4 they would have no idea that the project area for this
5 transmission line would ultimately include Shackelford
6 or Stephens County; correct?

7 A. (Zapletal) That is fair to say.

8 Q. Okay. And is it accurate that the landowners,
9 including my clients, along Links T2 and S4 did not
10 receive notice of the public participation meetings in
11 June of 2025?

12 A. (Zapletal) That's correct.

13 Q. Okay. Did any information presented by Oncor
14 at the actual meetings in June of 2025 identify Links T2
15 or S4 or a proposed route through Shackelford or
16 Stephens County?

17 A. (Zapletal) No, not at that time.

18 Q. Okay. So is it accurate that if a member of
19 the public goes to one of those three public
20 participation meetings and walks around and looks at all
21 the boards and maps in the room, they would have no idea
22 that Shackelford or Stephens County would ultimately be
23 included in the project area; correct?

24 A. (Zapletal) That is correct, not until the
25 materials and information received from the public is

1 addressed and any sort of additions and modifications
2 implemented would -- even other participants within the
3 original study area really understand what the final
4 filed links might look like.

5 Q. Okay. Thank you.

6 And then after those meetings in June of
7 2025, your direct testimony as well as the EA states
8 that post meetings with individuals and public officials
9 were held by Oncor and its consultants; is that
10 accurate?

11 A. (Zapletal) Yes, I believe so.

12 Q. Okay.

13 A. (Zapletal) Or yes, it is.

14 Q. And then Section 5.0 of your environmental
15 assessment has a list of agencies and entities that
16 Oncor met with after those public participation
17 meetings; correct?

18 A. (Marusak) Correct.

19 Q. Okay. Were any meetings described in
20 Section 5.0 held with the Shackelford County judge or
21 the Shackelford County commissioners?

22 A. (Marusak) That is not in our list of
23 officials.

24 Q. So the answer is likely no; correct?

25 A. (Marusak) That's my understanding.

1 Q. Okay. And then based on the meetings and
2 information received after the public participation
3 meetings, Mr. Marusak, in your direct testimony on
4 Page 16, you state, "In consideration of comments
5 received throughout (audio outage) the area (audio
6 outage) community values --

7 A. (Marusak) No, I was following. Page 16.

8 Q. Okay. Yeah. My microphone went out or
9 something.

10 Okay. Let me start over. Page 16 states,
11 "In consideration of comments received throughout the
12 study area related to community values, Oncor asks
13 consultants to expand the study area and links to
14 include links that extend north of Interstate 20 in
15 Abilene"; is that correct?

16 A. (Marusak) That's correct.

17 Q. Okay. So those comments received throughout
18 the study area referenced in that statement had to be
19 comments from public members located south of I-20 in
20 Abilene area; correct?

21 A. (Marusak) I believe -- that's correct, but I
22 believe it also includes -- you know, Chapter 5 lists
23 a lot of different, you know, state officials, a broader
24 breadth of local officials that may or may not have been
25 at the public meetings. So, you know, those -- that

1 decision and that discussion was, you know, through a
2 collaborative effort with the Oncor team, but -- so I
3 think, you know -- but to get to answering your
4 question, I think that that decision was, yes, it did
5 include people that attended the public meetings but
6 also a broader audience that perhaps was, you know, from
7 the voices at those public meetings.

8 Q. Were Links T2 and S4 and routes through
9 Shackelford County added to the study area after the
10 conclusion of Oncor's public involvement program?

11 A. (Marusak) Yes.

12 Q. And, in fact, in responses to requests for
13 information that were submitted by Clear Creek Royalty &
14 Land Limited, which is one of my clients, Ms. Zapletal,
15 excuse me, stated that "Oncor adopted routing
16 alternatives in Shackelford and Stephens County
17 including Links T2 and S4 on December 2nd, 2025." Is
18 that still an accurate statement?

19 A. (Zapletal) It is. The final links presented
20 in the application were adopted. So all links were
21 adopted on December 2nd.

22 Q. Okay. And so the adoption of links, including
23 T2 and S4, which were new, were adopted approximately
24 six months after the public participation meetings in
25 June of 2025; correct?

1 A. (Zapletal) Yes, that's correct. We went
2 through the process of revising or adding links
3 following the meetings, and in early December, basically
4 confirmed the final links so that we can move forward
5 with all of the processes and to be able to file the
6 application timely.

7 Q. Okay. So as of December 2nd, 2025, the public
8 still had no notice that Links T2 and S4 were added to
9 the study area; correct?

10 A. (Zapletal) Correct.

11 Q. Were Jones, Shackelford -- excuse me, let me
12 back up, based on your statements already.

13 Were Shackelford and Stephens Counties the
14 only counties added to the study area in December of
15 2025?

16 A. (Zapletal) Shackelford, Jones, and Stephens,
17 portions of those counties were added.

18 Q. Okay. So then we get to the application of
19 Oncor for the CCN, which was filed on February 19th,
20 2026; correct?

21 A. (Zapletal) Yes.

22 Q. Okay. Is it an accurate statement that the
23 application filed in February of 2026 was filed without
24 prior public participation meetings that included
25 Shackelford County in the study area?

1 A. (Zapletal) That is correct. It's fairly
2 common that following public meetings, there are
3 revisions across the study area that would also
4 ultimately end up in links being presented to the
5 Commission that were not presented at public meetings.

6 Q. Okay. And so you sent out landowner notice
7 associated with your application submittal in February
8 of 2026; correct?

9 A. (Zapletal) That's correct.

10 Q. And then I assume that you also published
11 notice in the newspapers of application?

12 A. (Zapletal) We did. We published notice
13 initially in 18 counties -- or 18 publications with
14 general circulation in the counties within the study
15 area, and then supplemented that with additional
16 publication in some smaller newspapers as well.

17 Q. Okay.

18 A. (Zapletal) So I believe a total of 23 in total
19 publications included notice of the application.

20 Q. Would you agree with me that the notice that's
21 associated with the application submittal in
22 February 2026 was the first time that Oncor notified
23 landowners along Links T2 and S4 that their property
24 could be affected by the new transmission line?

25 A. (Zapletal) Yes, those landowners, and again,

1 the landowners along any of the other modified or added
2 links as well in the study area.

3 Q. Why didn't Oncor hold a public participation
4 meeting prior to the date of application submittal to
5 inform the public that Shackelford County in Links T2
6 and S4 were now included in the study area?

7 A. (Zapletal) So for the general process that we
8 are in, in the stage of data gathering, the assessment
9 finalization, and moving forward to application, we were
10 at different steps in the process. We did receive
11 requests following the filing for a meeting to share
12 information. Oncor did conduct a technical conference
13 informational meeting so that landowners could come.
14 That was a fairly rare occurrence, but their feedback
15 also was entered into the docket following that public
16 meeting so that even though we are at a different stage
17 in the process, that information could be available
18 to -- for the Commission for their consideration of a
19 proposed route.

20 Q. Okay. And so the technical conference and
21 public meeting that you just mentioned, that occurred in
22 Albany, which is in Shackelford County; correct?

23 A. (Zapletal) Correct.

24 Q. And that was held on April 2nd, 2026; correct?

25 A. (Zapletal) Yes, sir.

1 Q. So that's approximately, what, almost two
2 months after the date of the application submittal;
3 correct?

4 A. (Zapletal) Yes. Sure.

5 Q. Okay. And that meeting was held in Albany well
6 after the intervention deadline of March 23rd, 2026;
7 correct?

8 A. (Zapletal) It was after the deadline, so
9 that's true.

10 Q. Okay. And also that meeting in Albany was held
11 five or six days before the deadline in this case for
12 the submission of pre-filed direct testimony by
13 landowners; correct?

14 A. (Zapletal) Yes. I believe that date, whether
15 it be a statement of position or direct testimony, would
16 have been the deadline.

17 Q. Okay. So the public in Shackelford County had
18 no notice of their ability to participate in this
19 process prior to the application submittal in February
20 of 2026; correct?

21 A. (Zapletal) Yes, that would be correct, and as
22 I've said too, you know, there are additional folks
23 within the original study area in a similar case. The
24 information for all the links was available to all
25 parties within the study area on February 19th.

1 Q. Okay. And so the study area -- regardless of
2 the addition or modification of links, the actual study
3 area county by county, the only expansion to your study
4 area that was submitted with your application in
5 February of 2026 was the additions of Jones,
6 Shackelford, and Stephens Counties or parts thereof;
7 correct?

8 A. (Zapletal) For the counties, yes, that's
9 correct.

10 Q. All right. Thank you for your time.

11 MR. NANCE: I pass the witness.

12 JUDGE SHENOY: All right. Mr. Walker.

13 MR. WALKER: Thank you, Your Honor. No
14 questions.

15 JUDGE SHENOY: All right.

16 Mr. Murray.

17 MR. WAGSTAFF: Your Honor, Robert Wagstaff
18 for the Link H11 Intervenors, and I will be asking the
19 questions here shortly.

20 Before that, we filed yesterday
21 supplemental exhibits for rebuttal, Exhibits 16
22 through 23, and we would move for the admission of
23 Exhibit 16 through 23 at this time.

24 MR. TAYLOR: Your Honor, Jaren Taylor for
25 Oncor. You're going to have to give us a minute.

1 JUDGE SHENOY: And I don't think that we
2 have seen it yet either. So I don't think that we can
3 rule on that. If it's matters that you're intending to
4 use in cross-examination, you can certainly raise them,
5 and we can try and deal with it on the spot, but if no
6 one's had a chance to look at it, we're going to be
7 hesitant to --

8 MR. WAGSTAFF: They were provided to
9 Oncor's counsel yesterday afternoon as -- as well as
10 uploaded to both Egnyte and the exchange yesterday
11 afternoon.

12 JUDGE SHENOY: All right. I think we're
13 going to have to take them one at a time.

14 MR. TAYLOR: If they're the four that I was
15 handed yesterday, I do have those here in a paper copy.
16 They still have to be authenticated and go through the
17 process, but I do have those.

18 JUDGE SHENOY: All right. So it looks like
19 you're not getting them in without an objection that I
20 would have to rule on, and I need to take those one at a
21 time because I haven't seen these.

22 MR. WAGSTAFF: Okay. Fair enough, Your
23 Honor.

24 MS. HICKS: Judge, can we ask what number
25 the interchange was?

1 JUDGE SHENOY: Do you know the filing
2 number, Mr. Wagstaff, on the interchange?

3 And I'm not sure who that was who was just
4 speaking.

5 MR. WAGSTAFF: That was Sharon Hicks, one
6 of the lawyers for --

7 JUDGE SHENOY: Great. I just need to make
8 sure for the court reporter.

9 MS. HICKS: Sorry, Your Honor. Ms. Hicks
10 for the -- with the question on the interchange. I can
11 look it up if Robert doesn't know. That's fine.

12 MR. WAGSTAFF: Well, we're looking it up
13 here real quick.

14 MS. HICKS: Thank you.

15 MR. BROWN: Your Honor, David Brown for
16 White Bluff. Could we get the party to somehow direct
17 us to where these exhibits are so that we can actually
18 look at them at the same time the witnesses are looking
19 at them? They were not circulated to the parties.

20 JUDGE SHENOY: Okay. So let's clarify. If
21 we know the filing number, we'll state that on the
22 interchange. And if it's in Egnyte, we can also clarify
23 that.

24 And, Mr. Wagstaff, your mic is on, so we
25 can hear you.

1 MR. WAGSTAFF: You can hear me?

2 JUDGE SHENOY: I can hear you.

3 MR. WAGSTAFF: Well, I'm glad I didn't say
4 anything bad.

5 JUDGE SHENOY: All right. And,
6 Mr. Wagstaff, are you able to tell us, is that -- are
7 your documents in Egnyte where the other parties could
8 see them?

9 MR. WAGSTAFF: They were supposed to be.

10 JUDGE SHENOY: All right.

11 MR. WAGSTAFF: I'm trying to confirm that
12 right now.

13 MS. WEBB: Your Honor, Katherine Webb.
14 Just to help speed things along. They are on Egnyte,
15 and the party name is Link H11 Intervenors, and they're
16 in the public portion of the --

17 MS. HICKS: Your Honor, and Sharon Hicks.
18 I think it's 5327 on the interchange. I was able to
19 find it.

20 JUDGE SHENOY: Okay.

21 MS. HICKS: We'll let Mr. Wagstaff confirm
22 that's correct.

23 MR. WAGSTAFF: Yes. Thank you, Ms. Hicks.

24 MS. HICKS: You're welcome, Mr. Wagstaff.

25 JUDGE SHENOY: So I think that helps clear

1 it up. As Ms. Webb King said, it is under Link H11 in
2 Egnyte. And it is 5327 on the interchange. That's
3 where you can find the documents.

4 None of those are being admitted right now.
5 We're taking them up one at a time. And if you offer
6 them in the course of your cross, that's fine, we'll
7 take them up at that time.

8 MR. WAGSTAFF: Okay. Thank you. I just
9 didn't want to publish them until they were admitted,
10 and so that's -- so once we get to that point, then we
11 can -- we can start on it then if that's okay, Your
12 Honor.

13 JUDGE SHENOY: Sure. When you bring them
14 up, we'll deal with them.

15 MR. WAGSTAFF: Okay. Great. Thank you.

16 JUDGE SHENOY: Go ahead.

17 CROSS-EXAMINATION

18 BY MR. WAGSTAFF:

19 Q. Good morning. Again, my name is Robert
20 Wagstaff, and I'm a lawyer that represents the -- along
21 with my partner, Mike Murray, here, the Link H11
22 Intervenors, which also include the Beckham Family
23 Spring Gap Ranch that's on F21C. And Link H11 basically
24 runs just south of Buffalo Gap, and then just to the
25 west of Buffalo Gap, angles to the northwest.

1 And so I'm going to start with you, is it
2 Zapletal?

3 A. (Zapletal) Yes, that's correct.

4 Q. Okay. Thank you. I'll try to keep that
5 correct. Let's start with you, ma'am.

6 Now, you have had an opportunity to review
7 Eduardo Acosta's testimony that was proffered by the PUC
8 staff in support of another best meets route?

9 A. (Zapletal) Yes.

10 Q. And you provided some rebuttal testimony as
11 well; true?

12 A. (Zapletal) That's true.

13 Q. Okay. Now, when Oncor starts looking at these
14 proposed line areas, when do they let PUC know when they
15 have a line that they are considering?

16 A. (Zapletal) That's also a part of the CCN
17 application itself. So one of the questions just
18 requires the applicant to provide the route that they
19 believe best meets the routing criteria. So of any
20 bucket, if you will, of list of filed routes, each
21 applicant is required to give their opinion on that. So
22 on February 19th, the day that we filed the application,
23 that would have been the day that the Public Utility
24 Commission staff was aware as well.

25 Q. Okay. So that's not only aware of the best

1 meets, but that's also when they're first aware of the
2 other proposed lines, the 130 that you narrowed it down
3 to?

4 A. (Zapletal) That's correct, that's the first
5 time that they were aware of any of the options
6 presented in the application.

7 Q. Okay. And Mr. Acosta, though, did have the
8 benefit when he provided his best meets of having
9 intervenor testimony to review; true?

10 A. (Zapletal) That is correct. We were much
11 farther along in the process.

12 Q. And obviously, you didn't have that when you
13 filed your testimony supporting your best-meets
14 Route 552; true?

15 A. (Zapletal) That is correct.

16 Q. And the -- in review of Mr. Acosta's testimony,
17 while he states that he generally reviewed the
18 intervenor testimony, at no point does he point to good
19 or bad, up or down, left or right, any particular
20 intervenor testimony that played a role in his decision
21 at what the best-meets route was; true?

22 A. (Zapletal) That is true. I don't -- I do want
23 to clarify. I don't have a copy directly in front of
24 me, but generally that's true.

25 Q. Would you like one? I'm happy to bring it to

1 you.

2 A. (Zapletal) If you could, if you're going to be
3 specific.

4 Q. Well, I'm really not at this point --

5 A. (Zapletal) Okay. That's --

6 Q. -- but if you have a specific question about
7 what's in there, I'll be happy to bring you a clean copy
8 of it. Okay?

9 A. (Zapletal) Sure. Thank you.

10 Q. Thank you.

11 Now, with regard to Mr. Acosta's testimony,
12 there's no indication that PUC staff did any independent
13 investigation or verification of any of the -- of the
14 application findings; true?

15 A. (Zapletal) With -- are you speaking -- the
16 application findings within -- with regard to public
17 feedback or the application findings that may have been
18 presented in the EA? Are you --

19 Q. Well, for example, habitable structures on any
20 of the lines, there's no indication that PUC staff did
21 any independent investigation to verify or confirm those
22 numbers; true?

23 MR. TAYLOR: Objection, Your Honor, calls
24 for speculation. She can't speak to what staff did or
25 didn't do?

1 Q. (BY MR. WAGSTAFF) And I'm just talking about
2 from the testimony that Mr. Acosta gave, at no time does
3 he indicate that there was any -- any such investigation
4 done; true?

5 JUDGE SHENOY: And -- hold on. He's
6 specifying that in terms of -- Ms. Zapletal's already
7 said that she read that testimony. So she can answer
8 that in terms of what she saw and what she recalls. So
9 I'll overrule the objection.

10 A. (Zapletal) So I don't believe that I recall
11 reading anything specific, but that may be a question
12 better for him -- for his testimony.

13 Q. Oh, I plan on asking him that too. So...

14 And one of the things that you talked about
15 is the -- and we've talked a lot about that already, the
16 public participation meetings that were held back in
17 June. In part of the notice that was given were
18 publications in 15 different newspapers along the route
19 area inviting the public to comment; true?

20 A. (Zapletal) Are you speaking with notice of the
21 public meeting or notice of the filing?

22 Q. Notice of the public meetings.

23 A. (Zapletal) Of the public meetings, that -- let
24 me confirm the number. I believe it was a different
25 number.

1 Q. Well, I may have counted wrong, but I was
2 thinking it was 15 publications or 15 newspapers from
3 various local areas.

4 A. (Zapletal) Sorry. So for the record, I am in
5 the CCN application, on Page 29, in response to Question
6 18, yes, the table in the -- in that response includes
7 the 15 newspapers with general circulation in additional
8 counties.

9 Q. Okay. And so in other words, inviting --
10 inviting anybody that might have read one of those
11 publications to come to one of those meetings and
12 provide -- provide public comments; true?

13 A. (Zapletal) Yes.

14 Q. And then that was -- and I'll ask Mr. Marusak
15 here in a minute about that, but that is certainly
16 something that you mentioned in your testimony that
17 provided some of the bases for the community values;
18 true?

19 A. (Zapletal) Yes.

20 Q. Okay. And it's my understanding, then, that
21 the outfit Integra was involved in looking at the --
22 doing the property title searches using CAD, things of
23 that nature, to try to verify who was along these lines?

24 A. (Zapletal) Yes, Integra Realty Resources was
25 the property abstractor Onkor hired. For the most part,

1 the information as required for notification is based on
2 public county tax records, and in some cases it was
3 supplemental -- supplemented with some additional deed
4 research when information was incomplete in the county
5 tax records.

6 Q. Were they used in any way, if you know, to
7 verify from the public comment standpoint the people
8 that may have been affected, property owners?

9 A. (Zapletal) No, there was not a cross-reference
10 of the noticed landowners versus names and addresses
11 presented on the public comment forms.

12 Q. Okay. And in any event, Mr. Acosta references
13 these public comments in his community values testimony
14 but none of the intervenors' testimony; true?

15 A. (Zapletal) I believe that's correct.

16 Q. Okay. Now, you indicated that you yourself did
17 personal recognizance at -- at least some point in the
18 investigation process; is that true?

19 A. (Zapletal) Yes, I participated.

20 Q. And did that include the Buffalo Gap area?

21 A. (Zapletal) Yes, it did.

22 Q. Okay. And so did you drive 89 or ride with
23 somebody driving FM 89 that goes from the town of
24 Buffalo Gap west where the line crosses before you get
25 to Lake Abilene?

1 A. (Zapletal) I believe we did. We were
2 caravanning. I may need to lean on Mr. Marusak, but I
3 believe --

4 Q. Yes, please.

5 A. (Marusak) Yeah, it's going to be -- I know
6 that -- let's see here. Actually, I'm going to -- if
7 you give me a second to go take a look at a map, I can
8 probably answer that question.

9 Is it okay if I approach the map?

10 Q. Sure. Whatever you need.

11 JUDGE SHENOY: Yes, the witness can
12 approach the map. Just tell us what you're looking at.
13 There should be some labels on it so that we know.

14 THE WITNESS: (Marusak) Absolutely, yes.

15 MR. WAGSTAFF: Your Honor, may I approach
16 with him so I can see what -- specifically what they're
17 looking at?

18 JUDGE SHENOY: You certainly can, but for
19 the record, just make sure that you specify what you're
20 looking at since all we'll have is the words when we get
21 to the transcript.

22 MR. WAGSTAFF: Yes, ma'am.

23 A. (Marusak) Okay. So I'm looking at map -- it's
24 Figure 31-N of the application and Figure 31-H of the
25 application, which are basically corresponding

1 north/south portions of the study area. And the reason
2 I'm holding them up -- I'm sorry if I'm stuttering -- is
3 that Buffalo Gap is kind of at the page break, to help
4 people following along at home. The portions of the
5 study area we specifically recall -- yeah, I can't
6 remember if I went -- if we went down FM 89. We did go
7 down FM 613 where -- yeah, I believe that's correct,
8 where Link H11 is crossing the FM road and also County
9 Road 275, because that was some of the first people at
10 the public meeting I remember speaking to, and so we
11 made that a focus of our field investigation.

12 Q. Okay. Thank you.

13 So do you have any -- do you have any
14 recollection of that area?

15 A. (Marusak) Yeah, I have a recollection -- and
16 I'm sorry, I'll take over as the routing witness.

17 I have a recollection -- as I stated, that
18 was some of the -- some of the landowners -- the first
19 landowners I spoke to at the public meetings, and they
20 gave us a lot of great information, specific
21 information. So that's why we focused on that group.
22 So I do specifically remember going down the FM road and
23 then the corresponding county road, and one of your
24 witness group -- he was actually the first gentleman I
25 spoke to, I believe has a Christmas tree farm. So we

1 were -- we were looking at that area. And then just up
2 the road there was a -- several residences alerted us to
3 kind of a subdivision along the FM road.

4 Q. Okay. So the Christmas tree farm is
5 Mr. Waddell, and he's actually west on 89 coming out
6 of --

7 A. (Marusak) Okay.

8 Q. -- of Buffalo Gap. 613 runs south eventually
9 toward Tuscola unless you take 275.

10 A. (Marusak) Okay.

11 Q. And so -- so you believe you went to where the
12 Christmas tree farm was?

13 UNIDENTIFIED RECORDING: This call will be
14 recorded.

15 A. (Marusak) Okay. Now that I'm being recorded,
16 yes.

17 Q. Well, in more ways than one, but go ahead.

18 A. (Marusak) Yeah, apparently -- so apparently we
19 were. So again, I -- it's -- specific highways aside,
20 you know, hopefully it's clear that we were in that
21 area, you know, as part of our study or field survey.

22 Q. Okay. And I'll come back to you,
23 Mr. Marusak --

24 A. (Marusak) Okay.

25 Q. -- in just a second. Thank you. I appreciate

1 the input. And feel free to jump in at any time.

2 Ms. Zapletal, just a couple of further
3 follow-up questions. And it's my understanding, reading
4 your testimony and your rebuttal testimony, that after
5 reviewing the intervenor testimony -- and you reviewed
6 that; true?

7 A. (Zapletal) I reviewed the -- oh, I'm sorry, my
8 rebuttal testimony. Yes, I reviewed intervenor
9 testimony.

10 Q. Yes. Did you review all the intervenor
11 testimony, or did you have staff help you with that?

12 A. (Zapletal) No, I read it. It was a lot, but I
13 did.

14 Q. Well, thank you. At least on behalf of my
15 intervenors, we appreciate you doing that.

16 A. (Zapletal) Uh-huh.

17 Q. And after reviewing all the intervenor
18 testimony and reviewing Mr. Acosta's testimony, it's
19 still your testimony as we sit here today, knowing all
20 the stuff that you know, knowing all the stuff that
21 Mr. Marusak provided you and Oncor, that you still stick
22 by your best-meets testimony in Route 552?

23 A. (Zapletal) I do. The information hasn't
24 changed my opinion of that. Oncor stands ready to build
25 that route or any of the other routes presented in the

1 application or along any links, a combination thereof.

2 Q. Thank you. I may have some additional
3 questions for you in a minute, but I'm going to pick on
4 Mr. Marusak for a second.

5 Mr. Marusak, you were the sponsor basically
6 for the application itself; is that correct?

7 A. (Marusak) No, actually, Ms. Zapletal is the
8 sponsor for the application. I'm the sponsor for the
9 environmental assessment and routing study.

10 Q. The environmental assessment and -- and so
11 what -- and I understand that's your expertise, the
12 environment; right?

13 A. (Marusak) Yes, sir.

14 Q. Okay. And so when you do an environmental
15 assessment such as you did here, what specific criteria
16 are you looking for from an environmental standpoint on
17 these various routes?

18 A. (Marusak) In the EA, we -- you know, I'll
19 start this, and we can build to however you want to ask.

20 In the EA, you know, we start out by
21 identifying environment as both the natural and the
22 human environment. Then, you know -- so to, you know,
23 just go ahead and answer the question what do you mean
24 by that. Natural environment are the things that, you
25 know, we -- a lot of people in this room might think

1 about in terms of vegetation, soils, fish and wildlife,
2 the human environment, where people live. Airports is
3 another criterion we look at. Cemeteries, that type of
4 information. So to distinguish between the human and
5 natural environment, that's -- that's what I put in the
6 universe of environment.

7 Q. And that includes some analysis that's --
8 overlaps with the community values; true?

9 A. (Marusak) Yes.

10 Q. And -- and that includes, for example, you
11 know, state parks and recreational areas; true?

12 A. (Marusak) Absolutely.

13 Q. Okay. And obviously, it's your intention when
14 you're involved in this -- in this, you know,
15 predetermination investigation to try to identify all of
16 those facilities, the state parks and recreational
17 facilities, the habitations, the things you've just
18 described; true?

19 A. (Marusak) We -- yes, we do our best, yes.

20 Q. Right. And, you know -- but you recognize that
21 at times, certain things are missed; true?

22 A. (Marusak) On a study area this big, I
23 recognize that, absolutely.

24 Q. Sure. I mean, we're talking about a lot of
25 counties, we're talking a lot, you know, quite a

1 distance of these various lines. And at the time that
2 you're doing your work, you're looking at, what, three
3 proposed -- generally three proposed lines and some
4 variations at that point?

5 A. (Marusak) I would say we don't have a definite
6 number. You've seen the term geographic diversity in my
7 testimony and other testimonies.

8 Q. Correct.

9 A. (Marusak) There's no magical answer, in my
10 opinion. It's kind of when you don't have it, you kind
11 of see that you don't have it, and so you may need to
12 evaluate more.

13 Q. Okay. And so you're trying to evaluate
14 basically all the general area that may be included in
15 these various lines?

16 A. (Marusak) Yes, sir.

17 Q. Okay. And in doing that, what was --
18 specifically what was -- what was your role?

19 A. (Marusak) I mean, as I told people at the
20 public meetings, I'm ultimately the person that's
21 responsible for the line -- the route that you see on
22 the map.

23 Q. Okay.

24 A. (Marusak) I am the first iteration of the
25 route that gets presented at Oncor for review.

1 Q. Okay. So you talk about the team that you
2 basically assembled. Like, what is Kimley-Horn's --
3 what is their role in this?

4 A. (Marusak) It was a collaborative effort of
5 environmental professionals in the production of the EA,
6 preparation of the maps, research of the data. So we
7 just have different staff with different specialties.
8 It's -- it's frequent in our industry to have multi-firm
9 teams.

10 Q. Okay. And then what was -- we talked a little
11 bit about Integra's role, but one of their roles was
12 trying to determine who the actual landowners that might
13 be affected; is that correct?

14 A. (Zapletal) That's correct.

15 Q. Okay. And one of the -- one of the things
16 that -- that you were looking at was agricultural uses
17 of the area; true?

18 A. (Marusak) Absolutely.

19 Q. And water usage in that regard as well; true?

20 A. (Marusak) That's -- that's a little bit of a
21 hard one to say we were looking at. Just to clarify,
22 agricultural land uses, fields that are in crop
23 production, pivot irrigation, which we mentioned
24 earlier, that's stuff that we can see and look at and
25 evaluate based on what we see. Water usage is kind of

1 something that is hard to see on a map. It's kind of
2 implied and understood and recognized that that's a
3 concern that people have.

4 Q. Okay. And in those agricultural areas, did you
5 do any analysis through county searches, permits, things
6 of that nature, to determine the number of groundwater
7 wells that may be in place in a specific area?

8 A. (Marusak) Our process is the -- the initial
9 level for this type of study is -- we use a couple of
10 water development board databases.

11 Q. Okay.

12 A. (Marusak) Texas Water Development Board to be
13 specific. Sorry.

14 Q. And does that include any specific, you know,
15 groundwater well locations used for agriculture purposes
16 in particular areas?

17 A. (Marusak) Yeah, I'm going to assume that it
18 does based on the location of some of the data that we
19 saw.

20 Q. Okay. And there's obviously some discussion in
21 the -- in irrigation systems and center pivots and --
22 was -- were those determinations made by simply flying
23 it and -- you know, whether drone or otherwise and in
24 viewing the circular areas?

25 A. (Marusak) I'm smiling not to make light of it.

1 I'm smiling because we actually had a person that spent
2 weeks looking at GIS aerial photography. And then, you
3 know, once we did that, we brought those points and
4 brought them into KMZ -- into KMZ and to Google Earth,
5 because Google Earth actually allows you to go multiple
6 seasons. Sometimes a pivot irrigation in one image, you
7 won't see it until you get to a different image and you
8 look in a different season, and you can see it, and it
9 may only be a quarter pivot, a half pivot, full pivot.
10 Either way, we -- we dedicated a substantial amount of
11 time with the tools that, you know, we had from what we
12 call a desktop analysis to try to locate every pivot
13 that we could within the study area.

14 Q. You recognize that in West Texas, more people
15 are going to the -- to the underground drip systems
16 because of lack of evaporation and not -- and being able
17 to conserve more water in those situations?

18 A. (Marusak) We have had conversations on -- with
19 landowners in other cases where they -- they intimated
20 that. I can't recall that specifically in this one, but
21 I have had conversations with landowners in other cases
22 where that was -- we actually negotiated modifications
23 to work around their drip irrigation.

24 Q. All right. And did you review the intervenor
25 testimony?

1 A. (Marusak) Yes, sir.

2 Q. Okay. Then you would have seen, at least in
3 some of the proffered testimony that has been admitted
4 from our area, that there's some of these drip systems
5 in place?

6 A. (Marusak) I do recall.

7 Q. Okay. And then we have the Christmas tree farm
8 issue. Mr. Waddell and his testimony indicated that he
9 uses a million gallons a year to keep these Christmas
10 trees alive during the lovely Texas summers that we
11 have. Did you see that?

12 A. (Marusak) Yes.

13 Q. Okay. And so the groundwater in the Link H11
14 area is fairly shallow. We provided testimony to that.
15 The 20- to 30-, 35-foot in depth in that area. Did you
16 see that?

17 A. (Marusak) Yes.

18 Q. And it's my understanding, and, please, whoever
19 can answer this question, correct me if I'm wrong.
20 From -- from prior testimony just a few weeks ago that
21 these piers for these 765 towers can extend anywhere
22 from 20 to 50 feet depending on the -- obviously
23 depending on the ground and subsurface; is that correct?

24 A. (Cooley) Yes. I can answer that. Yes.

25 Q. Okay. And it's my understanding these piers

1 would be some, you know, 4 to 6 feet in diameter. Is
2 that your understanding as well?

3 A. (Cooley) For a typical tangent structure, yes,
4 that's about right.

5 Q. Okay. And how many did each tower -- how many
6 of these piers would be in place for each tower?

7 A. (Cooley) There would be four.

8 Q. So -- and in anything obviously over 20 feet
9 might extend into these groundwater areas; true?

10 A. (Cooley) They could. And to your point, a lot
11 of that data won't be known until we can do
12 on-the-ground survey and geotechnical investigations.

13 Q. Sure. And, I guess, that's part of my point.

14 And I'll address this back to you,
15 Mr. Marusak, from your environmental standpoint, is that
16 without knowing, you know, where these -- where these
17 wells are and where these underground aquifers may be,
18 and there's some maps to that effect, and you're aware
19 of that; true?

20 A. (Marusak) Yes.

21 Q. Okay. Then the impact to some of my clients
22 and other agriculturiers on any of these lines that are
23 relying on this groundwater may be devastating to their
24 crop production; true?

25 A. (Marusak) I think to Ms. Cooley's point,

1 it's -- it's -- the -- to quantify -- I'm not going to
2 suggest there's no effect, but to quantify the effect, I
3 think like Ms. Cooley said, is that once a route is
4 selected, we'll then know where that route's going to be
5 and then what the effects to that resource might be as
6 we have more information. And like I said, we can
7 recognize a concern, but transmission lines coexist --
8 you know, we can look at maps in the EA that have
9 coexisted in this area for years where agriculture
10 exists and groundwater continues to get used. So I
11 think to -- like I said, I don't want to be dismisses of
12 the -- dismissive of the concern, but to jump and say
13 that it's going to be catastrophic or destructive when
14 we don't have the data, I can't make that, you know,
15 jump.

16 Q. Well, in truth and in fact, you know, that
17 hasn't been studied enough, I mean, from an
18 environmental standpoint to know we haven't run any of
19 these transmission lines that are this size, we haven't
20 set piers that are this deep and this size before now,
21 that I'm aware of, and into groundwater areas that might
22 not be an aquifer but might be -- might be a stream, an
23 underground stream itself. Have we done that?

24 A. (Cooley) Yes, I would say we have. So, I
25 mean, although 765 and the design of that has not been

1 completed yet, a lot of what we're installing on these
2 projects is similar type of construction as other 345.
3 So lattice towers are not unusual to Oncor and similar
4 size piers and then the associated depth of those do
5 happen all over the system, and so it's not an
6 unfamiliar practice by any means.

7 Q. Okay. You understand my clients' concern when
8 they're relying on this groundwater for their
9 agriculture and their livelihood that they might be
10 concerned about this -- this impact on the groundwater.
11 You understand that?

12 A. (Cooley) Yes, sir, of course, but the other
13 thing I would like to add too is our structures are
14 typically designed to span about 1400 to 1500 feet, and
15 so to the point about -- once the Commission approves
16 the specific route, we'll be able to do a more due
17 diligence analysis in order to determine the exact
18 structure spotting locations with the on-the-ground
19 survey and SUE investigations to help identify any sort
20 of groundwater wells. And so with such of a large span,
21 ideally we would be crossing over those locations and
22 not impacting as much of the concern for groundwater.

23 Q. Sure. And then -- and thank you.

24 Mr. Marusak, did you also read Mr. Acosta's
25 testimony?

1 A. (Marusak) Yes.

2 Q. Okay. And he mentions the term "sensitive
3 agricultural lands." Did you see that?

4 A. (Marusak) I can't recall that specific term.
5 There's a lot in there.

6 Q. Well, I asked him what that meant through an
7 RFI, and it was just a general answer of -- you know,
8 that yes, that this would be potentially affected by
9 these lines, and that's true potentially anywhere;
10 right?

11 A. (Marusak) Can you clarify your question?

12 Q. Well, sure. Anywhere these lines are put over
13 an agricultural property, it could potentially impact
14 the production, the availability, things like that;
15 true?

16 A. (Marusak) Yes, during construction there will
17 be -- which Ms. Cooley, you know, can address
18 specifically during construction, you know, what those
19 effects will be, and I believe she's answered it in some
20 RFIs, but I think she can also elaborate a little bit
21 more that even after construction, you know,
22 agricultural production can still continue underneath
23 the line pretty much everywhere but underneath the
24 structure.

25 A. (Cooley) Yes, I'd agree with that.

1 Q. Right. And that's true even if there's a
2 center pivot that may not be able to go all the way
3 around in a circle again, depending on where this line
4 is. I mean, there's other means of irrigation. There's
5 other means to, you know, accommodate these lines in
6 order to hopefully make the agricultural still be --

7 A. (Marusak) Yeah, and I'll -- I'll defer to
8 Ms. Cooley on how they coordinate with land -- before I
9 pass it to her. In our routing process where we, say,
10 identified a pivot, we did our best to be on the edge of
11 the pivot to the point of where structures could
12 hopefully be located outside of the radius of the pivot
13 structure, so to speak. I think that's a -- you know,
14 that's the best I can show.

15 Q. Right. I understand. The arc of the pivot;
16 right?

17 A. (Marusak) Yeah, but I also defer to her on how
18 they work with landowners to mitigate that process.

19 Q. Well, and my point a little bit is -- is simply
20 that, you know, the impact is not going to be known
21 until that line is in place; true?

22 A. (Marusak) Correct.

23 Q. And so for -- for somebody to suggest that the
24 impact is greater in one particular area versus another,
25 we just don't know the answer to that because -- until

1 these lines are in place and we see what that impact is;
2 true?

3 A. (Marusak) Again, I -- I don't want to testify
4 to Mr. Acosta's opinion. And here when you're talking
5 about route evaluation, that's really -- I provide the
6 data. That's probably a question better for
7 Ms. Zapletal.

8 Q. Well, and I'll rephrase it if it's okay. I'll
9 re-ask it.

10 One of the things that Mr. Acosta is
11 stating is that -- is that the reason to move it off of
12 552 is because of the sensitive agricultural lands. And
13 to state that -- that it's less sensitive on Route 713
14 versus any other route versus 552 is just -- based on
15 this testimony we've just heard, is a guess because
16 until they're in place and you see what the impact -- I
17 mean, we don't have the -- the areas that have the drip
18 systems. We don't have the -- because they're not
19 visual necessarily unless you happen to drive by one and
20 you know what you're looking for, and so for somebody to
21 suggest that, oh, it's more sensitive here on 552 versus
22 713, my point is, is that that's -- that's just
23 incorrect at this point; true?

24 MR. TAYLOR: Objection, Your Honor, this is
25 a question that needs to be directed to staff.

1 JUDGE SHENOY: Mr. Wagstaff, your response?

2 MR. WAGSTAFF: I mean, they have opinions.
3 We've just been listening to the opinions of the impact
4 of this stuff. And my point is Mr. Acosta is trying to
5 state that one route is more sensitive agriculturally
6 than another route, and in -- and so my point is and my
7 question is, you can't really state that based on what
8 we now know. And that's all I'm asking, for her
9 opinion. She's the routing expert.

10 JUDGE SHENOY: So are you asking if she
11 agrees with a particular statement in Mr. Acosta's
12 testimony?

13 MR. WAGSTAFF: Well, technically I'm asking
14 if she disagrees with it.

15 JUDGE SHENOY: Well, agrees or disagrees.

16 MR. WAGSTAFF: But I'm just asking that
17 it -- it's a statement that is just simply not possible
18 to know at this point, and to suggest that Route 552 has
19 more sensitive agricultural lands necessarily than
20 Route 713, or any other route, is impossible to know
21 based on the testimony we've heard here today. And
22 that's all I'm asking, if she agrees with that or not.

23 JUDGE SHENOY: I don't know if you can --
24 you're characterizing the other testimony in a
25 particular way and asking her to agree or disagree with

1 that. So I don't know if you can ask her that. If you
2 want to refer her to a specific statement in that
3 testimony and ask her if she agrees or disagrees. She
4 said she has read that, so you can do that. Or if
5 you -- if you want to represent to her subject to check
6 that this is what someone else's testimony says and ask
7 her does she agree with that statement, you can do that.

8 MR. WAGSTAFF: Well, that was what I was
9 trying to do.

10 JUDGE SHENOY: Okay. I don't know if that
11 came across in the question, so let's try it again.

12 MR. WAGSTAFF: Maybe inartfully, but -- but
13 thank you. I will try it again.

14 JUDGE SHENOY: Okay.

15 Q. (BY MR. WAGSTAFF) And I'm happy to provide you
16 Mr. Acosta's testimony, but he mentions sensitive
17 agricultural lands and that's one of the reasons why
18 that --

19 (Interruption)

20 MR. WAGSTAFF: I'm sorry?

21 Q. (BY MR. WAGSTAFF) He mentions that's one of
22 the reasons that there's more sensitive agricultural
23 lands in the Route 552 versus 713. And based on the
24 testimony that we've had today, to suggest that at this
25 point would be impossible to know until we actually know

1 what's there once these lines are put in place; true?

2 A. (Zapletal) Yes, I would agree to that. I
3 would say the way I looked at it in my review of the
4 routing factors was really just as an indicator, one of
5 the factors being the, you know, the route -- the link
6 across agricultural lands with mobile irrigation
7 systems. So that was a way that we tried to assess the
8 impact, and I would agree we -- we won't know, and we
9 won't know if there are any or to what extent, if any,
10 until a route is selected and further design and
11 construction.

12 Q. Okay. Thank you for that clarification.

13 And back to you, Mr. Marusak. One of the
14 things we talked about earlier that y'all were looking
15 for during your investigation stage in gathering
16 information were the state parks and the various
17 recreation areas. And in reading my clients' testimony
18 and rebuttal testimony that we've provided, we mentioned
19 Camp Tonkawa, the nearly 100-year-old Boy Scout camp.
20 Do you remember that testimony?

21 A. (Marusak) Yes, sir.

22 Q. Okay. And do you remember when -- if y'all
23 went west past the Christmas tree farm west on 89, if
24 you came right -- do you remember going to the Abilene
25 State Park or seeing that?

1 A. (Marusak) No, I think -- I don't believe so.
2 We turned -- I believe we turned around, and, you know,
3 Boy Scout camps, they're -- when you happen to drive by
4 them, they're pretty easy to see. We would have
5 remembered seeing that if we had drove past it.

6 Q. Right. There's a 30-foot sign that says Camp
7 Tonkawa.

8 Now, in fairness to the situation, that's
9 on the south side of the road, but the camp also extends
10 to the north side of the road, and you understand that?

11 A. (Marusak) Through the testimony, I have read
12 that they -- that the -- I believe it's the Trail
13 Council of Texas owns property --

14 Q. Correct.

15 A. (Marusak) -- to the north, but, you know, when
16 we -- when we looked at the Camp Tonkawa website and
17 tried to locate any of their maps, all of the maps on
18 their website indicate that everything was to the south.
19 Now, I -- through doing research, yeah, the Texas Trail
20 Council does own property to the north, but that's
21 generally not something that -- as the routing
22 consultant, I'm not necessarily looking at ownership
23 unless Oncor says you need to take a look at this
24 ownership.

25 So through our routing process, we didn't

1 know that the property extended that far north.

2 Q. Sure, and I understand. I'm not necessarily
3 fussing at you. I can see easily how that happened.

4 You do agree that 4409, the tract that is
5 north that the Texas Trails Council -- and I'm happy to
6 pull it up, if I can.

7 A. (Marusak) You know, if -- if I could, if it
8 helps with the record, I can walk up to the map if I
9 have permission to approach the map.

10 Q. Well, if I may, I'm going to try to --

11 A. (Marusak) Okay.

12 Q. -- to --

13 A. (Marusak) I tell you what, just pull out map,
14 I believe, N.

15 Q. Let me see if I can pull it up here on screen
16 share.

17 A. (Marusak) N, as in, yeah, Nancy.

18 Q. Well, I have to agree to the terms again. Just
19 a second.

20 JUDGE SHENOY: And, Mr. Wagstaff, if you
21 are screen sharing in Zoom, let's just make sure that
22 the panel is able to see it on the screen that's in
23 front of them. We might need a moment for the AV to set
24 that up and then confirm that that's what we're all
25 looking at. We've got a few steps to take, but it looks

1 like he's got it up.

2 Q. (BY MR. WAGSTAFF) Can you see that? I'm going
3 to blow it up, but --

4 A. (Marusak) It might be easier for us to just --
5 you know, we've got the maps here at our table.

6 Q. Yeah. And feel free to refer to the map that
7 you have open. I'm going to go ahead and pull it up a
8 little bit. If I can make it bigger here.

9 A. (Marusak) And can I ask you to repeat the
10 tract question again?

11 Q. Yes, sir. It's on H11. It's tract number
12 4409, and I will blow it up. It's right when you're
13 west coming out of Buffalo Gap and the road -- and the
14 line turns to the northwest. So it looks like it turns
15 to the northwest on my clients' property number 922 and
16 923. I believe that's the Failors. And then it goes
17 northwest, and it -- it just misses 4409 on the north --
18 northeast corner. Do you see that?

19 A. (Marusak) Yes.

20 Q. Okay. And -- but it was determined to be
21 within the 520 feet, and that's why it's on here as
22 tract 4409; is that correct, Ms. --

23 A. (Zapletal) Yes, that is correct. Oncor's
24 overinclusive in notice, and irrespective of whether
25 there is a habitable structure within that distance, we

1 noticed all properties crossed within 520 feet of a
2 centerline of any route link.

3 Q. Okay. And maybe this question is more
4 appropriate for you, Ms. Zapletal. If that route is
5 chosen, will that -- will that line need to be moved to
6 the -- to the east and north to be further away from --
7 from the Camp Tonkawa area?

8 A. (Zapletal) From tract 4409?

9 Q. From 4409, yes.

10 A. (Zapletal) I mean, Ms. Cooley can support me
11 in responding to this since they work with the
12 post-approval process, but I -- you know, I don't
13 believe so.

14 A. (Cooley) Yeah, so if the route that was
15 selected by the PUC was, in fact, this route that
16 included H11, Oncor would get on-the-ground survey to
17 verify all of the property boundaries and follow the
18 intent of the centerline. So my impression would be
19 that the centerline would not be shifted based off of
20 this imagery; however, that would be confirmed during
21 the design phase.

22 Q. And what is the -- is there a distance that you
23 would say okay, if -- if it's 100 feet away from it such
24 that the easement would touch that corner, would you
25 move it at all or would you leave it right there?

1 A. (Cooley) That's hard to say at this point in
2 time. I would suspect that if the easement is not
3 overlapping 4409 after getting the true-up from the
4 boundary, then it would stay in the location that it's
5 shown today.

6 Q. Okay. Unless of course the location to the --
7 there's testimony from the 917 and 918 landowners that
8 they have a habitable structure within 500 feet of that
9 line as it sits, that's the Crawfords, Kellye and
10 Charlie Crawford, and so any adjustment might affect
11 that as well; true?

12 A. (Cooley) If when working through the design
13 process we came to an agreement on a route modification,
14 then yes, that would be true.

15 Q. Okay. Thank you.

16 JUDGE SHENOY: And, Mr. Wagstaff, if you
17 are at a stopping point in between topics or even if
18 you're not at a stopping point, I think we need to take
19 a break, so I'm going to pause you there.

20 MR. WAGSTAFF: No problem. Yeah, I'm
21 fixing to move on to one last thing and that won't take
22 too long, but yeah --

23 JUDGE SHENOY: Okay.

24 MR. WAGSTAFF: -- this is good.

25 JUDGE SHENOY: We've been going for about

1 an hour and a half and I need to give the court reporter
2 a chance to rest her fingers too.

3 So it's close to 10:30. Let's come back at
4 10:45. We're off the record.

5 MR. WAGSTAFF: Thank you, Your Honor.

6 (Recess taken)

7 JUDGE SHENOY: All right. Let's go back on
8 the record.

9 Mr. Wagstaff, we stopped with your
10 cross-examination. Let's pick up with your next
11 question.

12 MR. WAGSTAFF: Thank you, Your Honor.

13 Q. (BY MR. WAGSTAFF) I had a couple of
14 questions -- follow-ups on the Camp Tonkawa issue that
15 we've been talking about. What specifically -- who can
16 define -- and any of y'all, foreground visual zone, what
17 does that mean?

18 A. (Marusak) That's probably best for me. It's
19 a --

20 Q. Okay.

21 A. (Marusak) It's a way that we have -- it's a
22 way we've measured the -- it's a way to quantify, if you
23 will, the visual effect for -- there's generally two
24 categories, visual foreground zone of state and federal
25 highways, and then also parks and recreational areas.

1 And what that is, it's generally a one-half mile radius
2 of any of those features, and then you basically clip --
3 clip, if you will, the length of the link or route and
4 you come up with that mileage. So if you will, it's the
5 length of a route or link that might be within a half
6 mile of the boundary of any -- either of those features
7 that I listed.

8 Q. Okay. So certainly Tract 4409 would come
9 within that?

10 A. (Marusak) If we were to include that, you
11 know, in -- and we didn't have that in our study, but if
12 we were looking at it as including it as a recreational
13 area, yes, within -- we've established that it's roughly
14 500 feet from the centerline, so it would definitely be
15 within the visual foreground zone.

16 Q. And just -- so that brings up the next
17 question. Do you consider -- like, Boy Scout/Girl Scout
18 camps, do you consider that a recreational area?

19 A. (Marusak) We have in the past, but we
20 generally try to define it to the facility. Sometimes a
21 challenge we have is, you know, we might have the
22 recreational facility here, and in a case like this, you
23 might have ownership that extends way beyond, you know,
24 the actual recreational area. So sometimes it's --
25 it's -- it's not always the most straightforward

1 interpretation.

2 Q. Well, you know, from reading your testimony
3 that we have testimony from some of my clients that --
4 including one who was a camp counselor --

5 A. (Marusak) Uh-huh.

6 Q. -- there that they use that recreational area.

7 A. (Marusak) Yes.

8 Q. And that not only that, but for local school
9 children and things like that that come out there as
10 well, you read that?

11 A. (Marusak) Yeah. If they can establish that
12 and the commission wants to consider it, that's fair.
13 Yes.

14 Q. And in assuming that, then it would qualify as
15 a recreational area; true?

16 A. (Marusak) Yes.

17 Q. Okay. And certainly the line -- you said
18 500 feet. So it's certainly within the thousand feet
19 that you kind of put in the application as, you know, no
20 line comes within, you know, a thousand feet of a park
21 or recreational area, something to that effect; right?

22 A. (Marusak) Correct.

23 Q. Okay. And then the foreground visual zone you
24 said for parks and recs is a half mile?

25 A. (Marusak) It would be a -- imagine, if you

1 will, if you take the actual property boundary and then
2 you put a half mile around that boundary, and then
3 wherever the line goes through that area and you use
4 that boundary to clip it, that's the length. It would
5 be easier to draw, which I don't know if you want to do,
6 but --

7 Q. Yeah, I understand what you're saying. So,
8 like, if we -- it is -- so I think my -- let me screen
9 share again real quick. Well, let me just ask you.

10 A. (Marusak) Sure.

11 Q. Do you know where the boundaries of the Abilene
12 State Park are that are just to the -- just to the west
13 of --

14 A. (Marusak) Yes, we --

15 Q. -- of this Tract 4409?

16 A. (Marusak) Sorry. Sorry to interrupt. Yes.
17 I'm sorry. I thought I answered your question, yes.

18 Q. So that leads to the next question. I was
19 waiting for you to get the map out.

20 A. (Marusak) Okay. Sorry. I was waiting for a
21 follow-up, H.

22 Q. And my question is, is that the Abilene State
23 Park within this -- this foreground visual zone of
24 Link H11?

25 A. (Marusak) I am going to the map. Can I get --

1 Okay. So it appears that it may be just
2 outside the visual foreground zone of the limits of
3 Abilene State Park as they were in the state database.
4 And so to clarify, I believe that the closest approach
5 of Link H11 is greater than a half mile, and therefore
6 we do not have a length of H11 within the visual
7 foreground zone of the park.

8 Q. And that's even whether it's at the bend at 922
9 or anywhere along the 919 and 917 because you -- the
10 state park goes up around the edge of Lake Abilene
11 there?

12 A. (Marusak) Yes, the -- I'm sorry, for the court
13 reporter, I'm looking for Figure 3-1H of the
14 application.

15 Q. Thank you.

16 A. (Marusak) And yes. So we have the limits of
17 the state park. It looks like it extends approximately
18 to the Tract 4409 that we've been talking about, and
19 looking at the scale of this map, it still appears to be
20 over a -- more than a half mile away.

21 Q. Okay. Is the half-mile zone, has that been the
22 standard for the smaller lines as well?

23 A. (Marusak) Yes, we -- I believe we answered in
24 the RFI that we don't -- we don't change the -- it's
25 standardized for -- regardless of voltage.

1 Q. Okay. And so -- but these lines are taller;
2 right? These towers?

3 A. (Marusak) I'm going to defer that to Corin --
4 Ms. Cooley. Sorry.

5 Q. Ms. Cooley, are they taller than the 345s, for
6 example?

7 A. (Cooley) Yes. The typical height would be
8 roughly 30 feet taller.

9 Q. Okay. So the higher they are, obviously the
10 further away they're visible from; true?

11 A. (Marusak) I think if we were assuming on a
12 table -- if we're on a tabletop, yes, I think that's a
13 fair assessment.

14 Q. Okay. Mr. Marusak, I want to talk a little
15 bit -- the Dyess Air Force Base was discussed a little
16 bit yesterday, and I want to ask you a few questions
17 about that. Were you involved in the communications?
18 It mentions a Julie Jones with Kimley-Horn?

19 A. (Marusak) Yes, yes. So we -- we worked in --
20 my specific role in that process was providing the data
21 that was ultimately provided in the communications.

22 Q. And I believe in the application, it indicates
23 that there's -- there is no objection from Dyess
24 Air Force Base or the Department of Defense to the Link
25 H -- then H1, which now includes H11; is that correct?

1 A. (Marusak) I'm going to defer to Ms. Zapletal
2 who sponsored the application.

3 Q. Okay. Yeah.

4 A. (Zapletal) Yes, that is correct.

5 Q. Okay. Now --

6 MR. WAGSTAFF: Your Honor, at this time --
7 and I believe there's -- there's no objection to it, but
8 to rebuttal Exhibit 16, which is a two-page document. I
9 would like to share that with Ms. Zapletal shortly.

10 JUDGE SHENOY: Mr. Jones; is that correct?

11 MR. JONES: So, I'm sorry, are you asking
12 to admit it into evidence or to share it with
13 Ms. Zapletal?

14 MR. WAGSTAFF: No, I'm asking to admit
15 Exhibit 16. It's my understanding from talking to Jaren
16 that he has no objection to that, but...

17 JUDGE SHENOY: All right. And, first of
18 all, Mr. Jones, can you make an appearance? We haven't
19 had you here before.

20 MR. JONES: Yes, apologies, Your Honor.
21 Jared Jones on behalf of Oncor.

22 JUDGE SHENOY: Thank you. And this is as
23 to Exhibit 16 that the H11 -- Link H11 group wants to
24 offer.

25 MR. JONES: So, Your Honor, we don't have

1 any specific objection, but I believe this actually
2 comes out of the environmental assessment, and so we
3 talked a little bit yesterday about whether it was
4 appropriate to enter documents that were already in the
5 application, in the EA. I defer to your judgment on
6 that.

7 JUDGE SHENOY: And, Mr. Wagstaff, it does
8 appear to be something from the EA. So if you can
9 reference it that way, we don't need duplication in the
10 record. It makes it more confusing.

11 MR. WAGSTAFF: That's fine, Your Honor.

12 JUDGE SHENOY: Okay.

13 Q. (BY MR. WAGSTAFF) And specifically what I'll
14 reference, Mr. Marusak, is A979 and A980. And I will
15 try to screen share that.

16 Or Ms. -- I'm sorry, Ms. Zapletal.

17 JUDGE SHENOY: Sorry --

18 Q. (BY MR. WAGSTAFF) I was addressing the
19 questions to you, I apologize.

20 JUDGE SHENOY: And, Mr. Wagstaff, just for
21 clarity, are you withdrawing Exhibit 16 now so I don't
22 need to rule on it?

23 MR. WAGSTAFF: I am at this time, Your
24 Honor.

25 JUDGE SHENOY: Okay.

1 MR. WAGSTAFF: I'll probably re -- re-enter
2 it here -- or ask you to reconsider it here at some
3 point.

4 JUDGE SHENOY: Okay. Let's move on from
5 that, then. Thanks.

6 MR. WAGSTAFF: Thank you.

7 A. (Marusak) Okay. So Page 979?

8 Q. Yes, sir, on 979, and I'm trying to screen
9 share it.

10 A. (Marusak) Okay.

11 Q. And would you please verify the one I'm screen
12 sharing is 979?

13 A. (Marusak) We're still waiting for it to pop
14 up. Oh, there we go.

15 Okay. Yeah, it appears to be 979, but it
16 also has some highlighted sentences in it.

17 Q. Yes, and the highlighting is mine. So I
18 appreciate that.

19 And really, I guess, for -- Ms. Zapletal, I
20 need to ask you this question since you responded to the
21 previous one. Can you hear me?

22 A. (Zapletal) Yes, I can now.

23 Q. Okay. So we talked about yesterday the fact
24 that as far as the NEXRAD radar issue, that there was
25 some -- an April letter or memo that talked about that

1 that had been cleared by the Department of Defense based
2 on the lines; true?

3 A. (Zapletal) Yes, we did discuss that yesterday.
4 It was in response on Page A978 in an email response
5 in -- on April 22nd, 2025, which varies from the
6 response letter. It was actually after the response
7 letter that's being shared.

8 Q. And that was -- that was just as to the NEXRAD
9 radar; correct?

10 A. (Zapletal) Yes, that's true.

11 Q. Okay. If we look at 979 that's on the screen,
12 in the second paragraph -- well, in the first paragraph,
13 it notes that -- that this -- these lines may have an
14 impact on military operations conducted in the area;
15 correct?

16 A. (Zapletal) Yes, the end of that paragraph,
17 that's correct.

18 Q. Okay. And then in the second paragraph where
19 the second highlighting, it says, "There is also a
20 potential impact to U.S. Air Force terminal instrument
21 procedures, TERPS operations." Do you see that?

22 A. (Zapletal) Yes, I do.

23 Q. And do you understand and know what the TERPS
24 operation refers to?

25 A. (Zapletal) Exactly myself, no, I do not, but I

1 know that there's a lot of coordination we do throughout
2 the process.

3 Q. All right. It deals with the instrument
4 landing and takeoffs, departures and arrival in Dyess
5 Air Force Base, okay? And the safety and efficiency of
6 those operations. Do you understand that?

7 A. (Zapletal) I understand what you're saying,
8 yes.

9 Q. Okay. And here it says, "Please contact Master
10 Sergeant Aaron Siders, a TERPS specialist, to discuss
11 the impact on TERPS."

12 And I'll scroll down to the second page,
13 which should be 980?

14 A. (Zapletal) Yes, it's A-980.

15 Q. Okay. And on paragraph numbered 2, Master
16 Sergeant Siders responding. It notes that although
17 whatever AFGCS TERP stands for exactly, "has no
18 objections to the provided project proposed coordinates,
19 locations, and heights for obstacles at this time."
20 The -- "they may have future objections for any
21 additional project coordinates, locations, and heights
22 for obstacles if any conflict with Dyess Air Force
23 Base."

24 Did I read that correctly?

25 A. (Zapletal) Yes.

1 Q. I mean, I didn't include the -- all the,
2 letters in --

3 A. (Zapletal) The acronyms, but yes.

4 Q. And so it really and truly, until the lines are
5 finalized in where they are, we don't have a final
6 answer from the Department of Defense; true?

7 A. (Zapletal) That is true. As with a number of
8 different factors, until the PUC chooses their approved
9 route for construction, there is going to be ongoing
10 coordination with a number of different agencies, and
11 Dyess is one of those as well.

12 Q. So what happens after, if you know, if PUC
13 selects one of these lines that is in and around Dyess
14 Air Force Base and the Department of Defense says no,
15 absolutely not? Do you know?

16 A. (Cooley) I can jump in a little bit.

17 Q. Okay, Ms. Cooley, please.

18 A. (Cooley) So I don't know exactly the
19 specifics, if the DOD or the Air Force Base would say
20 no, but Oncor, after the commission approves a route --
21 I will say my visual changed, but once the commission
22 selects a route and we go through the specific design to
23 then be able to determine structure heights, all of that
24 gets submitted through the FAA, and I assume the DOD and
25 the Dyess Air Force Base would be in communication.

1 They would issue a notice essentially providing any sort
2 of recommendations or determinations that Oncor would
3 have to follow, and at that point in time, we would make
4 mitigation measures through the design process.

5 Q. Okay.

6 A. (Zapletal) And if I may follow up on --

7 Q. Sure?

8 A. (Zapletal) -- my previous response too. I
9 mentioned it, but may not have stated it with an
10 assertion, but Oncor has been in continuous
11 communication with the Air Force -- or space manager,
12 and so, you know, to date, we don't have any objections
13 or any formal clearance. I think all parties are
14 waiting for that formal approval of the -- of the route
15 by the Commission, but -- but those communications are
16 actually still active with Dyess.

17 Q. Right. Now, Ms. Cooley, you said that these --
18 that these transmission towers are approximately 30 feet
19 higher than the 345s; is that right?

20 A. (Cooley) Yeah. So the typical structure
21 height for the 765 is 155 -- 160-foot range.

22 Q. Okay. 155-, 160-foot range. And so, for
23 example, where the line crosses H11, crosses 613 --
24 FM 613 just south, maybe a mile south of the city limit
25 of Buffalo Gap, do you recognize that that area is as

1 much as 300 foot higher than, like, the town of
2 Buffalo Gap, and so there -- these hills around there
3 that would add to that 155- to -60-foot distance?

4 A. (Cooley) As far as reference elevation, you
5 know, I'll take your word for it.

6 Q. Okay. I mean, well, I mean, is that something
7 that y'all -- that y'all looked at in -- you know, where
8 you were putting these lines?

9 A. (Cooley) So from a, I guess, engineering
10 perspective and kind of a constructability standpoint,
11 we did look at the terrain in the area.

12 Q. Okay. Fair enough.

13 In any event, that is obviously dealing
14 with Dyess Air Force Base and not only Dyess Air Force
15 Base but the other airports in the area, that's a
16 concern, Mr. Marusak, as you mentioned earlier in your
17 environmental and community evaluations; true?

18 A. (Marusak) Yes, it's definitely something we
19 evaluate and we give proximity of the edge of the runway
20 to the nearest link so that way the rest of the Oncor
21 team can evaluate constructability as it relates to
22 airports.

23 Q. Okay. Now, Mr. Marusak, one of the things that
24 was mentioned and I think evaluated in y'all's work was
25 the city of Buffalo Gap itself and that area in there;

1 is that correct?

2 A. (Marusak) Yes. I mean, we -- can you be more
3 specific -- you know, evaluated the town of Buffalo Gap.
4 Can you be more specific?

5 Q. Well, sure, I think under -- is it 5.2.1.

6 A. (Marusak) Okay. That -- it -- so I think --

7 Q. If you find that and tell me what that
8 references, please.

9 A. (Marusak) Sure. Yep.

10 Okay. So I appreciate the specificity.
11 So -- yeah, so in Chapter 5, which is kind of a
12 recounting -- it's us trying to provide a synopsis of
13 information we received during the public meeting, and
14 we -- it's not a transcript of all the comments we
15 received at the public meeting.

16 Q. Sure.

17 A. (Marusak) We're trying to capture themes and
18 topics presented at the public meeting, and as I stated
19 earlier, the city of, town of Buffalo Gap was very well
20 represented and we have several comments, you know,
21 as -- you know, expressing their, you know, community
22 values, if you will, as it relates to the project.

23 Q. Sure. And what does the application say about
24 the city of Buffalo -- or the area of Buffalo Gap?

25 A. Well, I mean -- and this is on 5/7. I mean, do

1 you want me to read the entire --

2 Q. You can paraphrase if you'd like.

3 A. (Marusak) Okay. Give me a few seconds just
4 to --

5 Q. Sure. Take your time.

6 A. (Marusak) Okay. So I think, you know, what's
7 consistent with this area is the citizens of
8 Buffalo Gap. They reflected on the Abilene -- the
9 proximity of Abilene State Park and there's -- you know,
10 just from what we documented -- have documented in here
11 and what I remember from the public meeting is, you
12 know, they recognize they're near Abilene, but they
13 still retain a sense of a rural heritage tied to their
14 town and surrounding area.

15 Q. And you saw that yourself when you were in
16 there, when you were going through that area, didn't
17 you?

18 A. (Marusak) Yes, we went through Buffalo Gap.

19 Q. Right. And is the community of Buffalo Gap, is
20 that the only community, town, city that is specifically
21 referenced as to the community values in your -- in the
22 application itself?

23 A. (Marusak) I'll be more specific. That's the
24 only one, I believe, in Chapter 5.2.1.

25 Q. Okay.

1 MR. WAGSTAFF: Thank you all for your
2 input. I appreciate it. I appreciate your time.

3 I'll pass the witness at this time. Thank
4 you, Your Honor.

5 JUDGE SHENOY: Okay. Thank you.

6 Mr. Montgomery, I believe you're next.

7 MR. MONTGOMERY: Yes, Your Honor.

8 JUDGE SHENOY: Okay. Go ahead. Can you
9 see the panel?

10 MR. MONTGOMERY: Can you hear me? Yes.
11 Yes, I can.

12 JUDGE SHENOY: Okay.

13 MR. MARUSAK: Your Honor, can we -- we
14 don't have him on this screen. Is there a way we can
15 get him on this screen perhaps?

16 MR. MONTGOMERY: Can you see me now?

17 MR. MARUSAK: Good morning, Mr. Montgomery.

18 MR. MONTGOMERY: Okay. Well, I apologize
19 for the site.

20 CROSS-EXAMINATION

21 BY MR. MONTGOMERY:

22 Q. Good morning. I represent the Big Country
23 Intervenors, which are a group of landowners primarily
24 through Jones and Shackelford Counties, but also
25 Callahan and Nolan, which primarily are affected by the

1 T1 and T2 lines, something that I know y'all are
2 familiar with. The problem for me is that I am
3 currently in the Jones County Courthouse. Graciously
4 been provided the office of the County Attorney to be on
5 Zoom. The issue with the short notice, I had a court
6 hearing downstairs in which I could not get out of. And
7 so luckily, Judge Hagler has given me an opportunity to
8 come up here and ask you a few questions, but I'm not
9 prepared as I would have been if I was in Austin or at
10 least in my office.

11 But all that being said, is -- maybe you
12 can answer this for me or maybe you have answered this
13 before and I apologize, but why was T1 and T2 -- and
14 there's other lines, but primarily Jones and Shackelford
15 County and the northern routes, why were they added so
16 late in this process?

17 A. (Marusak) So we provided earlier testimony in
18 that after the public meetings that we had in the summer
19 of 2025, you know, it's a standard part of the process
20 to go back and address comments based -- or modify,
21 consider adding routes in response to feedback from the
22 public meetings. And after that response from just the
23 public meetings, but also other, you know, local and
24 state officials, there was a request to consider
25 additional routes to improve geographic diversity within

1 the route set that -- when I say -- I think it was to
2 extend north. The fact that we went north of Abilene is
3 because there really wasn't a great spot to go south of
4 Abilene. So that's why. In our process of expanding
5 north and looking at more routes north, constraints kind
6 of pushed up further north into those counties and north
7 of Abilene.

8 Q. Appreciate it.

9 You mentioned not really a great spot to
10 the south. Isn't the proposed -- and forgive me for not
11 knowing the exact term, but line -- or Route 552, that
12 is the Oncor stamp of approval suggested route or I
13 forgot how you call it.

14 A. (Zapletal) Yes, Route 552 --

15 Q. Isn't that south of Abilene?

16 A. (Zapletal) Route 552 was -- I believe the word
17 you're looking for, the route that Oncor feels best
18 meets the PUC's applicable routing factors. We may in
19 short refer to it as the best-meets route. It was one
20 of the 130 routes filed in the application.

21 Q. Sure. And that Route 552, from my
22 understanding, travels, you know, from Glen Rose south
23 maybe through the Rising Star Cross Plains, keeps on
24 going through Coleman, all the way to Forsan. Is that a
25 fair guess?

1 A. (Zapletal) Yes.

2 Q. Okay. And do you know approximately on the
3 timeline when the northern routes were added,
4 specifically T1/T2 to this plan?

5 A. (Zapletal) Well, as Mr. Marusak said, those
6 were added last summer after the public participation
7 meetings. Some time between the June and August time
8 frame initially.

9 Q. Okay. Did any of the data centers that are
10 being built in Shackelford and Jones County have an
11 impact on the location of these new routes, specifically
12 T1?

13 A. (Marusak) I'll answer that. I can tell you
14 that data centers have had absolutely no bearing in
15 where I routed the transmission line. The routing was
16 constraints based. There was no, if you will, a target
17 or objective based on data centers because I don't know
18 where those are.

19 Q. Well, on T1, there's a portion where there's a
20 bend when it's in Callahan County, bends north through
21 Shackelford. That's an area referred to as Hamby. It
22 goes right next to 604, and that is where Vantage is
23 developing a massive data center on essentially the
24 corner of 604 and 351. You're not familiar with that?

25 A. (Marusak) I was not familiar with it.

1 Q. And then as it flows to the west, it goes south
2 of Lake Fort Phantom and cuts right through what is
3 called the Flying W Ranch, which is roughly 5,000 acres
4 north of I-20 and adjacent to the -- on the west side
5 of 277. Are you familiar with that area?

6 A. (Marusak) Yes, generally, from our, you know,
7 routes.

8 Q. Okay. And with Lancium developing Stargate and
9 expanding through that ranch, that had no impact on the
10 location of T1?

11 A. (Marusak) No, sir.

12 Q. And going west, and I believe it goes into T4
13 as you go through -- west of Merkel from there, I guess
14 T1 and T2 kind of merge. And again, this is from
15 memory. I'm in the Jones County Courthouse. They kind
16 of converge somewhere around west of Merkel into T4; is
17 that right?

18 A. (Marusak) You're correct.

19 Q. Okay. And then T4 runs south of I-20 in a
20 east-west direction through Nolan County; is that right?

21 A. (Marusak) Yes, sir.

22 Q. And the four -- the four data centers that have
23 been approved by the -- to be built by the Nolan
24 County -- well, by these companies in Nolan County, that
25 has no affect on the location of T4; is that right?

1 A. (Marusak) That's correct. I -- again, I
2 didn't know where any data centers were being
3 constructed. The objective with T4 is -- can you -- if
4 you can give me a second to check our constraints maps
5 just so I can be --

6 Q. Sure.

7 A. (Marusak) Just grab one and look at the
8 bottom. P.

9 So I'm looking at -- for the court
10 reporter, I'm looking at Figure 3-1P of Appendix G of
11 the application.

12 So the objective of T4 was -- you know, one
13 of the things that the commission tells us to consider
14 in our routing is paralleling existing transmission
15 lines. So really the routing of T2 and T1, there are
16 existing transmission lines in that I-20 corridor, and
17 honestly, I'm looking at where people live and trying to
18 figure out a way to get to that transmission line
19 corridor so I can parallel that transmission line
20 corridor if I could. If there happened to be data
21 centers planned, it's not to my knowledge.

22 Q. Those existing -- that existing corridor that
23 you mentioned, that existing transmission lines where
24 they're located -- I'm familiar with them, but I'm not
25 familiar enough to know who or what company owns those

1 lines or easements. Is that Oncor or is that -- I
2 believe primarily in our area, not as Big Country.
3 Around Abilene it's AEP?

4 A. (Marusak) I'm going to defer to Ms. Cooley or
5 Mr. Gurley.

6 A. (Gurley) I don't remember offhand. I do
7 believe we have a couple lines in the area, but I don't
8 remember exactly today which ones those are.

9 Q. And maybe this -- maybe you can help me
10 understand. I think -- and again, this is off the top
11 of my head, but I think there's existing Oncor lines to
12 the south near Coleman area that run through east and
13 west in that area. Is that accurate?

14 A. (Marusak) I'd really have to go look at the
15 constraints map unless you guys have recall of all of
16 our lines. Yeah.

17 A. (Cooley) No, unfortunately.

18 Q. And no -- and again, that's my fault for not
19 having it in front of me, but I figured that due to the
20 existing Oncor lines to the south, that's why 552 was
21 selected as the best-meets route since y'all were
22 already in the area at that location.

23 A. (Zapletal) I will say that when it -- in terms
24 of review of the factors for selection of a route that
25 best meets, actual ownership of a transmission line is

1 not part of the factor. The mere presence of -- or
2 paralleling of that is the factor for consideration. So
3 irrespective if it's Oncor or you mentioned AEP or
4 another transmission service provider.

5 Q. All right. Well, panel members, I appreciate
6 your time, and thank you for your responses, and I
7 apologize for not having more questions for you, but I'm
8 unable to do that at this moment. I'll pass -- pass the
9 witness at this time.

10 A. (Marusak) Thank you.

11 A. (Zapletal) Thank you.

12 JUDGE SHENOY: Thank you, Mr. Montgomery.

13 Mr. Ross, I believe you are next.

14 MR. ROSS: I believe I am. Joe Will Ross
15 on behalf of Broken O Land & Cattle LP.

16 CROSS-EXAMINATION

17 BY MR. ROSS:

18 Q. Panel, in some prior cases I've asked some of
19 y'all some questions. Others, I have not. As I ask
20 these questions, if I direct it to one of you and you
21 don't know, please just pick up wherever. And I want to
22 start kind of from a 40,000-foot level first, and then
23 we'll kind of narrow down. And I know y'all have
24 testified to this many times in the prior cases and
25 probably here. Oncor -- no one else has built a 765-kV

1 line in Texas to date; correct?

2 A. (Gurley) That's correct.

3 Q. Okay. But you have built many miles of 345-kV
4 lines?

5 A. (Gurley) That's correct.

6 Q. And I think Mr. Montgomery was talking about
7 the line south that -- the Bluff Creek to Brown Line
8 that y'all probably weren't around when we did the CREZ
9 case on that back in 2009 and '10; right?

10 A. (Zapletal) Correct.

11 Q. Y'all didn't work on that case?

12 A. (Gurley) I don't recall. When I first started
13 with the company, I did some work on the CREZ lines.

14 Q. I'll let you know that Mr. Taylor over there
15 was a second-year lawyer on that case. That's where I
16 first met him. And he's still working for Al and I. He
17 reminds me of that.

18 Q. Okay. Moving on. But on all these 345s --
19 and I think, Ms. Cooley, you've answered this before.
20 On these 345s -- and y'all -- you've had extensive
21 expertise in building these 345s; correct?

22 A. (Cooley) Yes, I would say so.

23 Q. And y'all use that extensive expertise to
24 translate on how the constructability of what you think
25 these 765s will be; correct?

1 A. (Cooley) Yes, due to similar construction --
2 structure configuration of lattice and kind of where
3 we're routing in the study area.

4 Q. You've testified these -- the 765s will be,
5 what, 155- to 160-something feet, maybe up to 198,
6 roughly?

7 A. (Cooley) Yes, that's correct.

8 Q. A 200-foot right-of-way?

9 A. (Cooley) Yes, sir.

10 Q. Now, once a line, a route, or a link gets drawn
11 on the map, it's -- it doesn't -- and you put it in your
12 application, it doesn't really get moved, does it?

13 A. (Zapletal) I can address it as far as the
14 application is concerned. Once we do file, those links
15 are static throughout this process and this proceeding.
16 Ms. Cooley may be able to address post-approval.

17 A. (Cooley) Yeah, and I would add to that as, you
18 know, once we go through the specific design surveys, we
19 follow the intent of what the centerline was that was
20 shown during the routing process that the PUC approved.

21 Q. Thank you. So let's talk about how y'all draw
22 these lines on the maps. And I'm going to see if I can
23 do a share screen of -- not that one. That one.

24 Can y'all -- is that coming up on your TV?

25 A. (Marusak) Yes.

1 A. (Cooley) Yes.

2 Q. Do y'all recognize that?

3 A. (Marusak) It appears to be a KMZ of -- in
4 Google Earth of the route links, the paths, habitable
5 structure points, and the -- and the parcel data.

6 Q. You can see over here on -- on the left where
7 I'm circling the -- my pointer?

8 A. (Marusak) Yes, sir.

9 Q. That's the KMZ. And I'll represent to you this
10 is what I was referenced as Broken O Exhibit Number 2
11 yesterday that was admitted. So I'm going to -- I'm
12 going to click a little link there. And just for
13 demonstrative purposes, did y'all see that red pop up on
14 the screen right there?

15 A. (Marusak) Yes, sir.

16 Q. Okay. That's -- I'll represent to you that's
17 the Broken O Ranch.

18 JUDGE SHENOY: And, Mr. Ross, if you want
19 to preserve this for the transcript so we know what you
20 pointed to, you might want to give us some reference
21 points and say, you know, it's to the right of M1.

22 MR. ROSS: I'm about to get there, Your
23 Honor.

24 JUDGE SHENOY: Okay. Good. Because
25 otherwise when I go back, I'm not going to know where

1 you were pointing in the transcript.

2 MR. ROSS: That's fair.

3 Q. (BY MR. ROSS) All right. So the Broken O --
4 and y'all read Mr. Howard Morrison's testimony, did you
5 not?

6 A. (Marusak) Yeah, I read the Broken O testimony.

7 Q. Okay. Good.

8 And so it is on the west side. It's in
9 southern Mitchell County, southwestern Mitchell County
10 on the west side of State Highway 163. Is that not
11 correct?

12 A. (Marusak) Yes, sir.

13 Q. And Link L2 crosses somewhat through the middle
14 of that Broken O Ranch; correct?

15 A. (Marusak) Yes, sir.

16 Q. Link L2 is the only link that passes through
17 that ranch; correct?

18 A. (Marusak) As represented, correct.

19 Q. Okay. And Link L2 is on the best-meets route
20 of 552; correct?

21 A. (Zapletal) That's correct.

22 Q. I believe I'm the first attorney to ask
23 questions about -- that is affected by the best-meets
24 route so far today. Well, it -- that has a client
25 that's on the best-meets route. Let me clarify.

1 A. (Zapletal) Yes.

2 Q. Okay. So I want to get back -- how y'all draw
3 these lines, these links that then become a route, what
4 do y'all do specifically? How do you come up with them?

5 A. (Marusak) Okay. I believe that comes to me.
6 So when I'm looking at a potential link, especially on a
7 project like this, you know, you heard me in earlier
8 testimony identify a host of different factors, you
9 know, as it pertains to the human environment and the
10 natural environment. So we're looking at that.

11 We're looking for existing corridors.
12 Existing corridors in this case would be transmission
13 lines, roadways, and I'll use the term apparent property
14 boundaries. The substantive rule also allows us
15 consideration of other what they called natural or
16 cultural features. So at times where we may not have a
17 transmission line or a, you know, roadway, you know,
18 we're looking at what I'll call apparent property
19 boundaries, which in this case is the appraisal district
20 data, but we also might be looking at other natural and
21 cultural features. And examples of that might be
22 interior fence line, interior roadways, you know, that
23 might be part of a ranch when you're out in ranch
24 country.

25 And so this part of the study area and any

1 part of the study area, we're looking at each individual
2 property or what we believe might be a property owner,
3 but at the same time we have to look at where are we
4 coming from several miles back from the east and where
5 are we trying to go several miles to the west. So there
6 might be a great spot in a -- you know, that imaginary
7 scale, there might be a great spot that we want to be
8 in, but if we can't get to it or we can't get out of it,
9 we have to look somewhere else. So --

10 Q. Oh.

11 A. (Marusak) -- at that high level, let's just
12 start there. That's the high level of how we
13 approach --

14 Q. Well, let me narrow that down, then.

15 A. (Marusak) Yeah.

16 Q. Excuse me for interrupting, and I didn't ask a
17 good question. So let me talk about how you physically
18 gather the information, your team to go say, hey, I want
19 to put it there on Broken O or anybody else. You've
20 testified that y'all go drive the highways; correct?

21 A. (Marusak) Uh-huh. Yes, sir.

22 Q. Did y'all drive out State Highway 163 between
23 Sterling City and Colorado City?

24 A. (Marusak) I believe we did because I think we
25 actually came all the way down the -- is that 87 and --

1 and right before you got to Sterling City, we then
2 turned north and headed up 163.

3 Q. All right. Thank you.

4 Let me see. Can y'all see that?

5 A. (Marusak) Might be a little lag.

6 Q. Let me try again.

7 A. (Marusak) Lost KMZ.

8 Q. Hang on a minute. Can y'all see that?

9 A. (Marusak) Yes.

10 Q. I'll represent to you that -- this -- I'm
11 looking at Attachment B to the direct testimony of
12 Howard Morrison. You can see that there on the bottom
13 left, can you not?

14 A. (Marusak) Yes, sir.

15 Q. Do you have any idea what that black and white
16 checkerboard square is there on -- in the road?

17 A. (Marusak) I'm not familiar.

18 Q. Okay. And you said you drove north, 163 North;
19 correct?

20 A. (Marusak) That's my recollection.

21 Q. Okay. Did you happen to see that windmill and
22 tank?

23 A. (Marusak) Yes.

24 Q. Okay. I'll represent to you and we'll see it
25 here in a minute where the shadow area where my cursor

1 is pointing?

2 A. (Marusak) Uh-huh.

3 Q. Just to -- oh, just right -- just to the east
4 of there, to the left there's a dirt tank with water in
5 it. Did you see that?

6 A. (Marusak) When you say a dirt tank, you mean
7 like a water tank that's tied to the windmill or a pond?

8 Q. Well, I grew up in Sonora, and it's down there
9 in the rock country, and we -- when we call it tank,
10 it's like that concrete tank right there that you see by
11 the windmill.

12 A. (Marusak) Okay.

13 Q. Now, a little farther north there's better dirt
14 and it'll hold water. So some --

15 A. (Marusak) Okay.

16 Q. -- folks might call it a stock pond.

17 A. (Marusak) I call it a stock tank. I grew up
18 in Ellis County.

19 Q. Okay. Stock tank or a dirt tank, it doesn't --
20 either way. Let's talk -- we're talking the same
21 language.

22 A. (Marusak) I think I know what you're talking
23 about now.

24 Q. Now, we'll get there in a minute, but -- and
25 I'll show you the picture in a little bit, but Link L2

1 kind of goes right over that little black and white
2 checkerboard square that's painted up in the road. Have
3 you ever seen a square like that on a road in your
4 visual studies of these things?

5 A. (Marusak) Don't recall.

6 Q. Okay. So whenever you're preparing these
7 links, y'all fly them with helicopters; right?

8 A. (Marusak) Yes.

9 Q. Did y'all do that in this case?

10 A. (Marusak) We did not fly them. We contracted
11 that out to -- Oncor contracted that out to a group that
12 took videos of it, of the link's centerline and a width
13 roughly a thousand feet either side of the centerline.

14 Q. Kimley-Horn, or Kimley-Horn, however it -- I
15 apologize for not getting the name correctly -- itself
16 did not do the helicopter flying; correct?

17 A. (Marusak) Correct.

18 Q. Somebody else?

19 A. (Zapletal) Yes, that's correct. Oncor
20 contracted a third party.

21 Q. Do you know what height they flew all of these
22 lengths and routes?

23 A. (Zapletal) Yeah. They -- helicopter video was
24 taken from about 800 to 1,000 feet above ground surface.

25 Q. Okay. Now I'm going to see if I can go back to

1 the KMZ. There we go. And I'm going to zoom in. Can
2 y'all see that, that zoomed-in Highway 163? And you see
3 the stock pond, the dirt tank, whatever we want to call
4 it?

5 A. (Marusak) Sure.

6 Q. You can see that?

7 A. (Marusak) Can we clarify for the record what
8 we're talking about?

9 Q. Yeah.

10 A. (Marusak) Okay.

11 Q. And that dirt tank is on the east side of 163;
12 correct, State Highway 163?

13 A. (Marusak) Correct.

14 MR. JONES: Mr. Ross, does the area that
15 we're looking at here correspond to a map figure?

16 MR. ROSS: Yes. I believe it will be on
17 your Appendix G, constraints map 31-J.

18 MR. JONES: Okay. Thank you.

19 Q. (BY MR. ROSS) And this is your KMZ in
20 response -- in Broken O Exhibit Number 2 that -- the KMZ
21 filed that Oncor provided to me.

22 A. (Marusak) Okay.

23 Q. And that -- and I'm color blind. Is that a
24 yellow line or a green line where my cursor is?

25 A. (Marusak) It's a yellow line.

1 Q. It's a yellow line. That is Link L2; correct?

2 A. (Marusak) I believe so, yes.

3 Q. Well, let's make sure. Moving off to the east.

4 A. (Marusak) Yep, there's the label.

5 Q. The label, L2. Now let me go back. Well, if I
6 can get this thing to work. There we go.

7 In your maps -- in the constraints map and
8 also on the KMZ, y'all identify what -- known water
9 wells and things like that with a purple dot; correct?

10 A. (Marusak) Yes.

11 Q. Or some kind of dot?

12 A. (Marusak) Yes, sir, we do.

13 Q. There is no dot here; correct?

14 A. (Marusak) That's correct.

15 Q. Now, Ms. Cooley, whenever -- whenever y'all are
16 building these lines, and on the 345 specifically,
17 nothing is left in the right-of-way. It's clear. Any
18 aboveground structure is -- it's removed; correct?

19 A. (Cooley) Typically, yes.

20 Q. Okay. And -- and that includes whatever it may
21 be?

22 A. (Cooley) Yes. I would say usually our
23 easement language in the past has prohibited aboveground
24 structures and things of that nature.

25 Q. And a landowner can't put something back in

1 there in the right-of-way; correct, aboveground
2 structure?

3 A. Not without going through a tedious
4 encroachment process.

5 Q. Okay. Now, I'm going to use this neat little
6 tool on Google Earth, this measuring tool. Do you see
7 where the -- I have the square right there?

8 A. (Cooley) Yes, sir.

9 Q. Can you see that that's the windmill that was
10 shown in Attachment B to Howard Morrison's direct
11 testimony?

12 A. (Cooley) I believe so through the shadow of
13 it.

14 Q. Okay. So I'm going to kind of get on the
15 centerline there. Can you tell me how far that is on
16 that little path? What does it say there?

17 A. (Cooley) It says 32 feet approximately.

18 Q. Okay. So that would be within the 200-foot
19 right-of-way; correct?

20 A. (Cooley) Yes, sir.

21 Q. And it would be taken out; correct?

22 A. (Cooley) It could be, yes.

23 Q. What do you mean "could be"? It will be taken
24 out; correct?

25 A. (Cooley) So as part of the design and due

1 diligence, we would analyze any sort of existing
2 structures to see if it would meet any applicable
3 clearances. And so since it is a decently-sized
4 structure, it has a very high possibility of being
5 removed.

6 Q. And I've negotiated a lot of easements with
7 Oncor through the years, and in my experience, every
8 single windmill gets taken out. Do you have any reason
9 to disagree with me?

10 A. (Cooley) No, sir.

11 Q. Okay. So it's -- and you drove by this
12 windmill; correct? Or somebody on the team did;
13 correct?

14 A. (Marusak) Yes.

15 Q. They didn't note it. They didn't note it on
16 the map, didn't revise your Link L2, did you, to account
17 for this; correct?

18 A. (Marusak) I did not revise it, that's correct.

19 Q. Okay. So let's go over here and let's look at
20 this little concrete tank there. Do the same little
21 exercise. What's the distance there?

22 A. (Marusak) It's approximately the same,
23 32 feet.

24 Q. It would be taken out; correct? Still within
25 the same 200 feet right-of-way; correct?

1 A. (Cooley) I would give my same answer. It has
2 a high possibility of being removed.

3 Q. Okay. And y'all have told me that you read
4 Howard Morrison's direct testimony; correct?

5 A. (Cooley) Yes, sir.

6 Q. Do you know -- and I'll represent to y'all that
7 this windmill and -- water windmill and tank on the east
8 side of State Highway 163 are on the Spade Ranch, the
9 real person, Mr. Zach Brady's client. Y'all -- you
10 understand that?

11 Okay. So you read Mr. Morrison's direct
12 testimony, and you know why I'm making a deal about this
13 is because he has water troughs on the west side of 163
14 that get water from this windmill. You understand that;
15 correct?

16 A. (Cooley) Yes, sir.

17 Q. Okay. So if -- if the Commission decides to
18 put this power line, this 765 along Link L2, my client,
19 Mr. Morrison, along with the Spade Ranch, will lose a
20 source of water; correct?

21 A. (Cooley) It's a possibility. I mean, the
22 Commission also requires Oncor to work with landowners
23 to flag any sort of constraints or concerns and come
24 to -- potentially come to route modifications that could
25 change the alignment and go around such an obstacle.

1 Q. But you'd agree with me it's a lot easier to
2 move the line in the planning stage when there's an
3 obvious constraint visible from the highway than drawing
4 a line today or in the application in what we're looking
5 at today?

6 A. (Cooley) I don't know if I can speak to it as
7 far as being easier or not.

8 Q. Well, yeah, you could have moved the line when
9 you filed the application on February 19th or drawn the
10 deals on December 2nd, '25, whenever y'all finalized
11 the -- all the links and routes. You could have done it
12 then; correct?

13 A. (Marusak) Yes. I'll -- I'll jump in and add,
14 yes, we should have -- you know, obviously, we go out
15 and we look at things, and we have other places in our
16 application where I believe we have made modifications
17 for structures such as this. It's something that, yes,
18 in a spot like this where it's readily observable from
19 the highway, as the routing consultant, yes, that's
20 probably something I could have made Corin -- Ms. -- I'm
21 sorry, Ms. Cooley's life a lot easier and the
22 landowner's life a lot easier by, you know, moving the
23 route to the north. I'll just answer your question,
24 yes. It is probably easier in their process if we would
25 have had that to the outside of the right-of-way during

1 our routing analysis.

2 Q. And y'all saw this, if I understood your prior
3 testimony?

4 A. (Marusak) Yes.

5 Q. So somebody just failed to acknowledge it, the
6 existence of that windmill and water tank at that time;
7 correct?

8 A. (Marusak) As the routing witness, it's my
9 responsibility to accept that we did not make that
10 change.

11 Q. Okay. Thank you.

12 Ms. Cooley, y'all -- you've testified that
13 the span of the structures is going to be around 1400 to
14 1500 feet; correct?

15 A. (Cooley) Yes, sir.

16 Q. What is the swag? From the height -- from
17 the -- in the hottest month of the year, which is
18 generally July and August, what's the lowest swag from
19 the bottom wire to the ground usually? What's that
20 permitted distance?

21 A. (Cooley) So without going through the specific
22 design criteria, I won't be able to give you exactly
23 what the sag would be. Because that's dependent on
24 terrain and then the actual structure spotting based off
25 the conductor attachment height of being roughly

1 124 feet, we estimate it'd be about 50 feet of sag.

2 Q. Okay. Have any of y'all ever worked on a
3 windmill workover rig?

4 A. (Cooley) No, sir.

5 A. (Marusak) No.

6 A. (Zapletal) No.

7 Q. Are y'all familiar with, then, what a
8 windmill -- we'll just call him a windmill man, uses to
9 pull a well, to pull the casing and the rods to pump the
10 water to the surface?

11 A. (Cooley) No, sir.

12 Q. Are y'all familiar with an oil field workover
13 rig?

14 A. (Zapletal) I would say generally familiar with
15 that and perhaps at a smaller scale looking like a
16 geotech boring, but something with a flat platform and
17 vertical riser to use for pulling equipment from the
18 ground.

19 Q. Exactly, except a windmill rig is just going to
20 be a little bit smaller. But the same thing. So it's
21 got an extendable boom that comes up vertical, and it
22 may impede the wires if there's a water well within that
23 200-foot right-of-way; correct?

24 A. (Cooley) It could, yes.

25 Q. And nobody wants to be working near these

1 wires; correct?

2 A. (Cooley) I -- I would say, yes, that's
3 correct.

4 Q. Okay. Yesterday, Oncor filed errata to,
5 Ms. Zapletal, your testimony, I believe, with --
6 identifying a couple more habitable structures and some
7 airstrips; correct?

8 A. (Zapletal) Yes. I sponsored the errata.

9 Q. Okay. All right. I'm going to zoom out again,
10 and I want to go find -- I'm going to move a little
11 east, and I'm circling on the KMZ a number 637. Do
12 y'all see that?

13 A. (Marusak) Yes.

14 Q. Kind of right there in the middle where I'm
15 circling with my cursor. That's a habitable structure;
16 correct?

17 A. (Marusak) Can you zoom in a little bit more?

18 Yes, we have that labeled as a habitable
19 structure.

20 Q. All right. I want to -- hang on a minute.
21 We've got to get this thing straight. It is -- we use
22 our little trusty measuring tool. This is just for
23 informational purposes. It is roughly 358 feet from the
24 centerline of whatever that link is; correct? That's
25 what it says there, the tool?

1 A. (Marusak) Correct.

2 Q. Okay. Just want to make sure it's working
3 right.

4 So that's within the 500 feet of
5 identifying a habitable structure; right?

6 A. (Marusak) Yes, sir.

7 Q. Okay. Thank you.

8 MR. JONES: And, Mr. Ross, are we still on
9 the same map figure?

10 THE WITNESS: (Marusak) Yes. I'm sorry
11 it's the same data.

12 MR. ROSS: I'm assuming so.

13 Q. (BY MR. ROSS) So we can go look at -- in a
14 minute we can look at Table 75, Appendix F if we want
15 to.

16 A. (Marusak) That's where we're going.

17 Q. Okay. Well, I'm just double-checking that
18 y'all have identified a habitable structure 637. It's
19 not really relevant to anything that we're going to talk
20 about on the Broken O. I just wanted y'all just to say
21 that you identified that place, one of many.

22 A. (Marusak) It is, and it's on Figure 3-1I.

23 Q. Okay. Thank you. Let me get back -- back over
24 here to L2 in the Broken O. We're going to zoom in.
25 We're going to go west about two and a quarter miles,

1 two and a third miles from State Highway 163. Y'all see
2 that? See that square right there where my cursor is?

3 A. (Marusak) Yes.

4 Q. Okay. Looks like a building, doesn't it?

5 A. (Marusak) Yes.

6 Q. What is a -- would you define for us what a
7 habitable structure is, please?

8 A. (Marusak) Sure. It's my standard process to
9 always read the definition rather than cite it. So I'm
10 reading from Exhibit 3, Page 1 of 8, from my testimony:
11 "Structures normally inhabited by humans or intended to
12 be inhabited by humans on a daily or regular basis.
13 Habitable structures include but are not limited to
14 single family and multifamily dwellings and related
15 structures, mobile homes, apartment buildings,
16 commercial structures, industrial structures, business
17 structures, churches, hospitals, nursing homes, and
18 schools."

19 Q. Okay. Thank you.

20 Now, y'all read Howard Morrison's
21 testimony; correct?

22 A. Yes.

23 Q. And he said that this is a barndominium where
24 his daughter lives; correct?

25 A. (Marusak) It's -- I've read a lot of

1 testimony, sir.

2 Q. Okay. Subject to check, that's what it says.

3 I'm representing to you --

4 A. (Marusak) Sure.

5 Q. -- that's what it says.

6 A. (Marusak) Understood.

7 Q. Okay. Now, there's not a number here related
8 to that habitable structure?

9 A. (Marusak) Correct.

10 Q. You didn't include it in your errata that y'all
11 filed yesterday, did you?

12 A. (Marusak) No, we did not.

13 Q. Okay. Let's see how far that is.

14 A. (Marusak) Okay.

15 Q. Well, I'm not getting it there right.

16 Would you read for me how far that is away
17 from the centerline of L2 to the outside edge of that
18 barndominium?

19 A. It says 375 feet.

20 Q. It's well within the 500-foot corridor of the
21 centerline; correct?

22 A. Yes, sir.

23 Q. Somebody messed up again; correct?

24 A. (Marusak) I think that's -- that's a matter of
25 interpretation. I mean, we do our best to identify

1 habitable structures by the definition. We -- in this
2 case, you see several examples. This is a matter of
3 interpretation. We use aerial photography. We use the
4 helicopter. We have tried to provide inclusions for
5 barndominiums. I think we do that in several cases
6 within our EA, where this is being a matter of
7 interpretation of what a structure might be used for and
8 how it might be used.

9 I don't think that's just necessarily as
10 simple as "somebody screwed up again" as much as it's
11 interpretation and with, you know, the information
12 supplemented in the testimony, I would not, you know,
13 disagree that it would meet the definition of a
14 habitable structure and that the PUC shouldn't include
15 it in their consideration.

16 Q. Well, Ms. Zapletal, with that answer from your
17 colleague there, y'all didn't include it when you had
18 the opportunity to correct it; correct?

19 A. (Zapletal) It was not added.

20 Q. Mr. Gurley, I told you I was going to ask you a
21 question.

22 A. (Gurley) I'm ready, sir.

23 Q. The real person, Zach Brady, has asked you
24 questions before in other cases, and I'm going to open
25 the door for him to ask you another question when he

1 gets up here to ask the questions.

2 A. (Gurley) Yes, sir.

3 Q. You be prepared to answer that question.

4 A. (Gurley) Yes, sir.

5 Q. It's about the PUF deal and why Texas Tech
6 should not participate in that. You understand?

7 A. (Gurley) I will be prepared for his questions,
8 sir.

9 MR. ROSS: I'll pass the witness, Your
10 Honor.

11 JUDGE SHENOY: All right. Thank you.

12 As we did yesterday, I want to try to go
13 until about 12:30 before we stop. So the next person I
14 have is Mr. Quesada.

15 MR. QUESADA: Thank you, Your Honor.

16 One of my coworkers, Your Honor, is a
17 Ms. Loya, L-o-y-a. I'm going to ask her to share her
18 screen from time to time. So if I say that, it's
19 L-o-y-a.

20 CROSS-EXAMINATION

21 BY MR. QUESADA:

22 Q. Let me make sure I have a couple of things
23 straight about the public participation.

24 T1 and T2, those links were added late in
25 this process; is that true, Ms. Zapletal?

1 A. (Zapletal) They were added after the public
2 participation meetings in June of last year.

3 Q. Those links both go through the city of
4 Abilene; do they not?

5 A. (Zapletal) They cross through the limits, yes.

6 Q. They both -- both links go through the city;
7 true?

8 A. (Zapletal) Let me verify in our application
9 response.

10 Q. Please do.

11 A. (Zapletal) It's -- I'm working from a small
12 map. I don't want to misspeak.

13 So looking at the application, Page 16,
14 response to Question 10 is a chart that lists the
15 municipalities in which portions of the proposed
16 alternative routes may be located for the city of
17 Abilene. It indicates Link T1 and the associated routes
18 containing that link. It does not refer to Link T2.

19 Q. T2 is the northern route, and that is just
20 barely outside the Abilene city limits; correct?

21 A. (Zapletal) Yes, and that's why I wanted to
22 confirm.

23 Q. And Abilene is, in your experience and your
24 knowledge, by far the largest town in Taylor County;
25 right?

1 A. Yes, sir.

2 Q. Mr. Marusak, would you agree with that?

3 A. (Marusak) Yes.

4 Q. And there was no public meeting in the city of
5 Abilene; correct?

6 A. (Zapletal) Correct.

7 Q. If someone in the city of Abilene had decided
8 to participate in one of these public meetings, it would
9 have been before the city of Abilene's city limits were
10 being crossed by a line; true?

11 A. (Zapletal) If you're referring to if they saw
12 it and came to the June public meetings, then yes.

13 Q. Which were the only public meetings; true?

14 A. (Zapletal) Yes.

15 Q. And they would have had to drive 35 to 40,
16 maybe 50 miles over to Sweetwater to attend; correct?

17 A. (Zapletal) I don't, off the top of my head,
18 know the distance between the two, but the reference to
19 the city is correct.

20 Q. Okay. Well, but you-all drove that route;
21 correct? That's I-20; right?

22 A. (Zapletal) Correct.

23 Q. Okay. You can see on the maps in front of you
24 that it's a good ways from Abilene to Sweetwater?

25 A. (Zapletal) Yes.

1 Q. Okay. Now, it's even further from Buffalo Gap
2 to Sweetwater; correct?

3 A. (Zapletal) Yes.

4 Q. And Buffalo Gap to Sweetwater is probably 40 to
5 50 miles. Would that be fair?

6 A. (Zapletal) I would say that's about right.

7 Q. Okay. And as I appreciate Mr. Marusak's --
8 Marusak -- I apologize.

9 A. (Marusak) That's okay.

10 Q. I've got a difficult last name too. You
11 correct me if I get it wrong, please, sir.

12 Mr. Marusak, as I appreciate your
13 testimony, I think you said Buffalo Gap was well
14 represented. Do you recall that?

15 A. (Marusak) Yes.

16 Q. Okay. So these are folks -- this is a
17 community who drove the 45 or 50 miles from Buffalo Gap,
18 which you-all agreed is a teeny tiny town; correct?

19 A. (Marusak) Yes, people drove from Buffalo Gap,
20 a smaller town than Abilene, to a public meeting.

21 Q. No. I'm going to back up.

22 Buffalo Gap is a tiny town; true?

23 A. Define "tiny." It's a -- it's a smaller town.

24 Q. I think the population sign says less than 400
25 people. Does that sound about right?

1 A. (Marusak) I'm not familiar with the
2 demographics of Buffalo Gap. It's a small -- it's an
3 incorporated community -- city.

4 Q. That's an easy one. We'll figure that out
5 later on. It is -- "teeny tiny" may not be a term of
6 art. We'll come to that.

7 But they -- the folks in Buffalo Gap
8 thought enough of their community to drive all the way
9 to Sweetwater; correct?

10 A. Correct.

11 Q. Okay. Now, just so we have an idea of where
12 all this is, Buffalo Gap is on the eastern side of the
13 Callahan Divide; correct?

14 A. The Callahan Divide, you're talking about a
15 topographic feature?

16 Q. Yes, sir.

17 A. (Marusak) Okay.

18 Q. And it runs basically east and west in southern
19 Taylor County. Does that sound fair?

20 A. (Marusak) I've looked -- yeah. The subject --
21 you know, I'm familiar with the term from looking at
22 USGS topographic maps. The specificity of where it is
23 in relation to Buffalo Gap, I apologize.

24 Q. No, no. I'm not fussing with you at all.

25 A. (Marusak) Yeah.

1 Q. Let's make it clear. "Callahan Divide" is a
2 term of art in your business; correct? That is a
3 geograph -- geological feature?

4 A. I recall seeing it on -- something to that
5 effect on the USGS map.

6 Q. And USGS means what, please?

7 A. U.S. geological service, yes.

8 Q. Now, so we're clear, when you were at
9 Buffalo Gap, did you -- you-all went through there;
10 correct?

11 A. Correct.

12 Q. All right. You understand that's kind of down
13 low, and then as one drives west on 89 towards -- that
14 is west, around 277, that highway, FM 89 climbs up and
15 now is on top of the Callahan Divide. Do you recall
16 that?

17 A. Seems familiar with the terrain, yes.

18 Q. If one continued on several miles, one would
19 come to the intersection of FM 126 and 89, and that's
20 near where Camp Butman is located. Do you recall that?

21 A. (Marusak) I'm familiar with where Camp Butman
22 is, yes.

23 Q. Near the intersection of 126 and 89?

24 A. I'd need a map to know exactly, yes.

25 Q. Please look at the map.

1 A. (Marusak) Okay. Let me please -- it might be
2 easier to go to the map rather than --

3 Q. Okay.

4 A. (Marusak) And I'm just going up to look. I'll
5 be --

6 THE WITNESS: (Marusak) Sorry, Your Honor.
7 Can I approach the --

8 JUDGE SHENOY: Yes, please feel free.

9 THE WITNESS: (Marusak) Can you please
10 grab map N, 31-N?

11 MR. TAYLOR: While he's doing that, Your
12 Honor, may I approach the witnesses?

13 JUDGE SHENOY: Sure.

14 MR. TAYLOR: I can give them a document
15 that I've got.

16 JUDGE SHENOY: Okay. Is that something
17 that you've shown Mr. Jones?

18 MR. TAYLOR: Yes, ma'am.

19 JUDGE SHENOY: Okay. And it is -- is it
20 something that other parties would have seen in Egnyte?

21 MR. TAYLOR: Sorry, Your Honor. This is
22 Exhibit 14, which we offered yesterday.

23 JUDGE SHENOY: Okay. Great.

24 MR. QUESADA: Thank you so much.

25 Q. (BY MR. QUESADA) Okay. Camp -- the Butman

1 Methodist Camp and Retreat Center is located near the
2 intersection of FM 89 and 126. Fair?

3 A. (Marusak) Yes. Yes.

4 Q. And if I refer to that as Camp Butman or the
5 Methodist camp, is that okay with you-all, Ms. Zapletal
6 and Mr. Marusak and the other panel members?

7 A. (Marusak) Yes.

8 A. (Zapletal) Yes.

9 A. (Marusak) I'm familiar with the term -- I'm
10 familiar with the camp.

11 Q. Okay. Now, the camp is also in an area called
12 Mulberry Canyon. You've seen that term in the
13 testimony?

14 A. (Marusak) Yes.

15 Q. Okay. And so the judges are clear, Mulberry
16 Canyon is roughly -- according to the testimony of
17 Mr. Toombs and Mr. Deshazo, is roughly the area of 126
18 near the town of Blair, up towards 89 -- that's where
19 Ms. Stark's place is, is along that route -- and over to
20 the intersection of 126 and 89, that's an area that they
21 refer to as Mulberry Canyon. Do you recall that?

22 A. (Marusak) I recall the term "Mulberry Canyon."

23 Q. And do you recall -- it's also described in
24 Mr. Toombs's, T-o-o-m-b-s's, testimony and probably in
25 his wife's testimony also?

1 A. Yes.

2 Q. Okay. Now, you understand -- and I don't know.
3 Did you ever take that route?

4 A. I don't believe we did.

5 Q. Okay. The testimony from both Mr. Deshazo and
6 Mr. Toombs is that that is a wildly undeveloped area.
7 For instance, do you recall they said there were no
8 service stations there? Do you recall that?

9 A. I don't recall specifically.

10 Q. We can look at that later on, but I think the
11 testimony is that there are no convenience stores, gas
12 stations, roadside fruit stands. There's not even a
13 stop light there, according to the testimony.

14 A. (Marusak) Okay.

15 Q. Okay. Now, the testimony also says that it is
16 centered -- that the community is centered on the
17 Methodist church that's on 126 and the Methodist camp on
18 126. Do you recall that?

19 A. (Marusak) Yes.

20 MR. QUESADA: Ms. Loya, when you get a
21 chance, would you pull us up the first page of
22 Exhibit 14, please. Just put it up whenever you're
23 ready, please.

24 Q. (BY MR. QUESADA) Now, sometime ago do you
25 recall that we had those CREZ, C-R-E-Z, all caps, lines?

1 A. Yes, that was some of my first.

2 Q. All right. And I think one of the very first
3 was Docket Number 37407, which is in front of you. Do
4 you see that?

5 A. Yes.

6 Q. And do you see that this is an application for
7 a certificate of convenience and necessity for proposed
8 transmission line, and it's Docket Number 37407. Do you
9 see that?

10 A. Yes.

11 Q. If you turn to the second page, is it very
12 clear under applicant --

13 MR. QUESADA: Let's go to the second page,
14 please, Ms. Loya, and zoom in so people can see the top
15 part, please.

16 Q. (BY MR. QUESADA) Do you see, sir, that --
17 Mr. Marusak, that Oncor Electric Delivery Company LLC is
18 the applicant?

19 A. (Marusak) Yes.

20 MR. QUESADA: And then let's go to Page 25,
21 please, Ms. Loya.

22 Q. (BY MR. QUESADA) On Page 25, if you'll zoom in
23 close enough where -- or you can see it in front of you
24 there. Ms. Zapletal has the hard copy if you want to
25 look at that, Mr. Marusak.

1 A. (Marusak) Yes.

2 Q. Okay. Do you see there that Oncor in
3 Paragraph 24 listed parking and recreation areas? Do
4 you see that?

5 A. (Marusak) Yes.

6 Q. In the one, two, three -- third paragraph down,
7 do you see that they mention the Butman Methodist Camp
8 and Retreat Center?

9 A. Yes.

10 Q. And do you see that it's also mentioned again
11 at the next to the last sentence?

12 MR. QUESADA: Ms. Loya, can we go to the
13 highlighted versions of that, please.

14 Q. (BY MR. QUESADA) Okay. Do you --

15 MR. QUESADA: And zoom those up, please, so
16 that everyone can see them.

17 Q. (BY MR. QUESADA) Do you see that twice, twice,
18 Oncor, the same applicant in -- that was making these
19 applications in 2009 and now in 2025 -- sorry, 2026,
20 recognized the Butman Methodist Camp and Retreat Center
21 as a recreation center? Do you see that?

22 A. (Marusak) Yes, sir.

23 MR. QUESADA: Your Honor, we would move for
24 the admission of Exhibit 14.

25 JUDGE SHENOY: Any objections?

1 MR. JONES: No objection, Your Honor.

2 JUDGE SHENOY: Anyone else?

3 Okay. Hearing none, Exhibit 14 for Butman
4 Camp is admitted.

5 (Butman Methodist Camp Exhibit Number 14
6 admitted)

7 Q. (BY MR. QUESADA) And the reason I ask you that
8 is because --

9 MR. QUESADA: You can take that down now,
10 please, Ms. Loya. Thank you.

11 Q. (BY MR. QUESADA) The reason I ask you that is
12 because in your earlier testimony talking about the Boy
13 Scout camp, what you said is that the Boy Scout camp
14 counts as a recreational area, quote, "if they can
15 establish that," end quote. Do you recall saying that?

16 A. (Marusak) Yes.

17 Q. Okay. And what you mean there by the "they"
18 is, in this context, the Methodist camp; true?

19 A. True.

20 Q. Oncor has certainly recognized the Butman
21 Methodist Camp and Retreat Center as a recreational
22 area; true?

23 A. (Marusak) True.

24 Q. That was the case back in 2009; right?

25 A. (Marusak) It appears so.

1 Q. Did you see any testimony that the -- that
2 there was any meaningful change in the ownership of
3 the -- of the Methodist camp between '09 and 2026?

4 A. (Marusak) No, I did not.

5 Q. In fact, did you see that it is still -- and
6 this was the testimony of Jeff Robinson that was
7 admitted yesterday -- owned by a 501(c)(3)? Did you see
8 that?

9 A. Yes, I did.

10 Q. And did you see that he actually mentions that
11 it was -- qualifies under the portion of the IRS code
12 related to churches?

13 A. (Marusak) I did not recall that, but I don't
14 dispute it.

15 Q. It wouldn't surprise you?

16 A. (Marusak) Right. Correct.

17 Q. Okay. From your standpoint, the Methodist --
18 the Butman Methodist Camp and Retreat Center is a
19 recreation area; correct?

20 A. I see no reason to dispute that.

21 Q. I'm going to ask it again. From your
22 standpoint, it is a recognized recreational area; true?

23 A. (Marusak) True.

24 Q. Ms. Zapletal, do you agree?

25 A. (Zapletal) Yes.

1 Q. Now, do you understand that it is open to the
2 public? Did you know that?

3 A. (Marusak) Yes. Yeah.

4 Q. Okay. And you recognize, right, Mr. Robinson,
5 the camp director, testified that they hold camps for
6 people all across Texas?

7 A. (Marusak) Yes.

8 Q. And that it's available for family gatherings,
9 that it's available for programs for children who have
10 been dealt a bad hand in life. You saw that?

11 A. (Marusak) Yes.

12 Q. And to be clear, we're talking about children
13 whose parents are incarcerated. They run special camps
14 for those children. You saw that?

15 A. (Marusak) Yes, sir.

16 A. (Zapletal) Yes.

17 Q. At nowhere -- and to other folks that it -- it
18 can be rented out for family reunions, for church camps,
19 for conferences, et cetera, et cetera, et cetera;
20 correct?

21 A. (Marusak) Yes.

22 Q. And you did not see him say, look, it's only
23 open to Methodists or only open to Christians. They let
24 anybody in there, as a fair reading of his testimony, so
25 long as they've got a reservation?

1 A. (Marusak) That's fair.

2 Q. Yes. Okay. Now, did you see that it was being
3 used on a year-round basis? It's not just a summer
4 camp?

5 A. (Marusak) That's -- that was the reason for my
6 pause earlier, yes.

7 Q. If I -- it probably started as a summer camp,
8 but it's being used all year round. And, in fact, did
9 he give you the numbers of just last year, the number of
10 participants? Do you recall that?

11 A. I don't recall the number.

12 Q. Okay. Well, if his testimony is that the last
13 full year, in the year 2025, that they -- the camp
14 served approximately 6,100 total participants, including
15 2,750 children and youth, and that over the past five
16 years, it has served 30,000 participants, does that
17 sound like a camp that is serving a substantial number
18 of individuals each year through its programs and
19 facility use?

20 A. (Marusak) Yes.

21 Q. So when you said if they can establish that,
22 this is something the PUC can -- should consider; right?

23 A. (Marusak) Yes, sir.

24 Q. So we're very clear, it is the testimony of the
25 gentleman who prepared the environmental assessment for

1 the applicant that the PUC should consider the Butman
2 Methodist Camp and Retreat Center a recreation area;
3 true?

4 A. (Marusak) True.

5 Q. Ms. Zapletal, do you agree?

6 A. (Zapletal) Yes, if the Commission so chooses.

7 Q. Well, no, no. That's not my question.

8 A. (Zapletal) You said "should," and I believe
9 it's the discretion of the Commission.

10 Q. Yes, but you understand the Commission is going
11 to ask for your conclusion?

12 Let me ask it this way.

13 A. (Zapletal) Yes.

14 Q. From your -- is it your conclusion,
15 Ms. Zapletal, on behalf of Oncor, that the Butman
16 Camp -- Butman Methodist Camp and Retreat Center should
17 be considered a recreation area by the decision-makers?

18 A. (Zapletal) Sure, yes.

19 Q. Yes? Thank you.

20 A. (Zapletal) Yes.

21 Q. Okay. Ms. Phillips, Ms. Cooley, Mr. Gurley, do
22 any of you-all -- or do you-all agree or -- let me try
23 this way.

24 Ms. Phillips, do you disagree with anything
25 that has been said by Ms. Zapletal and Mr. Marusak in

1 this context?

2 A. (Phillips) No, I do not.

3 Q. Ms. Cooley, do you disagree with anything that
4 your colleagues have just said?

5 A. (Cooley) No, sir.

6 Q. And, Mr. Gurley, do you disagree with them?

7 A. (Gurley) No, sir.

8 Q. Now, one thing that we need to discuss is
9 whether or not the camp's property is being affected.

10 MR. QUESADA: Ms. Loya, would you please
11 pull up one of the exhibits. Let's pull up the -- the
12 exhibit from Mr. Robinson's testimony, please, the map.

13 Your Honors, this is already in evidence.

14 JUDGE SHENOY: And if you can just tell us
15 the exhibit number so that we know.

16 MR. QUESADA: Well, it is Exhibit 1.

17 JUDGE SHENOY: Okay.

18 MR. QUESADA: No, no, no, no. I apologize,
19 Your Honor. I got that wrong. It is Butman Exhibit 11.

20 JUDGE SHENOY: Okay. Thank you.

21 MR. QUESADA: And 12, because this is the
22 attachment to the direct. Thank you.

23 Ms. Loya, can you zoom in on that, please,
24 so that folks can see. Keep zooming.

25 Q. (BY MR. QUESADA) Okay. And folks --

1 Mr. Marusak, can you see that well enough?

2 A. (Marusak) Yes, sir.

3 MR. QUESADA: Thank you. Hold it right
4 there, Ms. Loya.

5 Q. (BY MR. QUESADA) Okay. So this is oriented
6 north and south. The north is to the top. And you see
7 the top -- to the north -- I'm sorry, in the top left
8 corner is where the main entrance is?

9 A. (Marusak) Yes.

10 Q. Do you see that?

11 A. (Marusak) Yes.

12 MR. QUESADA: Now, scroll down, please,
13 Ms. Loya.

14 Q. (BY MR. QUESADA) Okay. Now, do you see that
15 on the southern boundary of the camp is the fence line?

16 A. (Marusak) Correct.

17 Q. We'll come to that in a minute, but I'll tell
18 you that is the fence line between Butman and Deshazo.
19 I think Deshazo's testimony is that he has an easement
20 through the Butman Camp to get to his property.

21 And do you see that there is a cabin
22 listed, which is approximately -- I think it
23 says 440 feet from the fence line?

24 A. (Marusak) It says 440 feet from the fence
25 line, yes.

1 Q. Okay. Now --

2 JUDGE MCCABE: Mr. Quesada, quick
3 clarification. Is -- are the sticky notes on the map,
4 are those part of the admitted exhibit? Are those --

5 MR. QUESADA: Yes.

6 JUDGE MCCABE: Okay. Thank you.

7 MR. QUESADA: Yes, Your Honor, Exhibit 12
8 has those sticky notes on it, those official sticky
9 notes.

10 Okay. Now, Ms. Loya, can you please go to
11 the exhibits that we worked on this morning, the
12 zoomed-in maps showing the power line.

13 Q. (BY MR. QUESADA) Okay. Now, this is part --

14 MR. QUESADA: You can take down the other
15 one, please, the one with the sticky notes. There you
16 go. Thank you.

17 Q. (BY MR. QUESADA) Okay. So this is a little
18 zoomed in. It may be a little tough for you to see,
19 but --

20 MR. QUESADA: Let's go to the next one,
21 please. Maybe that's a little clearer.

22 A. (Zapletal) And when you referred to this being
23 worked on this morning, are these new exhibits also?

24 MR. QUESADA: Your Honor, I'm going to
25 offer this in just a moment.

1 Q. (BY MR. QUESADA) But this is a zoomed-in
2 area -- a zoom -- an image from Oncor's -- what did we
3 call this map that's online?

4 A. (Marusak) KMZ.

5 A. (Zapletal) Interactive map.

6 Q. Interactive map.

7 Okay. And do you see, then, the yellow
8 line representing the approximate placement of the
9 power -- of the proposed power line?

10 A. (Marusak) Yes.

11 Q. Okay. Now, Ms. Cooley, can you tell how far
12 north of the fence line that is?

13 A. (Cooley) Based off of this image, no, I can't
14 define that.

15 Q. You know what, we'll come to that later on.

16 Do you recognize, Mr. Marusak, that the
17 camp shows that it has a cabin about 440 feet north of
18 that fence line?

19 A. You know, recalling from the prior --

20 Q. Let's go back to the other one.

21 A. (Marusak) Yeah, if we can -- if we can, the
22 other one seems to show it better, the actual feature.

23 Q. I agree.

24 MR. QUESADA: No, one more back, please.
25 One more back, please, the one with the sticky notes.

1 Q. (BY MR. QUESADA) Okay.

2 A. (Marusak) Okay.

3 Q. Okay. And so do you see, then, that the power
4 line, the proposed power line, is north of the fence
5 line?

6 A. (Marusak) Uh-huh.

7 Q. You have to say "yes" or "no."

8 A. I'm sorry. Yes.

9 Q. Thank you.

10 And that the cabin is, by definition,
11 within 500 feet of that proposed line?

12 A. (Marusak) Yes.

13 Q. "Cabin" in this context -- I'm sorry.

14 A. (Marusak) So let me -- let me -- so we have a
15 fence line. We have a cabin that is 400 and -- labeled
16 as 440 feet north of the fence line.

17 Q. Right. What you don't know is exactly where
18 the power line is?

19 A. (Marusak) No, I mean, I can clarify that.
20 That's --

21 Q. Okay.

22 A. (Marusak) So in placing this centerline, our
23 objective in this case was to offset the property
24 boundary roughly 100 feet. So that way --

25 Q. 100 feet north?

1 A. 100 feet north of the property line.

2 Q. Keep going.

3 A. Okay. With, you know, the intent so that way
4 the easement would be abutting the property boundary.

5 Q. Thank you.

6 MR. QUESADA: I was just trying to find --
7 what time do we have? Oh, it's 12:20. Okay. Thank
8 you.

9 Q. (BY MR. QUESADA) Now, if we could, please, can
10 we go to the image that shows Mr. Deshazo -- oh, wait,
11 wait, wait. "Cabin" certainly counts as a habitable
12 structure?

13 A. (Marusak) Without more information on that
14 cabin, I mean, I expect the landowner to know exactly
15 more about their cabin than what I would from an aerial.
16 This one was very, very hard to -- we were aware of the
17 other cabins. We did not locate this one on the image.
18 It's a lot smaller. It's shaded.

19 So, again, similarly, if it could meet the
20 definition, that's for, you know, testimony to provide
21 information for the PUC to consider, but I -- I have no
22 reason to doubt that that structure is there.

23 Q. Okay. But you understand that there was
24 testimony that the buildings for the camp --

25 A. (Marusak) Sure.

1 Q. -- including cabins, swimming pool, and
2 headquarters, are concentrated toward the southern end?

3 A. (Marusak) Uh-huh.

4 Q. -- of Camp Butman's property. You recall that?

5 A. (Marusak) Yes.

6 Q. And he describes that they have one of these
7 cabins that they allow people to stay in, which is what
8 he identifies there?

9 A. (Marusak) Got it.

10 Q. Now, if that is the case -- if that is the
11 case, that this is a cabin that the camp allows visitors
12 to use --

13 A. (Marusak) Uh-huh.

14 Q. -- that's certainly a habitable structure?

15 A. (Marusak) Yes.

16 Q. Okay. Do you agree with that, Ms. Zapletal?

17 A. (Zapletal) Yes.

18 Q. Okay.

19 MR. QUESADA: Now, let's go to -- before we
20 take our lunch break, let's go to the Deshazo images,
21 please. Okay. Zoom in, please.

22 Your Honors, this is an attachment to
23 Mr. Deshazo's testimony, and, yes, the sticky notes are
24 part of that.

25 Let's scroll down.

1 Q. (BY MR. QUESADA) Now, here, you see the fence
2 line.

3 MR. QUESADA: And scroll on down, all the
4 way to the bottom, please. Thank you.

5 Q. (BY MR. QUESADA) Do you see that he
6 describes -- I think that says "main house"?

7 A. (Marusak) Uh-huh.

8 Q. Well, he says -- he's got a barn where people
9 stay from time to time. That would count as a habitable
10 structure; true?

11 A. (Marusak) I'll condition it with he can
12 provide testimony to that, you know --

13 Q. No, no, no. Let me back up. He did?

14 A. (Marusak) Yes, and he did. And so to answer
15 your question, if the Commission believes his testimony
16 is within the definition of a habitable structure, they
17 can certainly consider it. Barn concrete pad is kind of
18 at the edge of where --

19 Q. I appreciate that.

20 A. (Marusak) Okay.

21 Q. But he was very clear that when they have big
22 gatherings, he bunks people there. B-u-n-k-s, bunks
23 people there.

24 A. (Marusak) And I can't dispute that.

25 Q. Okay.

1 A. (Marusak) Can I --

2 Q. Please, sir. I'm sorry.

3 A. (Marusak) Is this image here, is this from his
4 testimony, or is this your interpretation of his
5 testimony -- or not --

6 Q. That's the --

7 A. (Marusak) -- your representation of his
8 testimony?

9 Q. No. That is his -- that is the attachment to
10 his testimony.

11 A. (Marusak) Okay. That's what I wanted to make
12 sure.

13 Q. Yes.

14 A. (Marusak) Because I know he had notes as well.

15 Q. Yes, sir. Those are his notes. Those are the
16 notes that are attached.

17 A. (Marusak) All right. And they're consistent
18 with what I remember.

19 Q. Okay. Main house, that's going to be habitable
20 structure?

21 A. (Marusak) Correct.

22 Q. And then Duplex Number 1 and Duplex Number 2,
23 he's labeled there also?

24 A. (Marusak) Yes.

25 Q. And he said, listen, I don't know how you count

1 them. They both have separate entrances. I don't know
2 if that -- if that -- if a duplex is one habitable
3 structure or two habitable structures. You recall that?

4 A. If they're separated, we would call them two.

5 Q. Okay. But he says it is two entrances to the
6 same duplex. How do you count them?

7 A. We'd count them as one.

8 Q. Ms. Zapletal, do you agree with that?

9 A. (Zapletal) Yes. I see one roof line, so one.

10 Q. Fair enough. Thank you.

11 I'm going to come back to terms of art.

12 A. (Marusak) Okay.

13 Q. Page 28 of Mr. Acosta's testimony, Eduardo
14 Acosta's testimony, uses the phrase, quote, "sensitive
15 agricultural lands," end quote.

16 Mr. Marusak, is that a term of art that you
17 have ever used?

18 A. (Marusak) It is not.

19 Q. Is that a term of art that you have ever seen
20 in any of the relevant literature regarding land use
21 constraints in the power line context?

22 A. (Marusak) We do not distinguish.

23 Q. As a specialist, expert in this field, do
24 you -- do you-all use, quote, "sensitive agricultural
25 lands," end quote, that phrase, in any context

1 whatsoever when it comes to providing expert or
2 specialized conclusions about routing of transmission
3 lines in this context?

4 A. (Marusak) I do not use that term.

5 Q. Now, same questions to you, Ms. Zapletal. Have
6 you ever used the term, quote, "sensitive agricultural
7 lands," end quote?

8 A. (Zapletal) No, I have not.

9 Q. And do you recognize that as a term of art used
10 in your industry?

11 A. (Zapletal) No, not often, if at all.

12 Q. Okay.

13 MR. QUESADA: Your Honor, I have another
14 couple minutes. Would you like for me -- probably about
15 another 15 minutes. Do you want to take a break now?

16 JUDGE SHENOY: If you're at a good stopping
17 point, let's do that.

18 And the folks who are waiting for a
19 response on your exhibits, we hope to have some more
20 direction for you after the lunch break. So you'll need
21 to be available so that we can tell you that. Can't
22 make any promises. We'll do our best.

23 Mr. Bayliff?

24 MR. BAYLIFF: Your Honor, thank you. I've
25 been spending a lot of time looking at all those

1 filings. There are, ballpark, 100 since yesterday.
2 Some of them are multiple entries. So that saves a
3 little time, but you still have to look at each one they
4 made. When they say, here's my testimony, or I want to
5 put in my testimony, I have to look at the pre-filed
6 testimony back in April, then you have to look at what's
7 in Egnyte. And when you look at what's in Egnyte, in a
8 few instances, it's not the same as what they pre-filed.
9 They've added, in at least one instance, text to the
10 exhibit that they pre-filed. So it -- I cannot imagine
11 you're going to be able to look at it over lunch and
12 make a decision as to how should we proceed with all 100
13 of these.

14 JUDGE SHENOY: Right. And, Mr. Bayliff, I
15 want to be clear. I'm not saying that we would make a
16 decision. I'm saying that we will have a chance to look
17 at it and perhaps know what to say next.

18 MR. BAYLIFF: Understood. I know a lot of
19 people --

20 JUDGE SHENOY: I do want people who are
21 listening and who are wondering can I go, can I be here
22 or not, we're going to say some things at that point,
23 and if your exhibits are still out there and haven't
24 been admitted, you should be prepared to be there after
25 the lunch break so that we can talk about it.

1 MR. BAYLIFF: Thank you. I understand
2 a lot of people have been paying attention more to the
3 hearing. And I've spent the last two hours looking at
4 about a fourth of what's been filed and reporting it's a
5 mess, and it's going to take time. One person suggested
6 maybe at 6:00 o'clock tomorrow morning we can deal with
7 this.

8 JUDGE SHENOY: I'm going to leave that --
9 table that suggestion for later.

10 MR. BAYLIFF: Thank you.

11 JUDGE SHENOY: But I think we'll all think
12 a little better after we get some food. So let's break
13 now.

14 MR. BAYLIFF: Thank you, Your Honor.

15 JUDGE SHENOY: We'll come back at 1:30, but
16 let's try and be prompt. We'll start right at 1:30.

17 And we're off the record.

18 (Recess taken)

19 AFTERNOON SESSION

20 (1:35 p.m.)

21 JUDGE SHENOY: Okay. Let's go back on the
22 record after our lunch break. We talked a little bit
23 off the record about witnesses who need to be taken out
24 of turn or on a specific day and time. So we're still
25 in the process of working that out. I do not -- I am

1 not aware of anyone who needs to be taken today out of
2 turn or in a different order. So all of it will start
3 tomorrow and Thursday, potentially Friday, and so what
4 I'm asking the parties to do is every day in the
5 morning, to notify us who are the people who need to
6 have their witnesses go that day so that we can try and
7 make arrangements.

8 Before we go back to Mr. Quesada's cross,
9 Judge McCabe is going to address some of the parties who
10 have been filing things this morning.

11 JUDGE MCCABE: Yeah. And so we're still
12 working through it. We did get a number of filings, as
13 Mr. Bayliff referenced earlier. We're going to continue
14 to work through that, and we're going to seek to address
15 some of those.

16 Mr. Bayliff did raise the issue of some of
17 the people who have identified they want their direct
18 testimony entered into the record have changed their
19 direct testimony, or it is not the same direct testimony
20 that has been -- that was filed on April 8th or before
21 April 8th. So to that extent, it's still taking a
22 little bit of an opportunity -- or a little bit of a
23 time to review, and we're going to continue to review.

24 We do have a list of those people now, it
25 appears, that have filed something. We're starting to

1 compile that list and try to get it, and I'll tell you
2 right now, I'm bucketing them into kind of different
3 categories. The first bucket is those people who have
4 identified only that they are seeking that their direct
5 testimony has been filed.

6 I've also got another bucket of people who
7 have identified exhibits that appear to be not part of
8 their original direct testimony. Right now it's just
9 those people who have identified that as such. I
10 understand that there is some concern that some of the
11 labels of direct testimony include more than that.

12 And then the last bucket is bucket of
13 people who have filed something but do not appear on our
14 list of intervenors. I think -- do we want to go ahead
15 and talk about --

16 Okay. Those -- I've identified those three
17 people -- or it's four people, four filings. There is
18 Ethan Dyson, which was raised in relation to Jessica
19 Dyson, Sierra Dyson, and Susan Hodges. There's Tim
20 Jones, and Linda Pelon.

21 We also received a filing this morning from
22 Gibbs and Brittany Wilson. I don't show -- I show
23 they -- first filing from them on April 21st and it
24 wasn't entirely clear if their filing is more in terms
25 of a protest. It was just a document.

1 MS. DYSON: Ethan Dyson's representative is
2 here. I don't know if I'm supposed to speak now or not,
3 though.

4 JUDGE MCCABE: Right now I'm just reporting
5 what I've seen. I don't show Ethan Dyson as having been
6 listed in our orders granting intervention. I do
7 understand that he is part of that group, but at no
8 point -- I've reviewed the orders granting
9 interventions, and those names --

10 MS. DYSON: Oh, okay.

11 JUDGE MCCABE: -- do not appear in the
12 intervention list, and -- but they have made filings in
13 the case and have made appearances in the hearing.

14 MS. DYSON: Okay. Well --

15 JUDGE MCCABE: I do show -- Ms. Dyson, hold
16 on just a second. Let me finish what I'm saying, and
17 then I'm going to let you guys talk a little bit because
18 I have not -- I'm just relaying what I've reviewed as
19 I've gone through, and then we'll circle back to those
20 people. Okay?

21 MS. DYSON: Yes, sir.

22 JUDGE MCCABE: All right. Thank you.

23 So I do show -- in reviewing the record and
24 reviewing the interchange filings, I do show that an
25 intervention was filed in a motion to intervene or at

1 least titled such was filed for Ethan Dyson Number 1573.
2 I show that he filed something titled Direct Testimony
3 on 4343. And then -- and then he later filed something
4 identifying exhibit lists and witness lists as well.

5 I show Tim Jones made a filing -- oh, I
6 don't have it pulled up. Hold on. Made a filing 2728,
7 which is titled picture of my home in the area of
8 proposed transmission lines prior to the deadline. I
9 show that he filed direct testimony on 4218 -- or
10 Interchange Number 4218, and I show that he filed an
11 exhibit list on 5123.

12 For Ms. Pelon, I show that there was a --
13 let me pull up what it's called. I show that a request
14 to intervene was filed on Interchange Number 2444 with
15 direct testimony 4213 and an exhibit list filed 5218. I
16 understand now that their names do not appear on any
17 order granting an intervention.

18 Okay. I understand from Ms. Pelon's
19 appearance in today. I understand from Ms. Dyson's
20 statements yesterday and today, and Ms. Pelon's
21 statements yesterday and today and also a filing we
22 received from Mr. Jones earlier this morning titled --
23 it might have been yesterday.

24 Sorry. Going through a lot of
25 spreadsheets.

1 That he has filed -- yesterday he filed a
2 motion to recognize intervention in which he stated that
3 he -- his original request to intervene --
4 intervention -- or to intervene was not attached to the
5 photo he filed.

6 So I understand that each of those
7 individuals are requesting to be admitted as intervenors
8 in this case. So let's turn that over -- are there any
9 objections to their interventions?

10 MR. BAYLIFF: You identified Ethan Dyson,
11 Tim Jones, and Linda Pelon. Are you not including Gibbs
12 and Brittany Wilson?

13 JUDGE MCCABE: I don't have anything that
14 suggests that they want to appear other than they've
15 just made filings. One appeared to be a protest and one
16 appeared to be a picture of maps and stuff, so...

17 MR. BAYLIFF: Cook Canyon Ranch does not
18 object to admission of the evidence requested in the
19 evidence list and acknowledgment of intervention status
20 for Ethan Dyson, Tim Jones, or Linda Pelon.

21 JUDGE MCCABE: Okay. Hearing no
22 objections, Ethan Dyson, Tim Jones, and Linda Pelon are
23 admitted as intervenors in the case. What that means is
24 that Linda Pelon and Tim Jones will be added to the end
25 of the list. Ethan Dyson will be slotted in with

1 Jessica Dyson, Sierra Dyson, and Susan Hodges.

2 MR. QUESADA: Your Honor, may I ask if they
3 filed their direct testimony, I think Mr. Jones did, is
4 that admitted?

5 JUDGE MCCABE: I have not addressed that.

6 MR. QUESADA: Okay. Never mind.

7 JUDGE MCCABE: We can address that -- I'm
8 going to address that as part of the bigger picture of
9 those parties that have asked to have their admissions.

10 I think Ms. Pelon asked for more than just
11 her direct testimony, so she would probably be in that
12 second bucket.

13 Mr. Jones and Mr. Dyson, I believe, only
14 asked for their direct testimony. So they'd be in that
15 first bucket. But we'll handle those as we go. I don't
16 believe we're ready to handle those at this point, and
17 we'll continue to work on those and try to figure out
18 and maybe be ready to discuss them more in the morning.

19 MR. QUESADA: And there was an issue with a
20 Mr. Robertson. I think the question was whether or not
21 his stuff had been uploaded. He is an intervenor,
22 Mr. Shane Robertson, and --

23 MR. ROBERTSON: And I uploaded everything
24 again last night.

25 JUDGE MCCABE: Yeah, if he filed something

1 in that intervening time that Judge Shenoy referenced
2 and this morning and noon, they're part of our list and
3 we'll continue to work through that list.

4 Ms. Uhlig Pemberton?

5 MS. PEMBERTON: Yes, Judge. Hey. I
6 represent Great Southern Ranch. I do not represent Gary
7 Montgomery, but he's a neighbor of my clients, and he
8 showed up during the polling, and -- you know, and had
9 filed testimony and everything, but he got off the phone
10 before his -- because he didn't know he needed to stay
11 on -- before he was offered an opportunity to offer the
12 testimony into evidence, and they're concerned they're
13 going to be lost somewhere.

14 JUDGE MCCABE: What was the name?

15 MS. PEMBERTON: Gary Montgomery,
16 Montgomery. They should be on the phone now, maybe.

17 JUDGE MCCABE: Did they file anything like
18 Judge Shenoy indicated this last -- last --

19 MS. PEMBERTON: They had already filed it,
20 I thought.

21 JUDGE MCCABE: Montgomery.

22 MS. PEMBERTON: Yeah, they were already
23 granted intervenor status and --

24 JUDGE MCCABE: Are you talking about the --
25 are they on the list of intervenors?

1 MS. PEMBERTON: Yes.

2 JUDGE MCCABE: Okay. And they filed
3 testimony?

4 MS. PEMBERTON: Yes.

5 JUDGE MCCABE: They filed an exhibit list?

6 MS. PEMBERTON: They did not file an
7 exhibit list.

8 JUDGE MCCABE: And did they file
9 something -- when Judge Shenoy talked yesterday till
10 noon today, they filed something?

11 MS. PEMBERTON: They did not file anything
12 else because they weren't on the phone call. They had
13 left the phone call, thought that all they had to do was
14 show up.

15 JUDGE MCCABE: Okay. Well, the order from
16 Judge Shenoy was that we would need to have a filing
17 before noon today.

18 MS. PEMBERTON: Okay.

19 JUDGE MCCABE: And so we have not done
20 that, so they're not on my list.

21 MS. PEMBERTON: Okay.

22 JUDGE MCCABE: Okay.

23 JUDGE SHENOY: And I will just say I know
24 that this means people are being asked to stay on the
25 phone or stay on the hearing for several days, and it

1 takes time out of your regular life, but that's sort of
2 how these hearings work. We're trying to accommodate
3 people and their schedules as much as we can, but if
4 you're not there when something happens, sometimes
5 there's not much we can do. So we're working through
6 it. We're doing what we can.

7 That's all the update that we can give you
8 right now. We will hopefully have more to say tomorrow.
9 And we're going to continue with the cross of the Oncor
10 panel at this time.

11 So, Mr. Quesada, let's go back to you.

12 MR. QUESADA: Thank you, Your Honor. As a
13 matter of housekeeping, I move to introduce into
14 evidence of the two images that were shown earlier, that
15 is exhibit -- that is Butman Exhibits 17 and 18. These
16 were screen grabs from the interactive route map.

17 JUDGE SHENOY: Tell me the numbers again.

18 MR. QUESADA: It is going to be items --
19 Exhibits 17 and 18. These are new exhibits from Butman,
20 but they are the screen grabs from the interactive map.

21 JUDGE SHENOY: Okay. Are there any
22 objections?

23 MR. TAYLOR: Your Honor, yes. Jaren Taylor
24 for Oncor. And this, I assume, is going to be a
25 pervasive issue, so let's just address it now.

1 The issue we have with the screen grabs is,
2 one, we have no way to verify that that's actually where
3 they came from. Two, the witnesses have no way to
4 authenticate that that information in the screen grab is
5 accurate. This is the whole reason we have all these
6 big nice maps up on the board so we have something that
7 they can verify and we can talk to. I assume this will
8 not be the one time this issue comes up, so I just
9 wanted to address that now. That's our -- the issue
10 we've got with the screen printouts of these maps. They
11 are digital images that can be modified in any way,
12 shape, or form.

13 JUDGE SHENOY: Mr. Quesada?

14 MR. QUESADA: If I might be heard, Your
15 Honor. This is a little different. These were screen
16 grabs that were printed out, shown to everyone here, and
17 authenticated by the witnesses on this panel while
18 Mr. Taylor was out of the room saying yes, that is our
19 route -- that's from our interactive route map. So
20 that's -- there were no -- and there were no -- I think
21 the record will reflect that there were no modifications
22 to it. There was no sticky notes on it, there's no --
23 there's no typing on it. It was exclusively an image
24 from Oncor's interactive route map that the witnesses on
25 this panel viewed and identified.

1 JUDGE SHENOY: Okay. I think the record
2 will reflect your exchange with the witnesses,
3 Mr. Quesada, and I do think that that'll be sufficient
4 for us to tell what they're talking about.

5 On your redirect, Mr. Taylor, if you want
6 to clear up some of that, you certainly can, but I'll
7 admit those exhibits.

8 I need the numbers one more time, I've
9 got --

10 MR. QUESADA: 17 and 18.

11 JUDGE SHENOY: Okay. I've got several
12 lists going.

13 So 17 and 18 for Butman Camp are admitted.

14 MR. QUESADA: Thank you, Your Honor.

15 (Butman Camp Exhibit Number 17 and 18
16 admitted)

17 MR. QUESADA: May I?

18 JUDGE SHENOY: You may proceed.

19 MR. QUESADA: Thank you, Your Honor.

20 MS. FOLGUERAS: Thank you, Your Honor.

1 PRESENTATION ON BEHALF OF
2 ONCOR ELECTRIC DELIVERY COMPANY LLC (CONTINUED)
3 PANEL
4 CORIN COOLEY, P.E., JARED GURLEY, P.E.,
5 RUSSELL MARUSAK, P.E., KAYLYNNE PHILLIPS, P.E.,
6 AMY ZAPLETAL, P.E.,
7 having been previously duly sworn, testified as follows:

8 CROSS-EXAMINATION (CONTINUED)

9 BY MR. QUESADA:

10 Q. Mr. Marusak, is -- land value is or is not a
11 factor that the PUC typically considers when considering
12 routes?

13 A. (Marusak) I'll defer that to Ms. Zapletal.

14 Q. Okay. From -- let me try it this way. From an
15 environmental perspective, land value is or is not a
16 factor for the PUC to consider in route selection?

17 A. (Marusak) I don't -- I can't speak for the
18 PUC. I'll speak for myself, that I do not consider land
19 value --

20 Q. Okay. Let me ask it -- and just to follow up,
21 have you ever seen -- from an environmental standpoint,
22 have you ever seen an instance in which the PUC
23 considered land value as a -- as a consideration in
24 route selection in the context of an environmental
25 assessment?

1 A. (Marusak) I have not seen that, no.

2 Q. Now -- thank you.

3 Ms. Zapletal, is land value a factor that
4 PUC typically considers when making route selections?

5 A. (Zapletal) I don't believe that's part of --
6 this part of the process.

7 Q. And from your perspective, that would be -- you
8 would -- you would not encourage the PUC to suddenly
9 start using land value in making routing decisions,
10 would you?

11 A. (Zapletal) The PUC has their choice and their
12 discretion of what they can --

13 Q. Right. I understand that, but from a planning's
14 perspective, if we started to inject the value of a
15 particular piece of property into the equation, there's
16 just no telling where that would lead; correct?

17 A. I agree, I cannot really speak to that.

18 Q. Likewise, the value of personal property is
19 nothing that you have ever seen the PUC consider when
20 making route selections; true?

21 A. (Zapletal) That's correct.

22 Q. And likewise, if suddenly we decided to start
23 using personal -- the value of personal property in
24 making route selections, that would be a disaster; true?

25 A. (Zapletal) I'd say it'd be very complicated.

1 Q. Finally, is the value of the herd of a
2 particular landowner's animals a factor that you have
3 ever seen the PUC utilize in considering route
4 selections?

5 A. (Zapletal) No, I have not.

6 MR. QUESADA: Your Honors, that's all the
7 questions I have for this panel. Thank you-all so much.

8 JUDGE SHENOY: Thank you.

9 Next up, Mr. Brocato.

10 MR. PERKINS: Your Honor, Mark L. Perkins
11 here for Mr. Brocato.

12 JUDGE SHENOY: Okay. Go ahead,
13 Mr. Perkins.

14 MR. PERKINS: We represent the C-8
15 Landowner Groups, and we do not have questions for the
16 panel at this time.

17 JUDGE SHENOY: Okay. Thank you.

18 MR. WILSON: Judge Shenoy, can you hear me?

19 JUDGE SHENOY: Yes.

20 MR. WILSON: I don't mean to interrupt. I
21 just know my wife had -- had called me and said that she
22 was listening in and that y'all had mentioned Gibbs and
23 Brittany Wilson. Forgive me if I'm wrong in that
24 regards, but we had filed some different paperwork
25 recently, especially with regards to the H11 Route and

1 specifically regarding the testimony of the pond or
2 tanks or lakes or whatever you want to call them that
3 are racked through the route. And the short of it is I
4 just wanted to make sure that if you did have any
5 questions because there is some question about
6 intervenor status, whether or not I could interject
7 that. And again, if this is an inappropriate time, I
8 certainly can come back at another time. I'm just --

9 JUDGE MCCABE: We addressed, Mr. Wilson,
10 that we received a filing earlier today that contained
11 some pictures, and it didn't -- it didn't appear to have
12 any kind of context to them, and you're not on our list
13 of approved intervenors, and I haven't seen a motion for
14 intervention status. So that was really the end of the
15 conversation.

16 MR. WILSON: -- big mix-up amongst lawyers
17 again kind of similar to the process we had -- as so
18 many have had trying to, you know, appropriately get the
19 documentation, you know, with you guys and with so many
20 things that had been mixed up, but it was in regards to
21 the discussion specifically about --

22 JUDGE MCCABE: So, Mr. Wilson, unless
23 you're a party in this case, you're not allowed to --
24 you're not allowed to offer additional information or
25 anything else as an exhibit in this matter. And really,

1 this is -- this hearing is designed for admitted
2 parties. And we understand that if you're asking for
3 that, then that's -- that's a different question, but I
4 don't want to get into what you've seen in the hearing
5 and get into what you believe about the hearing without
6 that taking place.

7 MR. WILSON: Well, that's fair. That's
8 fair. I'll argue that the intervenor status had nothing
9 to do with our fault, and so again, there's my
10 frustration. That being said, I get it. So...

11 JUDGE MCCABE: All right. Thank you.

12 We're going to proceed with the
13 cross-examination.

14 JUDGE SHENOY: Ms. Hicks, Hicks law.

15 MS. HICKS: Your Honor, I don't have any
16 questions. I pass.

17 JUDGE SHENOY: Thank you.

18 Mr. Katzen for the City of Glen Rose.

19 MR. KATZEN: Thank you, Your Honor. The
20 City of Glen Rose does not have any questions for the
21 panel.

22 JUDGE SHENOY: All right. Mr. Miller for
23 Clint and Linda Ferguson.

24 Mr. Craddock.

25 MR. CRADDOCK: No questions, Your Honor.

1 JUDGE SHENOY: All right. Ms. Long-Weaver.

2 MS. LONG-WEAVER: Yes, Your Honor. Pat
3 Long-Weaver on behalf of Cowden Live Oaks Ranch LP, and
4 we don't have any questions for the panel.

5 JUDGE SHENOY: Ms. Valenciano.

6 MS. VALENCIANO: Yes. Soledad Valenciano
7 on behalf of the D6/D33 Alliance, and we do not have any
8 questions for the panel.

9 JUDGE SHENOY: All right. The D32
10 Landowners. Ms. Webking or Ms. Vandrovec.

11 MS. VANDROVEC: Hi. Good afternoon. Holly
12 Vandrovec for the D32 Landowner Group. We do have a few
13 questions. We'll be brief.

14 JUDGE SHENOY: Okay. Go ahead.

15 CROSS-EXAMINATION

16 BY MS. VANDROVEC:

17 Q. Okay. Let's start with Mr. Marusak. On Oncor
18 Exhibit Number 9, at Page 20 -- and that's your rebuttal
19 testimony; correct?

20 A. (Marusak) Thank you. And, I'm sorry, can you
21 remind me of which D group you're with?

22 Q. D32 Landowner Group.

23 A. (Marusak) Gotcha. Thank you.

24 Q. And just confirming that Exhibit 9 is your
25 rebuttal testimony?

1 A. (Marusak) Correct.

2 Q. Okay. And on Page 20, you mention a couple of
3 FAA-registered airports that were inadvertently omitted
4 from the EA; is that correct?

5 A. (Marusak) Correct.

6 Q. And in the errata filed yesterday, is -- you --
7 in that errata, three airports that are omitted from the
8 EA were mentioned, and one where the distance from the
9 nearest link to the airport was updated; is that right?

10 A. (Marusak) Yes.

11 Q. Okay. And two of the omitted airports --

12 (Interruption)

13 Q. (BY MS. VANDROVEC) Okay. Two of the omitted
14 airports are the Rivet Ranch Airport on Link D32 and --

15 (Interruption)

16 Q. (BY MS. VANDROVEC) All right.

17 A. (Marusak) Reset.

18 Q. Right. Okay. So there are two -- two of the
19 omitted airports include the Rivet Ranch Airport on Link
20 D32 and the Buffalo Ridge Airport on Link A3; is that
21 right?

22 A. (Marusak) Correct.

23 Q. Okay. And if we look at the map -- and let me
24 just share my screen here. Give me a moment, please.

25 Okay. And if we look at the map, you can't

1 get from Link -- to Link D32 in a forward-progressing
2 manner without first crossing Link A3; is that correct?

3 A. (Marusak) For the record, I'm looking at what
4 appears to be the Oncor file share. It has the Oncor
5 Dinosaur-Longshore project at the top.

6 Q. Correct.

7 A. (Marusak) And regardless, based on my
8 familiarity with the route network, you cannot go to D32
9 without going through A3, that is correct.

10 Q. Okay. So for all routes. Including Link D32,
11 then, there are two additional affected airports; is
12 that right?

13 A. (Marusak) Yes, because I believe the other one
14 was along A3.

15 Q. Okay. Yes, correct. Thank you.

16 Okay. And then if we go to Page 185 of
17 Exhibit 1 that's in the EA -- and these are Bates
18 numbers -- the public comments are summarized. We --
19 and if you can see my screen here, some of the public
20 comments state that -- request to minimize the impact on
21 homes, historical sites, and airports; is that correct?

22 A. (Marusak) Correct.

23 THE WITNESS: (Marusak) And for the
24 record, she's reading from -- can you scroll -- okay.
25 Yes, she's reading from Page 5-4 of the environmental

1 assessment study.

2 A. (Marusak) And, yes, I do see that, the
3 sentence that you have on the screen. I'm reading from
4 my report --

5 Q. (BY MS. VANDROVEC) Okay.

6 A. (Marusak) -- for the record.

7 Q. Thanks. And that's actually a good
8 observation. The exhibit including the EA has the page
9 numbers -- the original page numbers removed and Bates
10 numbers added. So -- I'm going by the exhibit and the
11 Bates numbers.

12 A. (Marusak) I understand.

13 Q. Okay.

14 A. (Marusak) So, yes, to answer your question,
15 yes, it does reference to minimize the impacts on homes,
16 historical sites, airports, and wooded lands, to
17 complete that phrase.

18 Q. Okay. Thank you. So that was a public
19 concern --

20 A. (Marusak) Yes.

21 Q. -- that was -- that you-all encountered?

22 A. (Marusak) Yes, ma'am.

23 Q. Okay. And let's move next to the airport where
24 you-all updated the distance, the Mesquite Bean Airport.
25 And I'm showing the errata now with the Mesquite Bean

1 Airport towards the bottom. And the -- the distance to
2 the nearest link, which previously was 1,125 feet, now
3 reads "intersect"; is that correct?

4 A. (Marusak) Oh, sorry. Yes. And I'm, again,
5 referencing, for the record, Oncor Exhibit 1A. This is
6 Page 8. And, yes, that's correct.

7 Q. And, in fact, for two of the other airports
8 that were added to this exhibit, the Rivet Ranch
9 Airport, which you can see on the same page, on D32, and
10 then the Buffalo Ridge Airport on A3, they both also say
11 "intersect"; correct?

12 A. (Marusak) Yes. I prepared these calculations.

13 Q. Okay. And -- and -- this is probably a very
14 obvious question, but what does that mean?

15 A. (Marusak) When we went and, you know, looked
16 at the -- the location of these airports, based on the
17 information that was on the FA database, it appeared
18 that the location that was shown in the database was --
19 appeared to be intersecting our routes.

20 Q. So, in other words, the runway itself would
21 have an overhead line crossing the runway?

22 A. (Marusak) Yes.

23 Q. Okay. And that would, essentially, render that
24 runway or that airport unable to be used; is that
25 correct?

1 A. (Marusak) If the Commission chose to select
2 that route, I think Oncor would have to work with that
3 landowner regarding that airstrip.

4 Q. Thank you. All right. And I noticed that
5 prior to this errata being filed, none of the other
6 distances in the EA from a link to an airport -- an
7 FAA-registered airport included the word "intersect."
8 Is there -- you know, can you tell me why that is?

9 A. (Marusak) Yes. I mean, normally when we do
10 our process, we will download runway data that is
11 actually the line representing the runway, and then we
12 go and verify and check those.

13 For the Rivet Ranch and the -- it
14 sometimes -- we're finding out that this is becoming
15 hard to track down. Those appear to be added later in
16 our process, meaning that we had already started
17 finalizing our document, and we noticed that those
18 were -- the Rivet Ranch and the Buffalo Ridge, I think
19 even provided in a piece of testimony, I think, one
20 became effective October 2025.

21 So, I mean, honestly, that's something that
22 was added kind of about the time we're finalizing the
23 EA, where if, at that time, we would have happened to
24 have gone back to the airport database, we might have,
25 you know, saw it, depending on when we, you know,

1 checked for updates.

2 So the fact is, is that the reason we
3 didn't change it in the other ones was because we did
4 not, you know, feel that there was a need to update the
5 link from the runway to the link. The only reason would
6 be -- to update it would be if we found more new -- more
7 information on the runway or we -- that we were at error
8 or if we had modified the link and didn't report -- or
9 calculate the appropriate distance based on that
10 modification, which I don't believe we had.

11 Q. I guess what I'm asking are did -- is -- when
12 you have the information about all the runways and the
13 airports in advance and you're designing -- you're
14 designing your links and your lines, do you try to avoid
15 intersecting runways?

16 A. (Marusak) Absolutely.

17 Q. Okay. So had you had this information prior,
18 you would have not located the links exactly where they
19 are; is that right?

20 A. (Marusak) I think it's fair to say we would
21 have looked at options.

22 Q. Okay. I just have two more -- sorry. I just
23 have two more clarifications. And in Oncor Exhibit 1,
24 on Page 37 -- and this is in the application itself.
25 And I'm going to bring that up for you. It states that,

1 in the application itself, that there are ten
2 FAA-registered airports with runways less to or equal
3 than 3,200 feet. And that number should -- should now
4 read 13; is that correct?

5 A. (Marusak) I'm going to have to ask you to
6 repeat that question.

7 Q. So the number given here of FAA-registered
8 airports with all runways less than or equal
9 to 3,200 feet in length, because you've added three
10 additional airports, that number should read 13, not
11 ten; is that correct?

12 A. (Marusak) Yes, if we were including those
13 errata. Yes.

14 Q. Okay. And then same thing on Page 164 -- and
15 this is in the EA itself.

16 A. (Marusak) Oh, sorry.

17 Q. So on Page 164 -- this is within the EA, and I
18 know there's a separate page number. This is
19 Table 3-11. There's a table within the EA that lists
20 all of the airports. And although your errata has
21 updated the attachments to the EA, those new airports
22 should be listed in this table as well; should they not?

23 A. (Marusak) Yes. And, for the record, it's
24 Table 3-11 of the EA, Page 3-77, to which we're
25 referring.

1 Q. Okay.

2 A. (Marusak) And, yes, we would include -- we
3 would normally include those. There would be no reason
4 not to include them in this table.

5 MS. VANDROVEC: Okay. And that's all I
6 have. Thank you very much.

7 MR. TAYLOR: Your Honor, before you move
8 on, Jaren Taylor for Oncor. A friendly note I received
9 mentioned that I failed to offer Exhibit 1A this morning
10 when I introduced that. I'd like to go ahead and do
11 that now.

12 JUDGE SHENOY: That's a good note. I had
13 that on my list as well.

14 Are there any objections to that 1A, which
15 is the errata for Oncor?

16 Okay. 1A is admitted for Oncor.

17 (Oncor Exhibit Number 1A admitted)

18 JUDGE SHENOY: And let's move now to
19 Mr. Howard.

20 MR. HOWARD: No questions, Your Honor.

21 JUDGE SHENOY: Okay. Mr. Decker.

22 MR. DECKER: Yes, Your Honor. I'm over
23 here on the right. I couldn't see the panel from the
24 load-bearing beam. So I moved over.

25 JUDGE SHENOY: Okay. And you're welcome to

1 use that table as well if that's easier.

2 MR. DECKER: Okay. Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. DECKER:

5 Q. Thank you, witnesses. And I will try not to
6 belabor any points or tread any ground that you've
7 already covered, but I do have a few questions.

8 First, regarding the errata, in the
9 memorandum dated February 19th that's part of that, I
10 believe Ms. Zapletal was the author of that memorandum;
11 correct?

12 A. (Zapletal) Correct.

13 Q. Okay. Couple of questions about that. You
14 divide the routes up into different corridors, north,
15 north central, and so on and so forth; is that correct?

16 A. (Zapletal) Yes.

17 Q. And you found in that memorandum that the north
18 corridor routes containing T2 contain the most expensive
19 routes that were filed; is that correct?

20 MR. TAYLOR: Hey, James, just real quick,
21 would you introduce the group you're with so they've got
22 some bearings?

23 MR. DECKER: Oh, yes, I'm sorry.

24 James Decker, law firm Shahan Decker
25 Arrott, and I represent the Northern Routes Landowner

1 Group, which is folks in Jones, Shackelford, and then a
2 couple over Stephens County. So everybody I've got is
3 T1, T2, S4.

4 A. (Zapletal) Thank you. And, yes, on Page 402
5 of Exhibit 1A, being the errata pages of my attachment
6 Number 11, routing memo, Page 3 of 6, the cost summary
7 range for the Link T2 corridor routes is -- does contain
8 the most expensive filed route, and just the general
9 range is a bit in excess from the low end to the high
10 end as well.

11 Q. (BY MR. DECKER) And I believe you stated that
12 the routes range in length from 256.6 to 268.2 miles;
13 correct?

14 A. (Zapletal) Correct.

15 Q. And I believe even the shortest of those
16 options is still 15 miles longer than the -- than the
17 preferred route, 552; correct?

18 A. (Zapletal) They are longer than Route 552.

19 Q. Okay. Moving down to that next paragraph on
20 the north central routes containing T1, now, you stated
21 that T1 has the greatest number of habitable structures
22 within 500 feet; correct?

23 A. (Zapletal) I believe I actually said that the
24 Link T1 corridor routes contain the greatest number as
25 opposed to calling out Link T1 specifically.

1 Q. Sure. That's -- sorry. Thank you for
2 clarifying that.

3 And could you state how many structures,
4 what the range is, on that -- the T1 corridor routes
5 and --

6 A. (Zapletal) I can. And I am reading from,
7 again, Exhibit 1A, bottom of Page 402. "Link T1
8 corridor routes contain the greatest number of habitable
9 structures within 500 feet of their centerlines with
10 numbers bearing from 141 to 183."

11 Q. Thank you very much. That's all that I've got
12 from the errata. I do have a few questions about the
13 study area and the notice, and I'll turn it over to
14 whoever on the panel wants to answer that. I'm easy to
15 please.

16 When you originally developed the study
17 area for this project, it was stated earlier that it
18 included a portion of Jones County but a smaller
19 portion; is that correct?

20 A. (Zapletal) Yes, that's correct.

21 Q. And that's not the scope of Jones County that
22 is impacted by the project right now; correct?

23 A. (Zapletal) Correct.

24 Q. And I believe when Oncor and its agents sent
25 out a number of letters to stakeholders and affected

1 parties, you did send a letter to the Jones County judge
2 and commissioners dated, I believe, December 10th of
3 2024; is that correct?

4 A. (Zapletal) Yes.

5 Q. And so with that letter -- the letter in your
6 application reflects that it had a map attached. Would
7 that letter and attached map have included the older
8 Jones County footprint?

9 A. (Zapletal) It would have included the original
10 study area.

11 Q. So it would not have included route -- or,
12 excuse me, Link T1 or Link T2, which had not been
13 developed at the time; correct?

14 A. (Zapletal) Correct, it did not include the
15 expanded study area. The agency coordination letter
16 really just reflected the two endpoints for the project.
17 Links were not included in the notice map.

18 Q. So it was a pretty significant change in the
19 effect on Jones County from the December 10, 2024,
20 letter to May 5th of 2026; correct?

21 A. (Zapletal) There was a definite change.

22 Q. Was there ever a follow-up letter sent to the
23 Jones County judge and commissioners to say, hey, we've
24 expanded the footprint, y'all are more involved than we
25 thought you were going to be originally?

1 A. (Zapletal) There was not additional outreach.
2 They were provided notice of the application that showed
3 that information.

4 Q. Okay. Now, of the routes that were selected
5 and included in the application, there's only a handful
6 of municipalities that are crossed by a proposed link;
7 correct?

8 A. (Zapletal) That's correct.

9 Q. And is the City of Hawley one of those
10 municipalities?

11 A. (Zapletal) Yes, it is.

12 Q. Did that -- did the original study area include
13 the city of Hawley?

14 A. (Zapletal) It did not. Hawley is in the
15 expanded study area.

16 Q. So when those letters went out in 2024, you
17 sent letters to a bunch of municipalities, several
18 dozen; correct?

19 A. (Zapletal) Yes, I'd say that's a round number.

20 Q. I counted it a while back, and that's what I
21 remember offhand.

22 But the City of Hawley did not receive one
23 of those letters; correct?

24 A. (Zapletal) We will verify in Appendix A, but I
25 don't believe they did.

1 A. (Marusak) No.

2 A. (Zapletal) No, sir.

3 Q. Did you send a notice to the Hawley Independent
4 School District?

5 A. (Marusak) No.

6 A. (Zapletal) No.

7 Q. You did send letters to a bunch of school
8 districts, though. I mean, the legal term of art is a
9 "bunch," but I say several. Does that work?

10 A. (Marusak) Yeah, I'm in Appendix A with
11 Zapletal. Yes, several.

12 Q. Okay. So we've talked earlier about the public
13 participation meetings, and y'all have reflected that
14 there was the technical conference that was held in
15 April in Albany that affected these -- for these
16 northern routes; is that correct?

17 A. (Zapletal) Yes.

18 Q. Has Oncor made any changes to its application
19 based on the feedback that was received at that
20 technical conference?

21 A. (Zapletal) No, there wasn't any change to the
22 application. However, Oncor did want to provide the
23 Commission the feedback that was received at the
24 meetings -- meeting and did assemble and file those in
25 the docket. I don't recall the filing, but they --

1 Q. I do remember seeing that. I will stipulate
2 that you did provide that.

3 Has Oncor made any revisions to any of the
4 routes or links based on that technical conference?

5 A. (Zapletal) No, sir. There have been no
6 revisions, and Oncor still stands behind what's
7 presented in the application.

8 Q. Okay.

9 MR. DECKER: Your Honor, no further
10 questions. I'll pass the witness.

11 JUDGE SHENOY: Thank you.

12 Mr. Hyatt.

13 MR. HYATT: Yes, Your Honor. Thank you.

14 CROSS-EXAMINATION

15 BY MR. HYATT:

16 Q. Panel, I represent -- my name is Blue Hyatt. I
17 am sitting in my office here in Midland, Texas. I
18 represent a -- four siblings that own -- have taken over
19 the ownership of their family ranch. We are on D23,
20 D24, and D71 -- excuse me, D71. Those are David Kirk,
21 Mary Ruth Kirk-Reeves, Tom Kirk, and William Kirk.

22 I only have a few questions for you. At
23 the end of the day, Oncor -- I mean, you guys proposed
24 130 routes; correct?

25 A. (Zapletal) We filed 130 routes. The original

1 number of routes presented in the --

2 Q. Was, like, 1,300?

3 A. (Zapletal) -- assessment was 1,300.

4 Q. Right. But there's 130 that are on the table,
5 is what you're saying; correct?

6 A. (Zapletal) Filed in the application, yes.

7 Q. Okay.

8 A. (Zapletal) However, when --

9 Q. I'm sorry. Go ahead.

10 A. (Zapletal) However, should the Commission
11 choose another assembly of links, Oncor stands to -- or
12 is prepared to construct along any of the links filed in
13 the application.

14 Q. Right. So at the end of the day, whatever the
15 Commission says, y'all will build it?

16 A. (Zapletal) That's correct.

17 Q. Okay. And when you -- when you came up with --
18 and when I say "you," I apologize, Ms. Zapletal. When
19 you determined that Route 552 was the best-meets route,
20 did you rank those 130? Did you rank the 1,300? How
21 did you do that?

22 A. (Zapletal) I didn't actually do any sort of a
23 ranking- or a weighting-type process. The memo includes
24 a Table 2 that is attached that outlines a number of
25 factors, 39, 40, something of that nature, that I looked

1 at holistically and tried to review, as I stated in my
2 memo, in a corridor-by-corridor bucket, if you will,
3 against themselves and little -- basically seeing of
4 each of those buckets, if you will, what rose to the top
5 as far as their holistic review, and then of those,
6 narrowed down to Route 552 being the opinion of the
7 route best meeting.

8 Q. Okay. Did you ever come down to -- okay. This
9 is my -- do you break it down like an NBA bracket or a
10 March Madness bracket of, okay, is this one better than
11 this one, or is this one better than this one? Did you
12 ever do anything like that and come down to, like, the
13 top five or the top ten?

14 A. (Zapletal) I wouldn't say it like that.
15 Typically, when I'm looking at a few, it may be a few
16 together and just trying to see which factors one route
17 or the other may be more favorably performing. And I
18 just -- I do it on a subset review, if you will, I
19 guess, would be the best way I think to explain it.

20 Q. Okay. So it wasn't Tech versus Villanova at
21 some point? It was --

22 A. (Zapletal) No, I'm more of a baseball fan
23 versus basketball, but I know what you're saying. And
24 in a tournament structure, that was not how it worked
25 out.

1 Q. Okay. Was Route 713, was that at the top of
2 your bracket?

3 A. (Zapletal) Again, not using the bracket terms,
4 I don't recall at the -- in the fourth quarter what
5 routes were still left to be compared against the
6 others. I just -- I don't recall that off the top of my
7 head. I'm sorry.

8 Q. And when you first did the breakdown and
9 determined that it was 552 was going to be your
10 best-meets route, you at that point in time did not have
11 all of the intervenors's direct testimony; correct?

12 A. (Zapletal) Oh, that's correct.

13 Q. Okay. And we know that, based upon
14 Mr. Acosta's testimony, that he had all of the protests,
15 the direct testimony, the statement of position, and
16 the -- the application, as well as the environmental
17 assessment; right?

18 A. (Zapletal) Yes, that's correct. We were much
19 further along in the process. He was able to have much
20 more information. Uh-huh.

21 Q. Okay. Do you -- and this may be something you
22 know off the top of your head or not, but when you look
23 at Route 552, is that -- is -- when you look at a route,
24 is whether or not it parallels another corridor or
25 another power line, is that something y'all take into

1 consideration? I thought there was testimony earlier
2 about that.

3 A. (Zapletal) Yes, it is. And it is one of the
4 factors that are outlined in Table 2 in the memo, which
5 is derived from tables in the EA.

6 Q. Do you know what percentage of the Route 552
7 parallels other -- is part of a corridor, parallels
8 other easements?

9 A. (Zapletal) I don't know specifically with
10 regards to easements. It may also be another form of
11 public right-of-way, but I can get you that range. I do
12 enumerate that in my memo on -- in my direct testimony,
13 Oncor Exhibit 5, Page 43 is ALZ6, Page 5 of 37, the
14 fourth bullet down, "Route 552 parallels existing
15 compatible rights-of-way, including apparent property
16 boundaries, for approximately 36.9 percent of its
17 length."

18 Q. Okay. Are you aware that Route 713 parallels
19 other corridors, easements, et cetera, 44 percent of the
20 length?

21 A. (Zapletal) I'll have to do some math in my
22 head.

23 Q. Okay.

24 A. (Zapletal) If you can bear with me.

25 Q. Well, is that -- are you aware that that's what

1 Mr. Acosta states in his direct testimony?

2 A. (Zapletal) If that's what he has reported as a
3 calculation in his sworn testimony, I will accept that.

4 Q. All right. Thank you, ma'am.

5 And is one -- one of the reasons -- well, I
6 guess, let me just ask you. Are there multiple reasons
7 it is beneficial to parallel other easements, other
8 corridors, for lack of a better term? Or what -- what
9 are some of the benefits?

10 A. (Zapletal) What are some of the benefits of
11 paralleling existing corridors?

12 Q. Yes, ma'am.

13 A. (Zapletal) I will say in what we look at from
14 a routing perspective and the Commission's rules, that
15 is a specific express objective, and so one of the
16 benefits is we are operating within the guidelines that
17 we are required and requested to. With specific
18 examples, I know that the Commission does look at
19 routing that -- routing a new line parallel to something
20 that has already been forged, maybe.

21 A. (Marusak) Can you see me here? I'm
22 Mr. Marusak.

23 Q. Yes, sir.

24 A. (Marusak) Let me help. As the routing
25 consultant, this is probably something I should be

1 better to answer or address.

2 Q. Not a problem.

3 A. (Marusak) Right. So, like, if we take, for
4 example, paralleling an existing transmission line, you
5 know, to a landowner, that's a particular land use that
6 they have to deal with. So the -- I'm not a substantive
7 rule historian, but my expectation is that the
8 Commission told us to, you know, consider paralleling
9 corridors, because in that case, you might minimize --
10 you widen an existing disturbance versus adding another
11 fragmentation effect somewhere else on the property.
12 That's a term we've seen a lot in the RFIs.

13 From a habitat standpoint, if -- in an
14 imaginary world, if I have a big block of forested
15 property and there's already a transmission line or a
16 roadway that cuts through and fragments that habitat,
17 and I choose to parallel that corridor, a benefit is, is
18 it's better to make one corridor wider than to break it
19 up into three pieces.

20 So these are two examples of -- you know,
21 you used the term "benefit."

22 Q. Yes, sir.

23 A. (Marusak) To me, those are benefits that I
24 consider when I'm routing the transmission line.

25 Q. It checks off the aesthetics box; correct?

1 Because the aesthetics is already being harmed or
2 damaged, for lack of a better term, by a preexisting
3 line; correct?

4 A. (Marusak) I have made that argument before.

5 Q. Okay. And I've argued against that argument
6 before, but I'm with you.

7 Also, you know where you're going. You
8 know who the people are. You know you've already been
9 there before. Access is easier; correct?

10 A. (Marusak) I'd defer to Ms. Cooley, but -- I'll
11 let Ms. Cooley, who handles the construction aspect of
12 it.

13 A. (Cooley) I wouldn't necessarily say that
14 access is easier, but it is something that is known
15 compared to potentially others.

16 Q. Known. Okay. Thank you, ma'am.

17 And I'm not sure who -- who should answer
18 this. I'll just ask the question, whoever wants to
19 answer it. But community values is -- we've heard that
20 a lot. That is a -- that's a huge issue in what you-all
21 look at in determining -- helping determine which route
22 is the best-meets route; correct?

23 A. (Zapletal) Yes.

24 Q. And I see that there were a list of -- in the
25 community values portion, when you started receiving

1 commentary, that the -- one of the largest -- well, the
2 largest was wildlife and ecological resources, but the
3 second largest was land use and agricultural operations.
4 Did y'all pick up on that?

5 A. (Marusak) Yes.

6 A. (Zapletal) Yes.

7 Q. Okay. Would you agree with me that Route 713
8 is more favorable than Route 552 when you look at
9 ranking of crossing existing agricultural cropland,
10 irrigated cropland, livestock operations, those kind of
11 things?

12 A. (Zapletal) If you'll give me a moment to
13 review Table 2 again --

14 Q. Yes.

15 A. (Zapletal) -- attached to my testimony
16 exhibit.

17 Q. Yes, ma'am.

18 A. (Zapletal) Page 66, I am reviewing Table 7 --
19 I mean, the column entitled "713." And the length of
20 route across agricultural cropland with mobile
21 irrigation systems is .09 miles. The length of route
22 across rangeland pasture, 161.93 miles. So by
23 comparison, the .09 miles across agricultural cropland
24 with mobile irrigation systems, I would say is -- I
25 believe the least distance across that land use type.

1 Q. And that would be favorable -- 713 would be
2 more favorable than 552; correct?

3 A. (Zapletal) Yes, that's correct.

4 Route 552, by comparison, can be found on
5 Page 664 of the document as well, Exhibit ALZ6, Page 26,
6 I believe. Yes. That same page.

7 Q. And I guess -- I'm sorry. Go ahead.

8 A. (Zapletal) I'm sorry. I was doing the
9 comparison for you. That same length of route across
10 agricultural cropland with mobile irrigation systems,
11 1.18 miles.

12 Q. Thank you. And at the end of the day,
13 Route 713 is just as buildable or constructible for
14 Oncor as Route 552?

15 A. (Zapletal) Yes, sir.

16 MR. HYATT: Thank you. Pass the witness.

17 JUDGE SHENOY: Thank you, Mr. Hyatt.

18 Ms. Davis?

19 MS. DAVIS: Good afternoon, Your Honor.

20 Tracy Davis on behalf of Erath County Solar and
21 Boulevard Associates. We have no questions for this
22 panel.

23 JUDGE SHENOY: All right. For the
24 Underwood parties?

25 MR. FENTON: Jason Fenton on behalf of the

1 Underwood parties reserving our right to
2 cross-rebuttal -- or to recross and including to address
3 issues coming up after us in this order. We have no
4 questions at the moment.

5 JUDGE SHENOY: Okay. Mr. Zabel?

6 MR. ZABEL: Yes. Thank you. Good
7 afternoon to Your Honors, esteemed colleagues, and
8 landowners.

9 I represent, along with Vadim Bourenin,
10 who's here with me -- he might run some slides for me.
11 We represent Windy Hill Rents LLC that owns Shoe Bar
12 Ranch in Erath County, Texas, and on whose behalf Sam
13 Cannon has filed direct testimony contesting Route 713,
14 which Blue Hyatt just talked about, and specifically
15 Link C11 on Route 713.

16 I have a demonstrative exhibit I'm just
17 going to put up to show you exactly where on C11
18 Shoe Bar Ranch is, which should be up. And I just want
19 to make sure the panel sees it because I know it takes a
20 minute to process.

21 THE WITNESS: (Zapletal) It's still
22 processing. Thank you for asking.

23 MR. ZABEL: No problem. I'll be quiet for
24 a minute.

25 MR. HYATT: Well, I -- this is Blue. I

1 object to everything Mr. Zabel has to say.

2 MR. ZABEL: Come on, Blue.

3 JUDGE SHENOY: I take it you're not
4 actually seeking a ruling on that. I'd rather stay out
5 of it.

6 MR. HYATT: No, Your Honor. Just joking.
7 I apologize.

8 JUDGE SHENOY: Okay.

9 CROSS-EXAMINATION

10 BY MR. ZABEL:

11 Q. So while we're waiting on it to display on the
12 screen, most of my questions, almost all of them, are
13 going to be route related, and it will be Mr. Marusak
14 and Ms. Zapletal. So I will let either one of you take
15 the lead in answering those.

16 I think most of them will be concerning the
17 routing study that Ms. Zapletal prepared, so probably
18 more primarily you. Are y'all seeing the display?

19 A. (Zapletal) We do see you now --

20 A. (Marusak) We see you, but we don't see the
21 map.

22 A. (Zapletal) -- but we don't see a screen.

23 MR. ZABEL: Well, I'd rather you see the
24 map than me.

25 MR. TAYLOR: Tom, bear with us. We're

1 working on it.

2 MR. ZABEL: Sure. No problem.

3 A. (Marusak) Is it Mr. Zabel?

4 Q. I say Zabel.

5 A. (Marusak) Zabel. Okay.

6 Q. But I'll answer to either.

7 A. (Marusak) Okay. Can -- can you perhaps tell
8 us what links set it is, so that way we can get our map
9 out?

10 Q. Yeah, sure. So it's C11, and it's just -- if
11 you're looking at C11, it's just when it takes the bend
12 on the very eastern side turning north and then going
13 west. It's tax parcels -- or parcels 2404 to 2407. I
14 just want to make sure you're oriented.

15 Are y'all able to see what's on the screen
16 or not yet? Or are you still looking at me?

17 A. (Zapletal) Yes, we do see a -- what looks to
18 be a PDF exhibit of the Oncor Dinosaur-Longshore 765-kV.

19 A. (Marusak) And I'm going to --

20 Q. Great.

21 A. (Marusak) Mr. Zabel, I'm going to -- for the
22 record, I'm going to -- sorry. This is Exhibit
23 Figure 3-1B.

24 Q. Thank you.

25 A. (Marusak) Okay. We're ready.

1 Q. All right. Basically, if you can see that, I
2 just want to make sure you're oriented. It's 2404
3 through 2407. It's kind of -- if you look, it's just
4 over to the left, and it's kind of a square with a
5 triangle on the bottom.

6 A. (Marusak) Yes.

7 Q. Do you see that?

8 A. (Marusak) Yes.

9 Q. Are you aware that it basically does bisect the
10 6,000-acre ranch on the southern portion?

11 A. (Marusak) Yes. After reviewing the testimony,
12 I'm aware that in that portion of the link, we're going
13 through what they said was the middle of their
14 contiguous property.

15 Q. Okay. Let me just ask a couple of general
16 questions, and I'll get into the specifics of C11 and
17 713.

18 Every route in these -- in the application
19 before the PUC originates at the Dinosaur Switch and
20 terminates at the Longshore Switch, which are fixed
21 endpoints; is that right?

22 A. (Zapletal) Yes, that's correct.

23 Q. Okay. So what is not fixed is the path between
24 the two endpoints. Do you agree that any of the Oncor
25 suggested routes that connect the two endpoints, while

1 meeting technical reliability and routing criteria,
2 satisfy the projects' operational needs?

3 A. (Zapletal) Yes, by nature of connecting the
4 endpoints, yes.

5 Q. Okay. And I want to focus for just a minute on
6 Routes 240, 540, 542, and 552. Do all of those connect
7 the Dinosaur Switch to the Longshore Switch without
8 using Link C11?

9 A. (Zapletal) If you'll give me a moment to
10 compare and if you will -- if you will take me route by
11 route from the top.

12 Q. Sure.

13 A. (Zapletal) I want to make sure I address them
14 clearly for the record and don't miss something. Did
15 you --

16 Q. No, I appreciate that.

17 A. (Zapletal) -- call out Route 240?

18 Q. 240 was the first one.

19 A. (Zapletal) Route 240 does not contain
20 Link C11.

21 Q. Okay. How about Route 540?

22 A. (Zapletal) Route 540 also does not contain
23 Link C11. And for the record, I should clarify. I'm in
24 my routing -- or my direct testimony Exhibit Oncor 5,
25 Page 45 being the routing memo Table 1, Page 1 of 4.

1 Q. Thank you for that. And how about Route 542?

2 A. (Zapletal) Route 542 does not contain
3 Link C11.

4 Q. Right. And then I think 552 we just discussed
5 with Mr. Hyatt. Do you know whether that contains C11?

6 A. (Zapletal) Route 552 does not contain
7 Link C11.

8 Q. Thank you. And all four of the routes we just
9 went over, you have confirmed they satisfied PUC routing
10 criteria and feasibility analysis; is that fair?

11 A. (Zapletal) Yes, sir, and I state that
12 throughout my testimony and documents.

13 Q. Okay. Now, in determining the alternate routes
14 for approval by the PUC, did Oncor in your opinion do a
15 thorough and intensive investigation of environmental
16 and routing assessment in order to come up with
17 concluded routes, potential routes?

18 A. (Zapletal) Yes, sir.

19 Q. And, I mean, I want to go through these
20 quickly. You received input and you had correspondence
21 with agencies, local officials, and the public; correct?
22 Or Oncor did?

23 A. (Zapletal) Yes, sir.

24 Q. And Oncor conducted visual reconnaissance
25 surveys and aerial photography?

1 A. (Marusak) Yes.

2 Q. Reviewed publicly available data?

3 A. (Marusak) Yes, sir.

4 Q. Considered environmental land use maps?

5 A. (Marusak) Yes, sir.

6 Q. Considered apparent property boundaries?

7 A. (Marusak) Yes, sir.

8 Q. You considered compatible corridors or
9 collocation, as I might say?

10 A. (Marusak) We considered compatible corridors.
11 Collocation is -- we want to be careful about saying
12 collocation, because that can be interpreted as using an
13 exhibit corridor or structures, which Ms. Cooley can
14 probably testify that that's not an option for this
15 project.

16 Q. I'll strike that. I understand the
17 distinction. I read that there's not necessarily a
18 desire to overlap existing easements. So I really meant
19 that more in a generic sense of maybe paralleling them,
20 but I'll -- I'll leave it at compatible corridors, as
21 that seems to be terminology that isn't controversial.
22 Fair?

23 A. (Marusak) Sure.

24 Q. Okay. And then you looked at locations of
25 existing developments, residents, and things of that

1 nature; correct?

2 A. (Marusak) Yes.

3 Q. And after the intensive study that was
4 performed by Oncor, Oncor determined that Oncor
5 alternative Route 552 best satisfies the PUC policies,
6 including the policy of prudent avoidance?

7 A. (Zapletal) Yes.

8 Q. Okay. Now, you understand -- and, I mean, I
9 think we just -- Mr. Hyatt was very articulate about
10 this. You understand the PU -- staff is recommending
11 Route 713 as opposed to Oncor's suggested Route 552 or
12 other alternative routes; correct?

13 A. (Zapletal) Correct.

14 Q. Now, do you know -- and I'm just -- this is
15 just to the extent of your knowledge. I don't know how
16 much dialogue or conversation you've had with the staff
17 of the PUC, but do you know whether the PUC staff has
18 performed its own environmental assessment or any aerial
19 reconnaissance or on-the-ground studies?

20 A. (Zapletal) I have not been part of any
21 conversations directly, and I really can't speak to --
22 or testify on their behalf as to that, but I don't
23 believe that was the case.

24 Q. Okay. If there was an environmental assessment
25 performed by them, you haven't seen it; is that fair?

1 A. (Zapletal) That's correct. It's my
2 understanding they rely on our information.

3 Q. So I'm going to ask a generic question about
4 Route 713 versus Route 552. And if -- if it -- if you
5 can't answer it generically, I've got a chart that I'm
6 putting up that's just a demonstrative exhibit at this
7 point that compares parameters of Routes 713 and 552,
8 but let me just kind of cut to the chase.

9 I'll go through it in more detail, but do
10 you understand that Route 713 costs 94 million more than
11 Route 552, yet Route 552 outperforms Route 713 in a less
12 intrusive way as to all of the following: length
13 traversed, number of habitable structures within
14 500 feet, riparian areas affected, cultural resources
15 crossed, potential archaeological sites, and number of
16 stream crossings?

17 JUDGE MCCABE: And, Mr. Taylor, just for
18 the record, did you just go hand a copy of what's being
19 displayed?

20 MR. TAYLOR: Yeah. Tom, this is Jaren. I
21 just handed them your exhibit that you sent over.

22 MR. ZABEL: Oh, thank you very much, Jaren.
23 I appreciate that. It might be a little easier for them
24 to read.

25 Q. (BY MR. ZABEL) I'm just trying to speed things

1 along versus just asking questions and have to -- oh,
2 and by the way, I mean, I'm not trying to rush you. I
3 know you've got your own resources. There's the
4 Appendix E, Table 7.2, that has all the information. I
5 know just a minute ago, Ms. Zapletal, you indicated that
6 you had stuff at your kind of fingertips that talked
7 about the various characteristics of the routes. Is
8 that fair?

9 A. (Zapletal) Yes, that is fair. And if you'll
10 give me a moment, I am just looking to make sure that
11 what we are -- we were handed matches what is on your
12 screen here. And bear with me.

13 Q. Great.

14 A. (Zapletal) I hadn't had a chance to really dig
15 into the data. But for the record, this looks to be a
16 comparison table, as you mentioned, for -- between
17 Route 552 and Route 713. I have not had a chance to
18 cross-check data, but we'll -- we'll work with this.

19 Q. Sure. Let's just -- let's go through this.
20 And I don't want to, you know, belabor. If it's going
21 to take a long time for you to confirm, then we can talk
22 about that.

23 I pulled this off of the tables that are
24 referenced at the top, Tables 7.2, 7.3, and also I
25 compared that with Mr. Acosta's EA3.

1 So let's talk about the different factors
2 I've got shown on this chart for just a minute. You see
3 at the top there's metric, and then there's Route 713,
4 Route 552, and Route 713 worse by -- and I just mean I'm
5 doing a percentage comparison of the two.

6 So let's go to length. Do you agree that
7 Route 552 has a length of 241 miles and Route 713 has a
8 route of 249.5 miles?

9 A. (Zapletal) I do agree.

10 Q. Okay. So that's about a 3.5 percent variance.
11 And I know you probably don't have a calculator up
12 there, so do you think that sounds about right looking
13 at the numbers?

14 A. (Zapletal) That sounds about right.

15 Q. Okay. Estimated cost, and I just mentioned
16 this a minute ago, but the cost of 713 is about
17 1.77 billion, and the price of Route 552 is about
18 1.676 billion for a difference of about -- well, for a
19 difference of 94.3 million; correct?

20 A. (Zapletal) Yes. And I have verified these
21 numbers are also reflected in my table.

22 Q. Great. Now, just as an aside -- I think some
23 other folks brought this up in earlier testimony, so I
24 won't belabor it. That 94.3 million difference if
25 Route 713 is selected, is that typically paid by

1 ratepayers at some point, that extra \$94 million?

2 A. (Zapletal) You know, I'm aware it goes through
3 review, but if allowed by the Commission, yes, it would
4 be.

5 Q. Okay. And let's talk about prudent avoidance
6 for just a minute. I'm getting ready to get in -- no
7 surprise -- to the habitable structures. Prudent
8 avoidance, would you agree that's limiting -- the
9 limiting of exposure to electric and magnetic fields
10 that can be avoided with reasonable investments of money
11 and effort?

12 A. (Zapletal) That is the definition, I agree.

13 Q. Did you look at Mr. Acosta's direct testimony
14 around Page 33 -- and I'm going to quote something to
15 see if you recall seeing this -- quote, "Exposure to
16 electric and magnetic fields can primarily be limited
17 when running transmission lines by preparing alternative
18 routes that would minimize to the extent reasonable the
19 number of habitable structures located in close
20 proximity to the proposed routes."

21 Do you recall seeing that statement?

22 A. (Zapletal) Yes.

23 Q. All right. So for prudent avoidance, I mean,
24 one of the reasons you go and you look at all these
25 different routes is to -- to the extent you can and to

1 the extent it's reasonable, as stated here, would be for
2 prudent avoidance of structures -- habitable structures
3 within 500 feet of the high-voltage power line? Is that
4 accurate?

5 A. (Zapletal) Yes. In this case, for a 765-kV
6 line, that zone was 500 feet as the factor for review.

7 Q. And I know other folks asked this. I'm just
8 curious. Are there any other 765-kVs in the entire
9 country? Is this the first one or is there some in
10 other states?

11 A. (Zapletal) There is in other states.

12 Q. Okay. All right. So at least on the metrics
13 between 552 and 713 is that 552 has 13 less habitable
14 structures; is that fair?

15 And I think I added -- I made sure I had
16 the 102, because I think in what you just amended, what
17 I saw in your most recent supplement to your routing
18 memo said 102, but I don't -- I want you to confirm
19 that.

20 A. (Zapletal) No, I had actually done that and
21 was prepared to include that in my response, so you beat
22 me to it, but I do agree with you the number you
23 reflected for Route 552 for habitable structures within
24 500 feet being 102 and then for Route 713 being 115,
25 which also matches my table.

1 Q. Okay. Great. So about a 12 percent difference
2 with 552 having a better -- a 12 percent better prudent
3 avoidance; fair?

4 A. (Zapletal) Yes.

5 Q. Okay. Stream crossings. So I have -- on
6 Route 552, I have 348. On Route 713, I have 401. Does
7 that sound accurate to you?

8 A. (Zapletal) Yes, it does.

9 Q. Perfect. And then -- so there would be about a
10 15 percent more stream crossings on Route 713 than 552;
11 fair?

12 A. (Zapletal) Yes, with your math.

13 Q. Right. I'm -- I guess you --

14 A. (Zapletal) I'm -- I'll trust you.

15 Q. I'm with you. I mean, if it's way off, someone
16 could probably -- it would jump out like a sore thumb.
17 But I get you. I mean, if it's a percent or two off,
18 maybe you'd have to pull out your calculator and check
19 it, but -- right.

20 Riparian area, I show Route 552 having
21 three features and basically Route 713 having seven. Is
22 that -- does that sound right to you?

23 A. (Zapletal) For recorded cultural resources
24 sites crossed?

25 Q. For riparian areas.

1 A. (Zapletal) You said -- can you repeat the
2 question? I thought you said three versus seven, which
3 is the line for recorded...

4 Q. So I have riparian areas three versus seven.
5 Do you think I've got a bust in my chart?

6 A. (Zapletal) You're one row down. I see
7 riparian area in your chart for Route 713 being the --
8 and I'll use mileage --

9 Q. Oh, got it.

10 A. (Zapletal) -- at 23.84 miles and then
11 Route 552, 12.71 miles.

12 Q. Oh, thank you. Thank you. I was looking at my
13 outline versus my updated slide deck. So thank you for
14 that.

15 So it's basically -- the Route 552 has
16 87 percent less riparian areas than does 713?

17 A. (Zapletal) Yes.

18 Q. Okay. Now -- you're right. Now you've caught
19 me. So recorded cultural resource sites crossed, we
20 have three on 552 and seven on 713. Do you agree with
21 that?

22 A. (Zapletal) Three on 552, yes.

23 Q. And seven on 713? Give me a minute.

24 A. (Zapletal) I'm using -- I'm folding my pages
25 to try to follow along, so bear with me.

1 Q. Oh, I'm not trying to rush you.

2 A. (Zapletal) Seven is correct. Thank you.

3 Q. Right. So about -- more than 200 percent more
4 recorded cultural resources sites on 713 than on 552?

5 A. (Zapletal) Correct.

6 Q. Okay. And then recorded cultural resource
7 sites within 1,000 feet of the centerline, I show 19 on
8 552 and 24 on 713. Does that sound accurate?

9 A. (Zapletal) I agree.

10 Q. So 26 percent fewer recorded cultural resource
11 sites on 552 than 5 -- 713?

12 A. (Zapletal) That is correct.

13 Q. All right. And then going to the last one,
14 high archaeological historic potential sites, I show
15 32.6 miles on 552 and 53.4 miles on 713. Do those
16 appear accurate to you?

17 A. (Zapletal) Yes, I agree.

18 Q. All right. And so that would be for about
19 65 percent fewer high archaeological and historical
20 potential sites on 552 than 713; correct?

21 A. (Zapletal) Yes.

22 Q. Does this chart that we've gone over that I've
23 got marked as our demonstrative Exhibit Number 1 -- does
24 it appear to be accurate in what's reflected on it?

25 A. (Zapletal) Yes. I've been comparing between

1 the two. I don't have your exhibit number, but I assume
2 that's correct.

3 Q. Right.

4 MR. ZABEL: So I did file this as a
5 potential rebuttal demonstrative exhibit this morning.
6 I'll go ahead and introduce it into evidence and see if
7 anybody has any objection to demonstrative Exhibit 1.
8 That's what I have it labeled.

9 MR. TAYLOR: No objection as long as it's a
10 demonstrative.

11 MR. ZABEL: Correct.

12 JUDGE SHENOY: Any other objections?

13 Okay. Hearing none -- what exhibit number
14 is that, Mr. Zabel?

15 MR. ZABEL: Sure. It's demonstrative
16 Exhibit Number 1 that we filed this morning.

17 JUDGE SHENOY: Okay. So demonstrative
18 Exhibit Number 1 is admitted.

19 (Windy Hill Rents Demonstrative Exhibit
20 Number 1 admitted)

21 MR. ZABEL: Thank you very much.

22 All right. I'm going to move on.

23 Q. (BY MR. ZABEL) Now, I read your -- this is for
24 Ms. Zapletal. I read your routing memo. And I did see
25 when you recommended Route 552 that you provided 16

1 bullet points why you believed it was a preferred route.

2 Is that fair?

3 A. (Zapletal) I --

4 Q. You probably haven't counted it.

5 A. (Zapletal) I haven't counted, but yes, I have
6 quite a handful.

7 Q. Sorry. I think it's --

8 A. (Zapletal) There were several.

9 Q. Yeah. I have it as Oncor Exhibit 1, PUC
10 Interchange 719, Attachment 11, but you may have it
11 there before you.

12 A. (Zapletal) Yes. And it's now Exhibit 1A as
13 part of the errata that I will refer to. And the
14 bulleted list that you're referring to is on that
15 document Page 404 and, yes, Attachment number 11, Page 5
16 of 6.

17 Q. Okay. And as you sit here today on the panel,
18 do you stand by all 16 of your bullet points as to why
19 Route 552 is a preferred route?

20 A. (Zapletal) Yes, I do.

21 Q. All right. I would now like to address
22 Route C11, which is part of 713; is that correct?

23 A. (Zapletal) Yes, that's correct.

24 Q. Is there any -- is there any part -- is there
25 any other link on 713 that would go around my client's

1 ranch other than the C11 route that you're aware of?

2 A. (Zapletal) That would go around it or go
3 through it? I'm sorry.

4 Q. That would -- that would not cross through it.
5 I didn't see any other alternative links up there. I
6 just wanted to make sure I didn't miss anything.

7 A. (Zapletal) I'm sorry. I misunderstood you.
8 Yes, that's correct.

9 Q. Okay. Now, I read in the environmental
10 assessment there was specific talk about how C11 came
11 about, and it says in -- it's -- oh, I don't have the
12 page here. I'll just quote it. It says "Link C1 split
13 into Links C11 and C12 by the addition of Link C7 (see
14 Figure 6.5) was adjusted to avoid several oil and gas
15 tanks that were identified on updated imagery and
16 verified from aerial imagery,."

17 Do you remember seeing that in the
18 environmental assessment?

19 A. (Marusak) This is Mr. Marusak. I will testify
20 to that. I believe you're reading from the table in
21 Section 6 of the EA.

22 Q. That's -- I think that's right, because it does
23 refer to Section 6.5. I was just -- it was specifically
24 addressing the split of C1 into Links C11 and C12. I'll
25 give you a minute --

1 A. (Marusak) Yes.

2 Q. -- to see if you can -- okay.

3 A. (Marusak) Yes. It's on Page 6-3 of the
4 environmental assessment.

5 Q. Thank you for that.

6 And there was one other statement, too,
7 that followed. It said "Link C1 split into Links C11
8 and C12 by the addition of C7," again, "(see Figure 6.5)
9 was relocated to better align with adjacent property
10 boundaries in response to multiple landowner comments
11 while avoiding Brush Creek."

12 Do you see that?

13 A. (Marusak) Yes. It's -- we had Bush Creek. I
14 need to see if we were -- you know, which one might be
15 the typo. But yeah, there is a creek that we were
16 making a modification to avoid.

17 Q. Okay. I -- I mean, if there's -- if it's not
18 Brush Creek, I'm not trying --

19 A. (Marusak) Yeah.

20 Q. -- to get hypertechnical.

21 A. (Marusak) No, no, no. I just want to make
22 sure. But anyway, yes, I'm following along.

23 Q. All right. So do you know when the public
24 meetings were had, C11 and C12 weren't identified as
25 links; right? It was just part of C1. Am I right?

1 A. (Marusak) Yes, that's correct. And just to
2 clarify for everybody in case this comes up, when we add
3 a link that involves the introduction of a node on a
4 prior link name, say, for example, C1, we will split the
5 link into C11 and C12, because it would just confuse
6 everybody if we went over and started from scratch and
7 resequenced everything. So that's the difference for
8 the name, is just because we added a node somewhere
9 along the original Link C1 link.

10 Q. And let me -- let me ask this. I was curious
11 about it. When that occurred, I mean, obviously it had
12 happened by the time you prepared the environmental
13 assessment. Were there any other public meetings that
14 specifically identified C11 and C12 for public comment,
15 or was it simply whatever was covered when it was part
16 of C1?

17 A. (Marusak) At the public meeting, it would have
18 been C1. And that's kind of why we go through the
19 explanation in this section of the EA, is to assist the
20 landowners with, you know, you may have went to the
21 public meeting and saw C1; we're letting you know that
22 because we added this, it now has a new name very
23 similar but not exactly the same.

24 Q. Okay. And then when this occurred -- I mean,
25 you mentioned oil tanks. I saw them. Were they -- are

1 they garden variety oil and gas tanks for a well, or are
2 they something like some big, huge tank farm?

3 A. (Marusak) I'm going to go to the actual
4 Appendix C graphic. I recall these were -- I believe
5 what these were were just -- I think they were actual
6 tanks, not well pads.

7 Q. Right. I guess my question was not articulate.
8 I think that's right. I saw them from the air. I mean,
9 I think they're tanks, but they seem to be field tanks
10 for a well, not some large storage tank you might see at
11 a, you know, tank farm.

12 A. (Marusak) I'd agree. Yes.

13 Q. Okay. Fair enough. And then was there
14 a lot -- was there a substantial amount of opposition
15 from Stephenville folks, where it went north of
16 Stephenville, that led any part to this splitting of the
17 route?

18 A. (Marusak) Can you re-ask that question again?

19 Q. Yeah. That was --

20 A. (Marusak) I think I -- I think I understand,
21 but I want to make sure I understand the question
22 correctly.

23 Q. Right. I mean, I'm looking at, you know, the
24 splitting of this route. Did it have anything to do
25 with any controversy or any public comments or anything

1 that happened along Route 552, around Stephenville?

2 A. (Marusak) I think, you know, with some of the
3 testimony that we've provided today that Link C7, which
4 I believe was added -- yes -- that -- that is with a --
5 that subsection of links that was added after the public
6 meeting, that was in consideration of comments received
7 after the public meeting, including people that -- which
8 includes people that attended Stephenville public
9 meetings.

10 Q. Gotcha. So potentially Route 713 with Link C7
11 would go around and not just north of Stephenville;
12 fair?

13 A. (Marusak) I need to see the 7 -- excuse me.
14 Sorry. I can't turn my microphone off, I don't think.

15 Q. No problem.

16 A. (Marusak) Can I see the link defin- -- or
17 route definitions?

18 So can you repeat the question again?

19 Q. Sure. I was just seeing if C7 was an avenue
20 that connects to 713 that would allow -- through the use
21 of 713 and C7 would go well north of Stephenville.

22 A. (Marusak) Okay. So Route 713 does not include
23 Link C7.

24 Q. Oh, okay. I thought when I read it was split
25 and C7 came online, that they were all tied, but you're

1 saying they're not?

2 A. (Marusak) So Link C7 is a link that is added
3 that allows a path -- can I just have any map? The
4 skeleton map.

5 So I'm back to Ms. Zapletal's Exhibit 6,
6 Page 35 of 37. Link C7 is a link that allows the use of
7 Link C11 for any route that Link C11 might be part of to
8 either go to the routes that go north through R1 and
9 then up to S1 and S4, but I believe they may also
10 allow -- Link 7 may also serve as a bypass to go C7-C6.

11 Or, no, that's not correct. I'm sorry.

12 So C7 is just allowed -- it's a path
13 alternative that when C11 gets to the C12 and C7 node,
14 it can go one of two directions.

15 Q. I see that. I'm just --

16 A. (Marusak) Yeah.

17 Q. I'm looking now. If I go -- if I get on
18 Route 713 and I go to C11 and I keep going west, I get
19 to a place where I can either continue on C7 going west
20 or I can go south a little bit to C12 and then go west
21 on C12 and back up; right?

22 A. (Marusak) Yes.

23 Q. Okay. So C7 is not part of 552, but it's a
24 link that allows C11 to go further west under two
25 alternatives, either C -- C7 or C12?

1 A. (Marusak) I think I followed that, and yes.

2 Q. Okay. Sorry.

3 A. (Marusak) No, I understand.

4 Q. It's not as articulate as it should have been.

5 All right. Let me talk about birds for a
6 minute. Is that -- who would I direct those questions
7 to? Or I guess you-all can just pick --

8 JUDGE MCCABE: Mr. Zabel, I'm sorry to
9 interrupt. We need to take a break. And so I know you
10 said let's talk about birds, so that's a change in
11 topic. That's a good time to stop. It's just past
12 3:00 o'clock. Let's -- let's come back at 3:15 -- or
13 let's make it 3:20. We're off the record.

14 (Recess taken)

15 JUDGE MCCABE: Let's go back on the record.
16 And, Mr. Zabel, you may continue.

17 Q. (BY MR. ZABEL) Thank you very much. So
18 maybe -- I know, Ms. Phillips, you haven't had a chance
19 to probably say a lot. Maybe this is something you
20 might weigh in on, but I leave it to the panel to decide
21 who wants to answer the questions. I've got some
22 endangered species and bird questions to ask. Let me
23 just ask those, and whoever wants to respond, feel free
24 to do so.

25 I guess for those on the panel, have you

1 had -- has someone had a chance to read the testimony by
2 Sam Cannon on behalf of Shoe Bar Ranch that C11 will
3 bisect the ranch and cross through potential flyways and
4 habitat for warblers and roosts for bald eagles and
5 migrating birds?

6 A. (Phillips) Yes, I've read it.

7 Q. Okay. Great. Did you have a chance to look at
8 the pictures that he included with his testimony?

9 A. (Phillips) Yes, I would have seen them, but I
10 might not be able to recall them at this time.

11 Q. Okay. You know, I'm not a bird expert by any
12 means. I mean, I can recognize a bald eagle, but I
13 wouldn't know a golden warbler from many other birds.
14 Did you -- of the pictures he provided, did you see any
15 that looked like they were golden warblers?

16 A. (Phillips) A golden-cheeked warbler.

17 Q. Yes.

18 A. (Phillips) I don't recall seeing pictures of
19 the birds themselves.

20 Q. Okay. All right. And then -- but you did see
21 the bald eagle pictures; correct?

22 A. (Phillips) If they were in his testimony, I
23 did see them.

24 Q. Okay. Now, has -- has Oncor at this point
25 performed an endangered species study on the Shoe Bar

1 Ranch to see if there's any warbler habitat or any
2 endangered species on the property?

3 A. (Phillips) We cannot do any studies on the
4 property until the PUC picks a route and we have access
5 to that property --

6 Q. Right. I think --

7 A. (Phillips) -- if it's selected.

8 Q. Oh, I'm sorry. I think I saw that. I think
9 you did some rebuttal testimony where you said that,
10 that if you do -- you'll do that after a route's
11 selected and that you will try not to be within 300 feet
12 of a nest of a warbler if you discovered them. Is
13 that --

14 A. (Phillips) Correct.

15 Q. Did I hear that right?

16 A. (Phillips) Yes. If we encounter a habitat for
17 golden-cheeked warblers, we have our habitat
18 conservation plan that we will follow.

19 Q. Okay. And they are -- the golden-cheeked
20 warbler is a federally list -- is federally listed as an
21 endangered species under the Endangered Species Act;
22 correct?

23 A. (Phillips) Yes.

24 Q. And do you agree that Oncor should exercise
25 care in routing to avoid potential adverse effects to

1 endangered species and raptors and migratory birds and
2 use best management to minimize impacts to migratory
3 birds and endangered species?

4 A. (Phillips) Yes.

5 Q. Okay. You saw in the environmental assessments
6 Appendix A that there was a response from Texas Parks &
7 Wildlife Department dated March 27th of 2025. I believe
8 it's on Page A-727 of Appendix A. Have you seen that?

9 A. (Phillips) Yes.

10 Q. Okay. And, of course, for those here, I mean,
11 most probably know, but the TPWD is a state agency with
12 statutory responsibility to protect Texas wildlife and
13 wildlife habitats. Would you agree?

14 A. (Phillips) Yes.

15 Q. And the TPWD letter addresses, among other
16 things, the golden-cheeked warbler habitat state-listed
17 threatened species and specific construction practice
18 recommendations, including for Erath County and
19 traversed by Route 713. Do you agree?

20 A. (Phillips) Yes.

21 Q. Okay. In Section 7.4.2.4, the environmental
22 assessment states that the golden-cheeked warbler breeds
23 and mature juke -- I'm sorry -- juniper oak woodlands,
24 which are common to the eastern portion of the study
25 area in Bosque, Erath, Hood, and Somervell, and Stephens

1 counties; correct?

2 A. (Phillips) Yes.

3 Q. Okay. And Route -- we -- you know that
4 Route 713 -- 713 traverses through Erath County --
5 correct? -- through Link C11?

6 A. (Phillips) Yes.

7 Q. Okay. And the environmental assessment
8 describes the land use along Link C11 corridor as a
9 mixture of forested ranchland and improved agriculture?

10 A. (Marusak) Yes. I'll testify to that. Yes.

11 Q. Okay. And then one other point too. It goes
12 on to say forested ranchland in Erath County includes
13 the West Cross Timbers ecological region characterized
14 by mixed oak and ash juniper woodland. Do you recall
15 that?

16 A. (Marusak) That's probably more in Chapter 3 of
17 the EA where we're discussing the study area.

18 Q. Right. I think that's right.

19 And I guess this is precisely the habitat
20 type the golden-cheeked warbler requires for breeding
21 and nesting. Would you agree with that?

22 A. (Phillips) Yes.

23 Q. Mixed oak?

24 A. (Phillips) It also depends on the acreage,
25 contiguous acreage of that type of habitat.

1 Q. Okay. How much -- how much acreage does the
2 warbler like to basically, I guess, remain on a property
3 on either side?

4 A. (Phillips) Approximately 37 to 57 contiguous
5 acres to be able to reproduce.

6 Q. Okay. So they require some space.

7 A. (Phillips) Yes.

8 Q. All right. Do you -- I guess for those of you
9 on the panel, are you aware that the Shoe Bar Ranch has
10 this habitat and that C11 passes through live oak groves
11 on the ranch?

12 A. (Marusak) I think we acknowledge that
13 golden-cheeked warbler habitat is pretty common
14 throughout Erath County, and that would include
15 Link C11.

16 Q. Okay. And, I mean, have you -- did you do
17 aerial reconnaissance on C11? Have you seen kind of the
18 oak groves that would be traversed by the power line on
19 C11 through the Shoe Bar Ranch?

20 A. (Marusak) So we did do aerial reconnaissance.
21 It did include Link C11. And, yes, I did review the
22 aerial videos.

23 Q. Okay. And then let me ask a couple of
24 questions. I'll move on away from the migratory birds
25 and other birds.

1 Are y'all aware of burrowing owls in the
2 area and whether or not they exist on the Shoe Bar
3 Ranch?

4 A. (Marusak) I'm not specifically -- I'm aware
5 that the species may exist in the study area, but I'm
6 not aware that they're specifically on the ranch.

7 Q. Okay. And do you know whether or not they're
8 protected under the Migratory Bird Treaty Act classified
9 as a national bird of conservation concern?

10 A. (Marusak) There were a lot of species that
11 were SGCN species. I'll just go in, you know --

12 A. (Phillips) Yeah.

13 A. (Marusak) If you know.

14 A. (Phillips) Most birds, all but about six in
15 the state of Texas, are protected by the Migratory Bird
16 Treaty Act.

17 Q. Okay. So it includes a lot of birds.
18 All right. I'm with you.

19 So fair to say no site-specific field study
20 of the C11 link in Shoe Bar Ranch for the golden-cheeked
21 warbler, eagles, or burrowing owls have been conducted
22 at this point in time?

23 A. (Phillips) That's correct.

24 Q. All right. I'm going to put up -- or maybe
25 there's been a -- I've got whatever's displayed in a

1 very small corner of my computer.

2 Do you see a chart that basically talks
3 about the -- the contribution of -- the comparison of
4 Link C11 on Route 713? Do y'all see that?

5 A. (Marusak) Yes. And we have a hard copy here.

6 Q. Okay. Great. Is that something that I can --
7 I can question you about? Is that something you have
8 ready access to right there in front of you?

9 A. (Marusak) Yes.

10 Q. Okay. And this is marked as our Demonstrative
11 Exhibit Number 2 for the record. And we do cite the
12 sources on the top of the title up there at the very
13 top, if that's any help for you to verify what's on here
14 as you're flipping through.

15 I'm just going to ask some questions about
16 this and move on to my last chart. And again, I have
17 the metric, and I'm comparing Route 713 to -- and I'm
18 comparing it as -- the Link C11 within Route 713 to show
19 the contribution of C11 through the entire Route 713.
20 So I'll let whoever wants to respond to my questions,
21 who's most appropriate.

22 So the first I have is the link. Does it
23 appear accurate to you that the link at C11 is
24 33.17 miles out of 249.5 miles for the whole Route 713?

25 A. (Zapletal) So looking at the errata tables,

1 Oncor Exhibit 1A, Page 343, is errata to Appendix F,
2 Table 7-3, in feet measurements was the first one I
3 found. C11 --

4 Q. So I do have the feet there too if that helps
5 you out. On my chart I have a hundred and seventy-five
6 thousand --

7 A. (Zapletal) Yes.

8 Q. -- one forty-six.

9 A. (Marusak) Yes, that's correct.

10 Q. Okay. I tried to do it where y'all wouldn't
11 have to do conversions. But anyway, so I do have the --
12 so does that appear accurate to you that we've got
13 175,146 feet for C11 as part of 1,317,518 feet for the
14 whole route?

15 A. (Marusak) Yes.

16 A. (Zapletal) Yes.

17 Q. Okay. So I'm just -- the point I'm trying to
18 make is that basically the 33.17 miles comprises about
19 13.29 percent of the entire Route 713. Does that appear
20 somewhat accurate, as long as I've done my math right?

21 A. (Marusak) Yes.

22 A. (Zapletal) I would agree.

23 A. (Marusak) 13 seems -- doesn't seem unusual.

24 Q. Okay. All right. And then I have habitable
25 structures on C11 versus the whole Route 713. And I

1 have 34 on C11 and 115 on the entire route. Does that
2 appear accurate to y'all?

3 A. (Marusak) Yes.

4 Q. Okay. So basically almost 30 percent of the
5 habitable structures on the entire route are on C11 when
6 it only comprises 13.29 percent of the whole route.

7 Would y'all agree with that?

8 A. (Marusak) Yes.

9 Q. And, again, for the -- for the stream
10 crossings -- stream crossings, there's 70 on C11 and 401
11 on the total route, leaving C11 with 17.5 percent of the
12 stream crossings on the entire route. Would y'all
13 agree?

14 A. (Marusak) That math also looks reasonable.

15 Q. Okay. And then we have riparian areas. I've
16 got 3.75 miles on C11 and 23.84 miles on the entire
17 route for about 15.73 percent contribution by C11. Does
18 that sound accurate?

19 A. (Marusak) It checks out with our table.

20 Q. Okay. And then it looks like on C11, we have
21 an archaeological site, 41ER -- I'm sorry. Yeah, ER82
22 as an intersection, meaning C11 centerline runs through
23 the site boundary. Is that accurate?

24 A. (Marusak) Let me -- let me -- so there's two
25 things I want to check, is that --

1 Q. Sure. Take your time.

2 A. (Marusak) -- yeah, it is crossed by the link,
3 and if that's pulled from our Table 7, you know, the
4 intersection would have been our term, so...

5 Q. I just didn't know what you meant by it, so I
6 figured I'd ask you and you could tell me.

7 A. (Marusak) Sure. Sure. When -- a lot of times
8 when an archaeological site is recorded, the
9 archeologist will map the extent of the site as part of
10 the archaeological record, and so in this case, when we
11 retrieve that information, we can see if that
12 archeological site would be overlapped by any part of
13 the right-of-way. So it doesn't necessarily mean that
14 the centerline overlaps it. It just means that the --
15 some portion of that site may be in the right-of-way,
16 and that is correct.

17 Q. Okay. Is that distinguished -- so there's one
18 there -- you don't -- I don't think we had that same
19 code over on the rest of the Route 713. Is that
20 something more significant than the other six that are
21 on the rest of the route? Can you explain that to me,
22 when you use the word "intersection"?

23 A. (Marusak) Well, no, it's just a proximity
24 that's, you know, measured --

25 Q. Okay.

1 A. (Marusak) -- and that's it. And, you know,
2 for the rest of the EA, we don't provide exact distances
3 for the link for the protection of the site location.

4 Q. Okay.

5 A. (Marusak) That's the only reason you don't see
6 anything else on the table.

7 Q. Gotcha. At least for cultural resources, it
8 appears that C11 contributes a small amount to the
9 overall route, only 4.2 percent; correct?

10 A. (Marusak) That's of recorded sites.

11 Q. Okay. And then route through areas with high
12 archaeological historical site potential. It looks like
13 we've got 10 miles on C11 and about 53.4 miles, meaning
14 about 18.7 percent of -- C11 contributes 18.7 percent of
15 those areas to the entire route.

16 A. (Marusak) Those numbers make sense.

17 Q. So as far as you can tell, does everything look
18 accurate according to information that y'all have
19 compiled on my Demonstrative Exhibit Number 2?

20 A. (Marusak) Yes. The map seems reasonable, what
21 I'm doing in my head, or trying.

22 Q. Right. And not just the math, but the
23 information that I provided?

24 A. (Marusak) Yes, yes.

25 MR. ZABEL: Okay. Just for demonstrative

1 purposes only, I would introduce into evidence our
2 Demonstrative Exhibit Number 2.

3 JUDGE SHENOY: Any objections? All right.
4 None from Oncor, and not seeing any other, your
5 Demonstrative Exhibit 2 is admitted.

6 (Windy Hill Rents Demonstrative Exhibit
7 Number 2 admitted)

8 Q. (BY MR. ZABEL) All right. Thank you very
9 much. So I'm going to do one last chart, and I'll have
10 a couple of wrap-up questions. So Mr. Hyatt doesn't
11 think I've totally hijacked against him -- well, 713 in
12 favor of 552, I have one more chart, which I'm going to
13 put up, that actually compares various routes together.
14 I've got Route 240, Route 540, Route 542, Route 552, and
15 Route 713. Do y'all see this exhibit? It's
16 Demonstrative Exhibit Number 3.

17 A. (Zapletal) Yes.

18 Q. Okay. So let me just kind of walk through
19 this, and I promise this is my last chart, and I've got
20 a few wrap-up questions, and I'll be finished.

21 So Route 240, 540, 542, and 552, all of
22 those get from the start point to the endpoint without
23 utilizing Route C11; is that fair?

24 A. (Zapletal) Yes, we determined that earlier.

25 Q. Uh-huh. Thank you. I was just highlighting it

1 so I had them all set up this way for a reason. I had
2 the first four grouped together, and then 713 on the
3 right.

4 All right. So basically if you look at
5 length, if you compare 713 to the rest, it's the longest
6 route, and Route 552 would be the shortest route with
7 the other three having a similar 248-mile route;
8 correct?

9 A. (Zapletal) Yes.

10 Q. All right. And then estimated cost, of course,
11 we talked about this, Route 713 is \$94 million more than
12 Route 552, but it is also more expensive than the
13 Route 240, 2- -- 540, and 542; fair?

14 A. (Zapletal) I am doing a quick comparison.

15 Q. Yeah, yeah. No, I'm not trying to get you to
16 say yes to me without verifying it.

17 A. (Zapletal) And, again, I apologize. For the
18 record, looking back at the Table 2, attached to the
19 routing memo, I have my original versus the errata, but
20 the data did not change.

21 Q. Okay. And if we were to go to -- let's see.
22 If we go to the -- what we call length of route parallel
23 to compatible right-of-ways, Mr. Hyatt made the point,
24 which it seems to be borne by the table that Route 552
25 does not have as high a percentage of that as Route 713;

1 correct?

2 A. (Zapletal) Correct. Route 552, 37 percent,
3 and Route 713, 44 percent.

4 Q. Okay. But then the Routes 240, 540, and 542
5 all exceed the parallel to compatible right-of-ways than
6 the 713; fair?

7 A. (Zapletal) Yes, they all have a calculated
8 percentage of 47 percent.

9 Q. Okay. And then as far as habitable structures
10 go, the two highest counts are 552 and 713; correct?

11 A. (Marusak) I think he may be on --

12 Q. I'm on habitable structures just below the
13 length of route parallel to --

14 A. (Zapletal) Yes. I'm just comparing -- I have
15 not double-checked these numbers yet, so I --

16 Q. Oh, yeah. No problem. I'm not trying to rush
17 you.

18 A. (Zapletal) So very -- these numbers do check,
19 and so by comparison -- can you repeat your question?
20 I'm sorry.

21 Q. Yes. Yeah, sure. You bet. So what I was
22 saying is that if you look at the far right, Routes 552
23 and 513 have the highest count of habitable structures
24 with 713 having the most; correct?

25 A. (Zapletal) That's correct.

1 Q. And then the least amount would be the first
2 three, which would be -- well, the least amount would be
3 542, and then they're followed by 240 and then 540?

4 A. (Zapletal) Yes. With, respectively, 91, 92,
5 and 93 habitable structures within 500 feet.

6 Q. Okay. Thank you. And then if we check out
7 stream crossings, we have -- for the various routes, we
8 have the highest on 713, the lowest on 552, and then for
9 240, 540, and 542, those would have -- they would have
10 more than 552, but less than 713; fair?

11 A. (Zapletal) I was double-checking those
12 numbers.

13 Q. Sure.

14 A. (Zapletal) Route 713 with the most, Route 552
15 with -- at -- excuse me -- 7- -- Route 713, 401 stream
16 crossings. The least number, 552 with 348, Route 542
17 with 365, Route 240 with 367, Route 540 with 388.

18 Q. Thank you, and I only have two more metrics to
19 go here. I've got the riparian areas. Again, we would
20 have 713 that would have the most of 23.84 followed
21 by -- let's see. It looks like 540, and then 542, and
22 then 240; correct?

23 A. (Zapletal) Yes, I agree with your numbers
24 here.

25 Q. And if you look, it looks like on 552, it has

1 about half of the riparian areas crossed in all the
2 other four. Does that look about accurate?

3 A. (Zapletal) Yes, roughly.

4 Q. Okay. And I know I'm just using rough numbers.

5 A. (Zapletal) Yes.

6 Q. I know it's not exactly that.

7 And then for recorded cultural resource
8 sites crossed, the highest would be on Route 540;
9 correct?

10 A. (Zapletal) I agree with your numbers here.

11 Q. Great. And just comparison-wise, 552 has the
12 least, and every other one has at least double the
13 number of recorded cultural resource sites crossed than
14 does 552?

15 A. (Zapletal) That's correct.

16 Q. Okay. So to recap, Route 713 is the longest of
17 all the routes; right?

18 A. (Zapletal) In your table, yes.

19 Q. Okay. Well, let me -- I'm glad you mentioned
20 table. Let me go ahead and introduce -- well, let me
21 ask a precursor question.

22 As far as the panel is concerned, does the
23 information on my Demonstrative Exhibit Number 3 appear
24 to be accurate and pulled from materials Oncor prepared,
25 other than the far right column, which has percentages?

1 A. (Zapletal) Yes.

2 Q. And do you believe this to be accurate at least
3 as far as you can tell from a cursory review?

4 A. (Zapletal) Yes.

5 MR. ZABEL: Okay. I would move into
6 evidence Demonstrative Exhibit Number 3 for
7 demonstrative purposes.

8 JUDGE SHENOY: Okay. I'm seeing Mr. Taylor
9 say no objections from Oncor.

10 Anyone else? Hearing no objections,
11 Demonstrative Number 3 is admitted.

12 (Windy Hill Rents Demonstrative Exhibit
13 Number 3 admitted)

14 Q. (BY MR. ZABEL) All right. So believe it or
15 not, I'm getting close to finishing, but I have a few
16 more questions. I'll wrap it up.

17 So to recap, Route 713, which I've been
18 talking about, which includes C11, is the longest of all
19 the routes; is that correct?

20 A. (Zapletal) It's the longest of all the routes
21 in the exhibit we -- you just --

22 Q. Okay.

23 A. (Zapletal) -- admitted.

24 Q. All right. And it's the most expensive of all
25 the routes in the exhibit I submitted; correct?

1 A. (Zapletal) Yes, sir.

2 Q. It has the most significant habitable
3 structures by a significant amount of what is in my
4 chart?

5 A. (Zapletal) Yes.

6 Q. It has the most stream crossings by a
7 significant amount of what I have in my chart?

8 A. (Zapletal) It does the most, yes.

9 Q. It crosses the largest amount of riparian area
10 of what I have in my chart?

11 A. (Zapletal) Yes.

12 Q. And has the second most cultural resources
13 sites crossed and it has the intersection with Site 41
14 ER82?

15 A. (Zapletal) Yes.

16 Q. Have you had a chance to read Mr. Acosta's
17 filed direct testimony?

18 A. (Zapletal) Yes, we have.

19 Q. Do you know -- do you see whether it contained
20 any quantitative cost-benefit analysis showing what
21 specific value the public will receive in exchange for
22 94.3 million more spent on Route 713?

23 A. (Zapletal) I did not.

24 MR. ZABEL: That is all I have. Thank you
25 for your time.

1 JUDGE SHENOY: All right. Thank you,
2 Mr. Zabel.

3 Ms. Pemberton?

4 CROSS-EXAMINATION

5 BY MS. PEMBERTON:

6 Q. Good afternoon, Panel. My name is Margaret
7 Uhlig Pemberton. I'm representing Great Southern Ranch,
8 Incorporated, and Dr. Frank V. Terrell, individually.

9 I think I'd like to start -- okay.

10 Ms. Zapletal?

11 A. (Zapletal) Yes.

12 Q. Yesterday you were asked a lot of questions
13 about the best-meets route; do you recall?

14 A. (Zapletal) Yes.

15 Q. Am I speaking loud enough?

16 A. (Zapletal) Yes, I'm sorry. I was just trying
17 to get reorganized.

18 Q. No problem. So I want to talk about the other
19 1,299 routes that Oncor actually included in their EA,
20 environmental assessment. All of the other routes, the
21 1,299 were selected in correspondence with PURA and the
22 Commission rules; correct?

23 A. Yes, that's correct.

24 Q. Okay. And they all meet the Commission's
25 guidelines, aesthetics, historical and cultural

1 resources, environmental integrity, and prudent
2 avoidance?

3 A. Yes.

4 Q. Okay. And everything else on the EA is also
5 meeting those requirements; correct?

6 A. (Marusak) Yes.

7 Q. Okay. Thank you.

8 A. (Marusak) I'm sponsoring the EA, so...

9 Q. Sorry. So the Commission -- so either of you
10 can answer. The Commission can pick any of those routes
11 and be in -- within its discretion; is that correct?

12 A. (Zapletal) Yes, that's our understanding.

13 Q. Okay. So we are here today, and this week, to
14 provide facts in the record so that the ALJs and the
15 Commission can actually pick the best informed decision,
16 pick the best route, for the public interest; right?

17 A. (Zapletal) Correct.

18 Q. All right. Thank you. Ms. Cooley, I want to
19 talk a little about the artifacts. You state that Oncor
20 first tries to avoid areas with cultural artifacts;
21 correct?

22 A. (Cooley) I'll actually defer you to
23 Ms. Phillips.

24 Q. Okay.

25 A. (Phillips) Hello. Yes, we do try to avoid

1 areas that have known artifacts.

2 Q. Okay. Oncor notes in the EA on Exhibit 11 the
3 actual number of cultural resources crossings each route
4 contains; correct?

5 A. (Zapletal) When you say Exhibit 11, do you
6 mean Attachment 11?

7 Q. EA. It's in the EA. Exhibit -- is it E?

8 A. (Marusak) I -- so I'll -- all right. So
9 regarding cultural resources in the environmental
10 assessment, I'll try to answer those questions for you.

11 Q. Thank you.

12 A. (Marusak) If it's questions, you know, that
13 are construction related, I will --

14 Q. Sure.

15 A. (Marusak) -- transition over to Ms. Phillips
16 or Ms. Cooley. So I have the EA in front of me. Do we
17 want to look at the environmental assessment data
18 tables?

19 Q. No. I'm just stating that you include the
20 number of cultural resource crossings for every route.

21 A. (Marusak) Yes, we do provide -- that is a
22 category which we just discussed in the last cross.

23 Q. Right. And you -- it's an important component,
24 of course, of the whole thing.

25 You also stated -- I'm not sure who stated

1 it now -- that if you find artifacts, it'll actually
2 delay the construction, the project, while you work with
3 the Texas Historical Commission?

4 A. (Marusak) Well, I will -- I will start with
5 that, and I'll let Ms. Phillips add to it. In my
6 experience with Oncor through the EA process, and even
7 post process, as we document in our EA, when the
8 Commission picks a route, the order will likely have
9 something to the effect of -- I can't quote it
10 exactly -- that Oncor will conduct a pedestrian survey
11 in accordance with their MOU that they have with the
12 THC, and through that process, they will go -- like,
13 a lot of the recorded sites that we see in the record,
14 they will go through. They'll do a pedestrian survey
15 that will entail shovel test, just review of the surface
16 material, and if they -- yeah, I got you.

17 Q. Mr. Brady is in my way.

18 A. (Marusak) The real Mr. Brady is in our line of
19 sight.

20 Q. The real Mr. Brady.

21 A. (Marusak) He is doing great.

22 But we will go and we will look -- or they
23 will go record those sites, and then if there is a
24 particular site that is -- you know, may be -- the
25 archeologist may deem, hey, this might be something we

1 want to minimize impacts to, they will then -- we just
2 had this recently where we would coordinate with the
3 design team, coordinate with the THC and outline
4 mitigation measures, which -- for which there are
5 several options.

6 Q. And about how long does that take?

7 A. (Marusak) I think it's dependent on the scale
8 of the project and the nature of the site, and the --
9 you know, where the location is.

10 Speaking from a very recent example, it was
11 resolved rather quickly because we were able to locate a
12 tower beyond the site, and on a project like this, I
13 believe we're talking 1,400 to -- 1,400 to 1,500-foot
14 spans.

15 A. (Zapletal) Yes.

16 A. (Marusak) Okay. So in that -- you know, in
17 that example, for this project, the span was different,
18 but still the same principle. We were able to locate a
19 structure outside of the -- coordinated the structure
20 location to be offset a certain distance from the site.
21 The next structure, a certain distance the other
22 direction from the site, and then we hosted a call with
23 the THC, walked them through the process, our mitigation
24 measures, and then with the THC, we discussed how we
25 were going to document that in the findings from the

1 survey.

2 Q. And when you say quickly, did that take more or
3 less than 30 days?

4 A. (Marusak) In this case, yes.

5 Q. More?

6 A. (Marusak) It took less, I'm sorry.

7 Q. And have you been in other -- involved in other
8 projects where you've had to delay the project for a
9 longer period of time because of this?

10 A. (Marusak) I've been in other projects where
11 we've had that experience. I can't recall the different
12 times it took.

13 Q. Okay.

14 A. (Marusak) It was handled in the similar
15 fashion.

16 Q. Okay. So I thought Ms. Cooley had reviewed
17 Ms. Castleberry's direct testimony; is that correct?

18 A. (Cooley) I have read the testimony.

19 Q. Right. And she has direct testimony relating
20 to artifacts that they found on the Great Southern
21 Ranch. Do you recall that?

22 A. (Cooley) Yes, I do.

23 Q. Okay. Thank you. Do you agree that those are
24 cultural artifacts?

25 A. (Cooley) One second. I think this kind of

1 gets out of my area of expertise.

2 Q. I'm sorry. I can't hear you.

3 A. (Cooley) Oh, once again, this kind of gets out
4 of my area of expertise, so I'm going to have to lean on
5 either Ms. Phillips or Mr. Marusak.

6 Q. Okay. But you testified to it regarding what
7 they do if they're found, but you don't know about what
8 they are?

9 A. (Cooley) Well, would you be able to point, I
10 guess, to where I testified on that?

11 Q. Sure. Sure. For your testimony or for the
12 picture of -- in Ms. Castleberry's testimony?

13 A. (Cooley) My testimony if you're saying that I
14 testified on it.

15 Q. Okay. It's at your testimony Page 10,
16 beginning at Line 20.

17 A. (Cooley) Okay.

18 Q. Okay. So you reviewed her testimony, and
19 you -- you can't speak to the picture that she included
20 in the testimony?

21 A. (Cooley) I don't recall the picture
22 specifically. In my testimony, I was specifically
23 talking about any sort of cisterns or carse features.

24 Q. Okay. So is there anyone on the panel that can
25 speak to artifacts?

1 A. (Marusak) Sure. I'll fill that and
2 Ms. Phillips can supplement as she feels she needs.

3 Q. Okay. Thank you. If you can turn to
4 Ms. Castleberry's testimony at Page 18, beginning at 9,
5 she talks about finding them, and the picture of the
6 artifacts are at Page 20.

7 A. (Marusak) Do you have a copy?

8 MR. TAYLOR: Yes. Ms. Pemberton, they
9 don't have any of the intervenor testimony. They only
10 have their own.

11 MS. PEMBERTON: Oh, are you pulling it up?
12 Or no. I can pull it up.

13 Okay. So now I have to share my screen.

14 Q. (BY MS. PEMBERTON) The testimony is in Egnyte,
15 and I thought you were showing that up yesterday. Is
16 that not what we're doing anymore?

17 A. (Marusak) I don't know.

18 MS. PEMBERTON: I can actually bring it --
19 Your Honors, is it okay if I approach them
20 with an actual physical copy?

21 JUDGE SHENOY: Yes, if you just want to
22 show that to Mr. Taylor so he can confirm that that's
23 what you're looking at.

24 A. (Marusak) Thank you. It's okay. Do you need
25 to get your page reference before you leave?

1 Q. No. I said 18.

2 A. (Marusak) I didn't want you to get back and
3 forget.

4 MR. BROWN: David Brown for White Bluff.
5 What exhibit number are you looking at?

6 MS. PEMBERTON: Exhibit Number 2, direct
7 testimony of Paige Castleberry, and it's in her
8 testimony at Page 18 and 20.

9 A. (Marusak) Okay. I believe -- I believe
10 Page 20 -- page 18 is text.

11 Q. (BY MS. PEMBERTON) Right. The last paragraph
12 talks about?

13 A. (Marusak) Gotcha.

14 Q. Founded on Great Southern Ranch?

15 A. (Marusak) And I have photographs that show
16 arrowheads found on Link 2663.

17 Q. That's the tract.

18 A. (Marusak) That's the tract. Okay. At,
19 approximately, Oncor proposed centerline. So, yes,
20 those are artifacts that are common to what I've seen in
21 a lot of testimony, and I would not -- you know, those
22 look like stuff archeologists might encounter during
23 surveys.

24 Q. Okay. Thank you. I will need that back.

25 A. (Marusak) Okay. I will hold on to it.

1 Q. Thanks. Okay. Now, did anybody have a chance
2 to review Ms. Castleberry's supplemental testimony?
3 That was Exhibit 3. Any of the panel? No?

4 A. (Marusak) I'm not certain regarding
5 supplemental testimony.

6 Q. Okay. So in Ms. Cooley's or Mr. Marusak's
7 testimony, you speak about ranching and farming.

8 A. (Cooley) That might be me.

9 A. (Marusak) That's probably Ms. Cooley.

10 Q. Okay. On the environmental impact chart, Oncor
11 separates ranching from farming, because they have
12 different impacts. Isn't that correct?

13 A. (Marusak) I'll take that one. We have -- so
14 in our environmental data tables, in Appendix E, we have
15 a category of length across agricultural cropland with
16 mobile irrigation systems, and then we have, you know,
17 cropland meadow, which those can actually be -- you
18 know, one can be -- include data from the other, because
19 you -- if anything it's going to be irrigated, it's
20 going to be cropland. And then we also have -- where is
21 it? Here it is. Yeah, rangeland pasture, correct.

22 Q. Okay. And there's different impacts between
23 the two; is that correct?

24 A. (Marusak) Yes.

25 Q. Okay. So would you agree that the land for

1 dealing with cattle is for grazing; correct?

2 A. (Marusak) Yes, I was letting you make sure you
3 finish the question. Yeah.

4 Q. Thank you. And then the land for pasture land
5 or not pasture land, but for farming, is for harvesting.
6 You plant and then you harvest?

7 A. (Marusak) I think it's a fair, you know,
8 separation, yes.

9 Q. And you agree that there's going to be more
10 impact to farming property than there would be rangeland
11 during the construction of the project?

12 A. (Marusak) I think Ms. Cooley addressed, you
13 know, what cropland activities and what grazing
14 activities might occur during construction in an RFI,
15 but, you know, post project, you know, it can still be
16 grazed and it can still be cropped within the
17 right-of-way.

18 Q. Okay. In -- in answer to an RFI, they said it
19 could not be done during construction.

20 A. (Cooley) During active construction, yes.

21 Q. Active construction.

22 A. (Cooley) Yes, ma'am.

23 Q. And about how long is active construction?

24 A. (Cooley) So it's hard to say exactly because
25 it's dependent on the -- essentially the length of the

1 line on a specific property and the multiple phases of
2 which construction can be done. So with all of the
3 various phases, I would estimate anywhere between three
4 to six months.

5 Q. So if they're -- that construction is done
6 during the time that they plant and they harvest, which
7 is about probably a six-month plan, that would mean they
8 would be unable to grow or harvest the hay for the
9 cattle; correct?

10 A. (Cooley) Within the right-of-way, yes.

11 Q. Right. And that could be a very expensive
12 proposition for the landowners; isn't that correct?

13 A. (Cooley) It could be.

14 Q. And I don't know that I can share my screen.
15 I'm trying again. Anyway, I was going to point you to
16 Dr. Terrell's testimony, but I will do that in briefing.

17 UNKNOWN SPEAKER: Ms. Pemberton, we can see
18 your questions.

19 MS. PEMBERTON: So now I'm sharing my
20 screen. Now it worked. Thank you for pointing that
21 out, by the way.

22 Can you still see my screen?

23 UNKNOWN SPEAKER: Unfortunately, no. Now
24 we can see your questions, your questions, but just drag
25 the other one over.

1 MS. PEMBERTON: I need a moment, please.
2 I'm so sorry. Okay.

3 Q. (BY MS. PEMBERTON) Mr. Marusak, you admitted
4 that a golf course that is open to the public is a
5 recreation area; correct?

6 A. (Marusak) Correct.

7 Q. Okay. And there's been some question whether
8 or not the Legends Golf Club was a recreation area
9 because you questioned whether it was open to the
10 public?

11 A. (Marusak) Yes, because I think it was a --
12 it's a country club compared to a municipal golf course.

13 Q. Correct. But if it's open to the public, it
14 doesn't matter, does it?

15 A. (Marusak) It's a great question for the -- in
16 that, you know, a country club, you know, I don't know
17 that -- it may be open to the public, but I don't know
18 if I could walk up and play golf, if I'm not a member.
19 I don't know.

20 Q. If it -- if it is open to the public, it
21 usually means you can walk up and play golf?

22 A. (Marusak) I can.

23 Q. Do you play golf?

24 A. (Marusak) When I used to, country clubs were
25 not in the universe of where I play golf.

1 Q. That's fair enough. That's fair enough.

2 MS. PEMBERTON: Well, okay. So there was a
3 question about Ms. Castleberry's supplemental testimony
4 about -- it was objected to by Mr. Taylor and perhaps a
5 few others. I don't know what the objection is. So if
6 I could talk about that now or hear it now because I'd
7 like to introduce it as an exhibit. Ms. Castleberry
8 took a picture of the sign that says it's open to the
9 public. Is there any objection?

10 JUDGE SHENOY: Okay. So I think
11 Mr. Bayliff had filed an objection. I don't know who
12 else, and -- okay. So, Mr. Bayliff, why don't you go
13 first, what was your objection?

14 MR. BAYLIFF: First, it's supplemental
15 bolstering testimony. It's talking about things that
16 were talked about in direct and in cross-rebuttal
17 testimony. Those are the primary objections. I think
18 Mr. Taylor had some, and I know Mr. Anson did.

19 JUDGE SHENOY: Mr. Taylor?

20 MR. TAYLOR: Your Honor, I mean, it's
21 pretty simple. There's a deadline for intervenor
22 testimony. There's a deadline for cross-rebuttal
23 testimony. This is clearly testimony submitted after
24 those deadlines. It's even after the time we filed
25 rebuttal testimony. So if you admit this, you would

1 have deprived us of any opportunity to respond to it.

2 JUDGE SHENOY: Mr. Anson?

3 MR. ANSON: Yes, thank you. Tom Anson for
4 Last Straw LLC. I join in those objections, and
5 would -- pardon the pun -- further supplement the
6 objection -- sorry -- by saying that it's also an
7 attempt to get in hearsay because of the attachment, you
8 know, reflecting communications from somebody who's not
9 testifying here about what they think about artifacts.
10 So it's -- it's late. It's -- and it's not appropriate
11 for this witness to be trying to import somebody else's
12 hearsay testimony under these circumstances. Thank you.

13 JUDGE SHENOY: Ms. Pemberton, yes, if you
14 have a response.

15 MS. PEMBERTON: Okay. Taking aside the
16 exhibit about artifacts, not including that at all,
17 strictly dealing with the golf course. Ms. Castleberry
18 had put it in her original testimony. We had asked
19 discovery back and forth about whether or not that was a
20 public course. At first, they were saying no, and then
21 we said, "Well, if it's open to the public, don't you
22 agree" -- and this is in my discovery. It's Exhibit
23 Number 4. "Don't you agree that if it's public, open to
24 the public, it is a recreational area?" Ms. Marusak
25 responded and said, "Yes, it is."

1 So we filed supplemental testimony
2 regarding that specific issue asking for cause because
3 we had just heard this. Mr. Taylor will have a full
4 opportunity to cross-examine Ms. Castleberry. He's got
5 her on the exhibit witness list.

6 MS. VALENCIANO: Your Honor, we would like
7 to object to the photograph as well. We're not able
8 to --

9 JUDGE MCCABE: Who's --

10 MS. VALENCIANO: Soledad Valenciano for the
11 D6/D33 intervenors. The sign that's on the photograph
12 is being offered for the truth of the matter asserted.
13 So it's hearsay. So we object on hearsay grounds.

14 JUDGE SHENOY: All right. So,
15 Ms. Pemberton, I'm going to reserve this.
16 Ms. Castleberry has been indicated as a witness who's
17 going to be crossed, so bring it up during her
18 testimony, and we can take it up again at that point
19 if -- as to the photograph, and if you want to have her
20 testify about it, we'll deal with it then.

21 MS. PEMBERTON: Okay. Thank you.

22 Q. (BY MS. PEMBERTON) Okay. Ms. Phillips?

23 A. (Phillips) Yes.

24 Q. In your testimony, you talk about oak wilt, and
25 you talk about root graft. Can you explain to me what

1 you mean in that testimony about root grafting.

2 A. (Phillips) Yes. A roof graft is a root that
3 is close to the topsoil for an oak tree. So it could
4 get an open wound by being close to the topsoil.

5 Q. Isn't a roof graft something that's -- a group
6 of interconnected trees that can span up to over a
7 100 feet and so that's when you -- if you damage one
8 tree, you can damage more?

9 A. (Phillips) No. My knowledge is a root graft
10 is the top root -- on -- next to the topsoil. The roots
11 of oak trees are interconnected.

12 Q. Right. And they're called root grafts;
13 correct?

14 A. (Phillips) Not to my knowledge.

15 Q. Okay. May I refer you to Exhibit 81. It's an
16 article from A&M, which is -- which specifically
17 discusses the roots of trees in each oak group commonly
18 graft to roots of other trees in the same group forming
19 a continuous underground network, and it is in our --

20 A. (Phillips) I've not seen this exhibit.

21 MS. PEMBERTON: Okay. Let me try this. I
22 have to rejoin Zoom. Is it okay if I take a minute to
23 do that, Your Honors?

24 JUDGE SHENOY: Sure. So got got kicked out
25 of the Zoom?

1 MS. PEMBERTON: Well, trying to get rid of
2 my questions, it did. Okay.

3 JUDGE SHENOY: And just while you're doing
4 that, I think if you're referring to your Exhibit 8,
5 that's not been admitted yet.

6 MS. PEMBERTON: Oh, you're right. Okay.
7 So I need to show it to her so she can review it, but
8 I'm just trying to figure out how to get back into the
9 Zoom room now.

10 MR. TAYLOR: Your Honor, this is Jaren
11 Taylor for Oncor. I have one copy of her Exhibit 8 if
12 she wants me to hand it to the table to speed things
13 along.

14 MS. PEMBERTON: I appreciate that,
15 Mr. Taylor.

16 JUDGE SHENOY: Ms. Pemberton, your mic is
17 on, so we can hear you talking. Okay.

18 MS. PEMBERTON: I turned it off. Is it
19 still on?

20 Q. (BY MS. PEMBERTON) If you're looking at
21 Exhibit 8 --

22 JUDGE SHENOY: Hold on just a moment. Are
23 you -- are we back on the record? Okay. And this is
24 your Exhibit 8 that has not been offered yet.

25 MS. PEMBERTON: Correct.

1 JUDGE SHENOY: Okay.

2 MS. PEMBERTON: I'm going to ask her to
3 review it.

4 JUDGE SHENOY: Okay. So they're just --
5 all right. Go ahead.

6 MS. PEMBERTON: The highlights are mine.

7 A. (Marusak) We now have an exhibit that we can
8 see, and you can see it; correct?

9 MR. BROWN: What exhibit is this that we're
10 looking at?

11 Q. (BY MS. PEMBERTON) This is Exhibit 8 that
12 you've been handed.

13 A. (Phillips) Yes, it appears to be the same
14 exhibit.

15 MR. BROWN: Your Honor, David Brown with
16 White Bluff. I'm going to object to the witness reading
17 from this document into the record. It's hearsay, and
18 there's no exception.

19 MS. PEMBERTON: This is a record, a
20 governmental record, and it is known to be a -- you
21 know, a reliable source. Governmental records are that
22 way, and I have a case, a Supreme Court case, dealing
23 with the Public Utility Commission when they asked
24 for -- to notice something from the PUC website, and the
25 appellate court said no, and the Supreme Court said no,

1 it is -- you have to allow it to be in, because that
2 particular website is known to be reliable. It's a
3 governmental -- a public website, just like this one,
4 A&M is a governmental public website.

5 MR. BROWN: It's an article by the Texas
6 A&M Forest Service communications office. It is
7 hearsay.

8 (Interruption)

9 MR. TAYLOR: Jaren Taylor for Oncor. I
10 intended to let her offer this first, but we're going to
11 have a series of objections to it as well.

12 MR. BRADY: Your Honor, Zach Brady for
13 Spade Ranch. Same here as well. We were waiting for
14 questions, but we have a series of objections to this
15 evidence --

16 JUDGE SHENOY: Right.

17 MR. BRADY: -- or exhibit, pardon me.

18 JUDGE SHENOY: And it hasn't been offered
19 yet, so --

20 MR. BRADY: That's what we're trying to --

21 JUDGE SHENOY: Yeah. So, Ms. Pemberton,
22 you're offering this document --

23 MS. PEMBERTON: Yes.

24 JUDGE SHENOY: -- into evidence.

25 MS. PEMBERTON: I'm offering this document

1 as something that experts rely on.

2 JUDGE SHENOY: Okay. So let me start with
3 Oncor since it's their witness.

4 MS. PEMBERTON: Okay.

5 MR. TAYLOR: So -- well, let's start at the
6 beginning. This isn't -- hasn't been authenticated. I
7 mean, the questions haven't been asked yet, but I'm
8 pretty sure the Oncor witnesses are going to say they've
9 never seen this before. Two, it's an article printed
10 off a website that is from a university, not from the
11 State of Texas or a governmental agency. And even then,
12 it doesn't meet the hearsay exceptions and is remarkably
13 dissimilar to the case she just mentioned, but I'll kind
14 of stop there and let others add theirs.

15 JUDGE SHENOY: Okay. Mr. Bayliff?

16 MR. BAYLIFF: The offered exhibit itself
17 also is highlighted, which is not part of the initial
18 format of it. It's not -- it's not offered as something
19 that -- on which an expert relied. Ms. Castleberry is
20 not an expert, and so asking these experts if they're
21 familiar with this -- this university or something that
22 this university said is not -- qualify for an exception,
23 and I'll let others add to?

24 JUDGE SHENOY: Mr. Brady?

25 MR. BRADY: Thank you, Your Honor. Zach

1 Brady for Spade Ranch. We'll join the objections set
2 out by counsel, and also say in maybe preemptive
3 response to what I think we're going to hear, that while
4 it's not being offered for the truth of the matter, that
5 was belied a few questions back by Ms. Pemberton's
6 exchange with the panel when she was asking about the
7 definition of a graft. That shows you that we are, in
8 fact, using this hearsay document for the truth of
9 matters asserted within it. It meets none of the
10 exceptions and should not be admitted.

11 JUDGE SHENOY: Mr. Anson, anything
12 different from what's been said?

13 MR. ANSON: No. I was just going to say I
14 join in the excellent objections.

15 JUDGE SHENOY: Okay.

16 Mr. Brown, anything different?

17 MR. BROWN: Nothing different.

18 JUDGE SHENOY: Okay. Ms. Pemberton, do you
19 have a response?

20 MS. PEMBERTON: Yes. This is to impeach
21 the witness on what -- not impeach, I'm sorry, wrong
22 thing -- cross-examine the witness on her testimony.
23 She said she's an expert in the environmental area. She
24 testified to oak wilt in her testimony, and I'm offering
25 this to show that she is not fully understanding of what

1 a root graft is --

2 JUDGE SHENOY: All right.

3 MS. PEMBERTON: -- and the harm that could
4 happen.

5 JUDGE SHENOY: We're not going to admit
6 that exhibit. If you want to make an offer of proof,
7 you can, we'll deal with that later, but we're not
8 admitting that exhibit.

9 MS. PEMBERTON: Okay. Thank you.

10 So what happened to the -- is the screen
11 somehow gone or is that me?

12 JUDGE MCCABE: Ms. Pemberton, I turned off
13 your share screen.

14 MS. PEMBERTON: Oh, thank you.

15 Q. (BY MS. PEMBERTON) Okay. Mr. Gurley, you've
16 worked for Oncor since 2009?

17 A. (Gurley) Yes, ma'am.

18 Q. Okay. And are you a member of ERCOT's RPG?

19 A. (Gurley) Oncor in general is.

20 Q. Oncor is?

21 A. (Gurley) Yes.

22 Q. Did you attend the meetings?

23 A. (Gurley) I have attended a few in the past.

24 Q. Okay. And you've been very involved in Oncor's
25 transmission system for the last several years; correct?

1 A. (Gurley) Yes, ma'am.

2 Q. Thank you. At Page 7, Line 17 through 18 of
3 your testimony?

4 A. (Gurley) My direct testimony?

5 Q. Yes, sir.

6 A. (Gurley) Okay.

7 Q. You talk about the data centers that are being
8 built.

9 A. (Gurley) Sorry, could you repeat those numbers
10 one more time, please.

11 Q. I'm sorry, at Page 7.

12 A. (Gurley) Yes, ma'am, I'm there.

13 Q. Okay. Lines 17 through 18, you talk about the
14 data centers that are being located around Abilene?

15 A. (Gurley) I don't believe those were
16 specifically around Abilene.

17 Q. Oh, okay. Well, you do talk about a line that
18 AEP is offering to ERCOT RPG to expand the Panhandle to
19 Abilene area?

20 A. (Gurley) I believe that's actually in my
21 rebuttal testimony.

22 Q. Oh, I'm sorry. It's your rebuttal, yes.

23 A. (Gurley) Okay.

24 Q. Are you there?

25 A. (Gurley) Give me just one second, please.

1 Q. No problem.

2 A. (Gurley) I believe that's back in the --
3 starting on Page 15 about Line 12.

4 Q. Okay. Okay. Right now you said that you're
5 expecting 30 gigawatts has a high probability of being
6 interconnected to the ERCOT system data centers?

7 A. (Gurley) I'm sorry, I'm not seeing the 30
8 number. Could you point me to page and line, please?

9 Q. Okay.

10 A. (Gurley) I see 20 gigawatts but not 30.

11 Q. Two and a half gigawatts planned this actual
12 generation, but I'm talking about the -- you said the --
13 virtually all transmission lines connect to the two
14 endpoints, but no customers are currently planned.
15 Like, I mean, currently plan to take service directly
16 from the proposed transmission line.

17 Okay. Look at Page 16.

18 A. (Gurley) Yes, ma'am.

19 Q. Okay. You said the regional plan group that
20 includes the new 765 corridor, that would connect to the
21 Panhandle to the north of Abilene area?

22 A. (Gurley) Yes.

23 Q. Okay. And from there connect to Import Path 1?

24 A. (Gurley) Yes, and that's in -- that's in
25 reference to "AEP's Service Corporation recently filed a

1 proposal with ERCOT's Regional Planning Group that
2 includes a new 765-kV corridor that would connect the
3 Panhandle to the north Abilene area and from there
4 connect to Import Path 1," yes, ma'am.

5 Q. Okay. And you talk about how there was a --
6 that that will require a significant investment to
7 interconnect the 20 gigawatts upload?

8 A. (Gurley) Yes.

9 Q. Okay. And there are no 765-kV transmission
10 facilities planned in the area - in the vicinity right
11 now?

12 A. (Gurley) Yes.

13 Q. Okay. Now, you also stated that selecting a
14 route north of Abilene would actually place this
15 particular 765 closer to that corridor --

16 A. (Gurley) Yes.

17 Q. -- and -- I'm sorry.

18 A. (Gurley) I'm sorry, go ahead.

19 Q. And it would be able to connect to the
20 concentration of large loads?

21 A. (Gurley) Well, it just says that it's -- it
22 would be in close proximity to the concentration of the
23 new large loads.

24 Q. Okay. And would -- would they be able to
25 connect?

1 A. (Gurley) I think if you review back on
2 Page 15, Line 17 where I say, "While I have no opinion
3 on whether specific loads should or should not be served
4 by this line."

5 Q. Correct, but they would be able to connect if
6 the line was there?

7 A. (Gurley) I don't have that right now. We have
8 not -- the Commission has not made a decision on whether
9 we can connect loads directly at 765 kV.

10 Q. Okay. But there's a 345 there now; right?

11 A. (Gurley) I believe there is 345 in the area,
12 yes, ma'am.

13 Q. Okay. And they can connect through the --
14 through a substation at 345?

15 A. (Gurley) I don't -- I'm sorry, I don't know
16 how the plan -- I don't know what the plan would be to
17 connect that load. I don't --

18 Q. Have you ever connected a large load?

19 A. (Gurley) By large, do you mean by the ERCOT
20 definition of 75 megawatts or greater?

21 Q. Sure.

22 A. (Gurley) Okay. So yes, ERCOT -- or sorry,
23 Oncor has had a large load connected that is over 75
24 megawatts.

25 Q. Okay. And was it connected to a 345 kV?

1 A. (Gurley) They're connected at different --
2 different rates.

3 Q. Correct.

4 A. (Gurley) So it just -- it totally depends on
5 the type of service that they're requesting and the size
6 of the load.

7 Q. I'm sorry. And what's the largest load you've
8 ever seen connected -- Oncor connect?

9 A. (Gurley) I -- I don't remember at this time.

10 Q. Okay. You have a map also in your testimony on
11 Page 17?

12 A. (Gurley) Yes, ma'am.

13 Q. Would you agree that if a line was going near
14 that Abilene -- north of Abilene, that it would be
15 easier to connect to a new line coming from the
16 Panhandle?

17 A. (Gurley) Could you -- could you repeat that
18 for me, just to make sure I heard you correctly.

19 Q. Okay. Would you agree that if this line was
20 going closer -- north of Abilene, that it would be
21 easier to connect to the -- a new line coming from the
22 Panhandle?

23 A. (Gurley) I don't know about easier, but there
24 is potentially a reduction in the length of line that
25 you would need to connect to a station that would

1 connect into this Import Path 1.

2 Q. Right. And you specifically said "Selecting a
3 north -- a route north of Abilene would place a 765
4 transmission corridor in close proximity to the
5 concentration of new large loads"; correct?

6 A. (Gurley) Yes.

7 Q. And then you go on to say, "It would -- it
8 would avoid future costs if AEPSC's Panhandle project is
9 approved by reducing the length of the lines that would
10 be needed to connect the Panhandle project to the
11 Permian Basin import paths"; is that correct?

12 A. (Gurley) That's correct.

13 Q. Okay. Can you hear me? Okay.

14 A. Yes, ma'am.

15 Q. Am I losing battery perhaps?

16 It is -- you're on -- you know about what's
17 going on in ERCOT and that the loads around the Abilene
18 area are growing and they've got some contracts, you
19 said. You said a high probability of connecting?

20 A. (Gurley) I don't know that -- I mean, yes, I
21 think they're -- I have heard of the loads. I'm
22 assuming -- I don't remember specifically where I said
23 high probability, but...

24 Q. I'm sorry?

25 A. (Gurley) I said I -- I was trying to find

1 exactly where I said a high probability of connecting,
2 but I don't remember that specific phrase.

3 Q. Well, okay. "Selecting a north" -- this is at,
4 I think, Page 15, Line 18, "Selecting a northern route
5 would cost-effectively improve loads -- improve
6 load-serving capability in that area while
7 simultaneously increasing transfer capacity to the
8 Permian Basin." Correct?

9 A. (Gurley) Sorry, what line again?

10 Q. 15, 18, Page 15.

11 A. (Gurley) 15, okay.

12 Q. Line 18.

13 A. (Gurley) Yes.

14 Q. Okay. And at Page 8, Line 7 -- or beginning at
15 Line 7. 7 through 14, I think you used the term "has a
16 high probability of interconnection."

17 A. (Gurley) The -- I think what you may be
18 referring to there is that section is covering the
19 '24 -- the 2024 RTP done by ERCOT. And if you're
20 referencing the large loads that were added in that
21 study, I'm not sure if those same large loads are the
22 ones that make up the Abilene area.

23 Q. Okay. Now you're aware there are data centers
24 now in Abilene -- north of Abilene?

25 A. (Gurley) I'm -- I've heard that they are

1 working on them. I don't know the current status of
2 them.

3 Q. Okay. Isn't it fair to say that if the AEP RPT
4 [sic] project got approved and it was north of Abilene,
5 that it would be less expensive and easier to -- if it
6 was coming from T1 -- Link T1 to interconnect with the
7 Mulberry -- AEP Mulberry station?

8 MR. BLAKLEY: I'm going to object, calls
9 for speculation.

10 MS. PEMBERTON: I'm asking him does --

11 JUDGE SHENOY: I'm sorry, who --

12 MR. BLAKLEY: J.D. Blakley. I'm sorry.

13 JUDGE SHENOY: Okay. Mr. Blakley's
14 objection was that it calls for speculation?

15 MR. BLAKLEY: Yes.

16 JUDGE SHENOY: That's overruled. He can
17 answer that if -- to the extent that he's able to.

18 A. (Gurley) Sorry, could you repeat the question
19 for me?

20 Q. (BY MS. PEMBERTON) Sure. Based on your
21 experience, if this route takes T1 to Longshore, uses
22 that link, it would actually be close to the AEP
23 Mulberry station; correct?

24 A. (Gurley) I believe so if I remember correctly.
25 It's been a while since I've looked at where that

1 station is in relation to T1, but I believe that's
2 correct.

3 Q. Okay. Now, Route 713 also is closer to the --
4 to that line -- to that AEP Mulberry station; correct?

5 A. (Gurley) I'm going to have to ask Ms. Zapletal
6 to help me with the route.

7 A. (Zapletal) Route 713 is closer to the north
8 part of the study area.

9 Q. Okay. And it's closer than Route 552; correct?

10 A. (Zapletal) Yes, that's correct.

11 Q. Okay. And T1 is even closer; correct?

12 A. (Zapletal) Yes.

13 Q. In comparing 552, 713, and T1, T1 is the
14 closest to that station?

15 A. (Zapletal) Yes, that's correct.

16 Q. Okay. And in your -- Ms. Zapletal, in your
17 rebuttal testimony, you stated a new -- potentially a
18 new line from the Panhandle to the Abilene area to
19 support all of the new data centers being built could
20 make T1 an attractive option; correct?

21 A. (Zapletal) Could you also point me to the
22 record?

23 Q. I didn't hear you, I'm sorry.

24 A. (Zapletal) Oh, I was going to ask you to point
25 me to the page. I believe you're referring to Page 10

1 in my testimony.

2 Q. Page 10, beginning at Line 6.

3 MR. SHERMAN: Your Honor, I'm going to
4 object.

5 JUDGE SHENOY: I --

6 MR. SHERMAN: Lynn Sherman on behalf of --

7 JUDGE SHENOY: Okay. I can't hear you very
8 well. You'll need to use the mic.

9 MR. SHERMAN: Your Honor, Lynn Sherman on
10 behalf of MSH Land and Cattle. Mark Anderson was an
11 expert that we had originally filed testimony for, but
12 that testimony was timely withdrawn. So to the extent
13 this -- this question and answer pertains to
14 Mr. Anderson's testimony, it's no longer on the record.

15 JUDGE SHENOY: Ms. --

16 MS. PEMBERTON: Well, Ms. Zapletal actually
17 reviewed that testimony, but regardless of whether that
18 testimony is in -- in evidence, I would like her to
19 answer the question about the T1 Link.

20 JUDGE SHENOY: So your question is
21 independent of --

22 MS. PEMBERTON: Correct.

23 JUDGE SHENOY: -- the testimony of --

24 MS. PEMBERTON: Correct.

25 JUDGE SHENOY: Okay.

1 MS. PEMBERTON: It just happens to be at an
2 area that she's referring to Mr. Anderson's testimony in
3 hers.

4 JUDGE SHENOY: Okay. Can you ask the
5 question again?

6 MS. PEMBERTON: Sure.

7 Q. (BY MS. PEMBERTON) Regarding the T1 Link,
8 you -- you testified that that link becomes not
9 favorable, but -- I don't know what word you used, but
10 acceptable because it could offset future costs?

11 A. (Zapletal) I don't specifically refer in my
12 response to the offset of costs.

13 Q. Okay. You're right.

14 A. (Zapletal) My -- my response to the question
15 was related to Oncor's willingness to construct T1 or
16 any of the routes utilizing that link and would not
17 object to being ordered to do so.

18 Q. Okay. You did not include Route 685 in the 130
19 selected routes for the Commission to consider?

20 A. (Zapletal) Let me double-check my list. For
21 the record, I am going to my direct testimony, Oncor
22 Exhibit 5. For quick reference, link -- Table, excuse
23 me, 1. Let's see, that begins on Page 45 of the Exhibit
24 ALZ6, Page 7 of 37. And can you repeat the route number
25 again?

1 Q. 685.

2 A. (Zapletal) Route 685 is actually included in
3 the list of filed routes.

4 Q. Of 130 routes?

5 A. (Zapletal) Of the 130 routes.

6 Q. Oh, okay.

7 A. (Zapletal) And that can be found on Page 46,
8 Page 2 of 4 in Table 1.

9 Q. And it's only 249.9 miles; correct?

10 A. (Zapletal) That's correct.

11 Q. And it's about the same length as 713?

12 A. (Zapletal) Route 713 is 249.5 miles. In this
13 particular table, that's the only data I have
14 for comparison.

15 Q. I'm sorry, I can't hear you.

16 A. (Zapletal) Oh, I'm sorry. In this particular
17 table, that is the only data I have for a direct
18 comparison.

19 Q. Right. But you said 249.1 versus what?

20 A. (Zapletal) I said that -- I said that
21 Route 685 has a length of 249.9, and Route 713 by
22 comparison, 249.5 miles.

23 Q. Right. So that's less than half-a-mile
24 difference; right?

25 A. (Zapletal) Yes.

1 Q. Okay. And it's only eight more miles than
2 Route 552; correct.

3 A. (Zapletal) Yes, at 241, yes.

4 Q. Okay. Does Oncor usually -- provides an
5 intervenor map; right?

6 A. (Zapletal) Yes, as part of the hearing.

7 Q. Correct. And can you tell me how many
8 intervenors are on Route T1?

9 A. (Zapletal) Would you like me --

10 Q. Yes, please.

11 A. (Zapletal) -- to count -- properties, we don't
12 have them listed --

13 Q. No, I'm just counting intervenors. They're
14 just the red --

15 A. (Zapletal) The red parcel shapes.

16 Q. Just the intervenors' parcels, yes.

17 A. (Zapletal) Yes.

18 MR. ANSON: Your Honor, this is Tom Anson
19 for Last Straw.

20 Ms. Pemberton, can you clarify. You said
21 Route T1, but I assume you mean --

22 MS. PEMBERTON: I'm sorry, Link.

23 MR. ANSON: -- Link T1.

24 MS. PEMBERTON: Link T1.

25 MR. ANSON: Thank you very much.

1 MS. PEMBERTON: Yes.

2 Q. (BY MS. PEMBERTON) Link T1 to T3, and I'll
3 continue.

4 A. (Zapletal) So to be clear, Ms. Pemberton, like
5 I said, I can count the parcels that are highlighted.
6 There may be some common ownership among those --

7 Q. Okay.

8 A. (Zapletal) -- that may vary.

9 Q. Okay. But it was still considered an
10 intervenor?

11 A. (Zapletal) An intervened property, yes.

12 Q. Okay. On T1. T1 to T3, T4, V1, N1.

13 A. (Zapletal) Ms. Pemberton, can we take that one
14 link at a time, please?

15 Q. Certainly. Would you -- okay.

16 A. (Zapletal) I do have Mr. Marusak helping me.
17 I know you were behind the column. You can't see us,
18 but I'd like to take this up one at a time.

19 Q. Sure. T1.

20 A. (Zapletal) I think based on the line work, I
21 Count 23 parcels on 21 that have intervened.

22 Q. I'm sorry, I didn't hear you.

23 A. (Zapletal) On Link T1, I believe I count 23
24 parcels highlighted on the intervenor overview map.

25 Q. Okay. And how many intervened -- oh, you're

1 saying 23 intervened?

2 A. (Zapletal) 23 highlighted parcels --

3 Q. Okay.

4 A. -- which indicate the parcels that had owners
5 intervening in the case.

6 Q. Okay. And what about T3?

7 A. (Zapletal) T3 looks to be two parcels
8 highlighted.

9 Q. And T4?

10 A. (Zapletal) On Link T4, I believe that's two
11 parcels.

12 Q. Okay. N1?

13 A. (Zapletal) Did you say N1?

14 Q. N, as in Nancy, 1, yes.

15 A. (Zapletal) N, as in Nancy, 1.

16 Q. I'm just following along Route 685.

17 A. (Zapletal) On Link N1, we have no parcels
18 highlighted.

19 Q. Okay, 01? I feel like I'm calling bingo
20 numbers.

21 A. (Zapletal) There are zero highlighted tracts
22 on Link 01.

23 Q. Okay. And Z?

24 MR. BRADY: Ms. Pemberton, I'm sorry to
25 interrupt. Are all these questions about Route 685?

1 MS. PEMBERTON: Yes.

2 MR. BRADY: Thank you.

3 JUDGE SHENOY: Thank you. And for the
4 court reporter, that was Mr. Brady.

5 A. (Zapletal) So in terms of Link Z, because it's
6 a shorter link, we came to the Figure 3-1K intervenor
7 map for a little more clarity. And I count six
8 intervening parcel tracts.

9 Q. (BY MS. PEMBERTON) On Z?

10 A. (Zapletal) Z as in --

11 Q. Zebra.

12 A. (Zapletal) -- Zapletal?

13 Q. Yes. Yes.

14 A. (Zapletal) Yes, ma'am, six.

15 Q. Thank you.

16 Okay. And I'm still questioning you,
17 Ms. Zapletal. You agree that it's very important to
18 have the correct information in your environmental
19 assessment; correct?

20 A. (Zapletal) With regard to environmental
21 assessment, Mr. Marusak sponsored that, but I would
22 agree, yes.

23 Q. Right, but you selected the route from that; is
24 that correct?

25 A. (Zapletal) Yes, from a subset of the EA

1 routes.

2 Q. Right. So you selected the best-meets route
3 out of the environmental assessment chart?

4 A. (Zapletal) As a subset of those routes, yes.

5 Q. Okay. And you believe -- do you agree that
6 it's critically important or very important for that
7 information to be correct for you to make a good
8 decision?

9 A. (Zapletal) Yes, ma'am.

10 Q. Can you say it louder, I'm sorry.

11 A. (Zapletal) I'm sorry. Yes, ma'am.

12 Q. Thank you.

13 And the Commission relies on that exhibit
14 as a summary to help make its decision, and so do the
15 ALJs; correct?

16 A. (Zapletal) That's correct.

17 Q. Thank you.

18 And GSR, Great Southern Ranch, had actually
19 asked Oncor to update its environmental assessment and
20 it -- and you sponsored the answer that said that you
21 declined; correct?

22 A. (Zapletal) That had asked who? I'm sorry, I
23 didn't hear the middle part.

24 Q. Great Southern Ranch asked, an RFI, asking
25 Oncor to update its environmental assessment with the

1 information that it's been receiving from testimony?

2 A. (Zapletal) Yes.

3 Q. And you sponsored an answer that said Oncor
4 declined?

5 A. (Zapletal) I believe we collectively did, yes.

6 Q. Okay. But you sponsored the answer; correct?

7 A. (Zapletal) Can you ask -- can you share with
8 me which question in the RFI reply?

9 Q. Exhibit 7, Question 42. It's at Page 5.

10 A. (Zapletal) Would that be your Exhibit 7?

11 Q. My Exhibit 7, RFIs. RFI responses 4.2 at
12 Page 5. That's your page.

13 A. (Zapletal) Did you say 4.2?

14 Q. 4 -- well, 2 is the Line. 42 is the exhibit
15 number, I'm sorry. 42 is at Page 5. You have a
16 different page for every response.

17 A. (Marusak) We don't have that.

18 JUDGE SHENOY: So, Ms. Pemberton, they
19 don't have your exhibits.

20 MS. PEMBERTON: But it's their -- they
21 don't have their own responses? I'm sorry, you --

22 A. (Zapletal) We do. If you could direct me to
23 the RFI set number and then question number, I can get
24 to it.

25 JUDGE SHENOY: Okay. And if the question,

1 Ms. Pemberton, is whether or not Ms. Zapletal is the
2 sole sponsor of that answer or some -- you could
3 represent to her that that's subject to check that she
4 is. I mean, I don't know if we want to belabor that
5 question.

6 MS. PEMBERTON: Sure. That's absolutely
7 fine. Subject to check.

8 JUDGE SHENOY: Ms. Zapletal, can you agree,
9 subject to check, that you appear to be the sponsor to
10 that question?

11 THE WITNESS: (Zapletal) Yes, ma'am, I
12 can.

13 JUDGE SHENOY: That answer? Okay. Thank
14 you.

15 THE WITNESS: (Zapletal) Yes.

16 JUDGE SHENOY: And, Ms. Pemberton, do you
17 have much more?

18 MS. PEMBERTON: No.

19 JUDGE SHENOY: Okay.

20 Q. (BY MS. PEMBERTON) Ms. Zapletal, today,
21 Mr. Taylor's announced that he actually filed an errata
22 and added to habitable structures along C3, two parks
23 and some airports; correct?

24 A. (Zapletal) That's correct.

25 Q. Correct. And I want to first off say thank you

1 so much. Updated information, I think, correct
2 information, is important to everyone, wouldn't you
3 agree?

4 A. (Zapletal) I do agree.

5 Q. Okay. And the updated information, you
6 couldn't -- Oncor can actually use the discovery itself.
7 It can propound discovery or it can look at testimony to
8 make -- become more informed about what information is
9 accurate; correct?

10 A. (Zapletal) Can you please repeat your
11 question?

12 Q. Okay. I'll break it down.

13 So discovery. Oncor can propose -- or
14 propound discovery and get information from intervenors
15 to understand better what their -- what their concerns
16 are or what the accuracy of the information that Oncor
17 has; correct?

18 A. (Zapletal) I think that's my understanding,
19 yes.

20 Q. Okay. And same thing with testimony.
21 Intervenors file testimony and Oncor can review that
22 testimony, and they can be further informed about the
23 property; correct?

24 A. Yes.

25 Q. Okay. Thank you.

1 Now, in the errata, I couldn't find the
2 identity of the two people you said were added -- the
3 habitable structures?

4 A. (Zapletal) The two habitable structures?

5 Q. The two habitable structures. I saw that you
6 had numbers on them, but I didn't know who they were.

7 A. (Marusak) I'll -- this is Russell Marusak.
8 I'll go ahead and address that answer since I'm the one
9 that sponsored it -- or that prepared the errata.

10 So those habitable structures are on Link
11 C3. And let me go to the map just to verify what figure
12 they're on so that way I can also tell you what tract
13 they're on.

14 Q. Okay.

15 A. (Marusak) I believe those two structures will
16 be on Tract 2731.

17 Q. Both of them on 2731?

18 A. (Marusak) Yes.

19 Q. Okay. Thank you so much.

20 Now, is Oncor willing to add the Legends
21 Golf Club as a recreational area?

22 A. (Marusak) I think the Commission can consider
23 the golf course as a recreation area. The nature of the
24 errata is stuff that I will say that through our process
25 is -- through our processes, it is something that --

1 based on our interpretation, it is something we should
2 have identified the first time, had on the maps for
3 everybody to consider.

4 When we're talking about the country club,
5 it's still a matter of what is the interpretation and
6 how do we interpret it. We didn't include that in the
7 errata because it's still a question of does that fit
8 within the category of a -- like, compared to a
9 municipal golf course, which we include. So we didn't
10 include it in the errata because it's not something that
11 we feel we would normally interpret that way, and the
12 Commission can tell us -- or rule differently.

13 So to include it in the EA or the table, I
14 would say the answer is no. I mean, we didn't include
15 it in the errata, and I don't think we would.

16 Q. Okay. Thank you.

17 Mr. Gurley, you testified that the Permian
18 Basin Reliability Plan required this -- these lines to
19 be near Comanche Peak?

20 A. (Gurley) Yes. It's the -- the descriptions
21 that they use to cite what was originally called New
22 Substation 2 required it to be closer to Comanche Peak.

23 Q. Okay. And Texas Parks and Wildlife withdrew as
24 a party on April 8th without providing -- propounding
25 any discovery or filing any testimony, statement of

1 position, or actually opposing or supporting anything;
2 correct?

3 A. (Gurley) I don't remember the dates
4 specifically, and I don't recall of their activities,
5 but I do remember seeing them withdraw.

6 Q. But they did withdraw?

7 A. (Gurley) I do remember seeing that.

8 Q. Okay. Thank you.

9 And you don't recall any testimony or
10 anything from them stating a preference to any route;
11 correct?

12 A. (Gurley) Not that I recall.

13 Q. Okay. And you had informed them that you were
14 going to be going around as a potential route the
15 Dinosaur -- around the state park?

16 A. (Phillips) Yes, we did.

17 Q. Thank you.

18 And isn't the -- Mr. Gurley, I think this
19 would be a question for you. Isn't there a transmission
20 line actually crossing the Dinosaur Valley Park right
21 now?

22 A. (Gurley) I think so, but I don't know the
23 voltage or who owns that line. I don't remember off --

24 Q. It's not --

25 A. I can't say that it is or isn't. I don't

1 remember who's -- but I believe there is one in the
2 area. I don't -- again, I don't remember the specific
3 route or the details about the line.

4 A. (Marusak) I can state for a fact that there
5 is.

6 Q. I'm sorry?

7 A. (Marusak) I said I can state for a fact that
8 there is a transmission line that goes through the park.

9 Q. Do you know what voltage it is?

10 A. (Marusak) Do not.

11 Q. Okay. Thank you.

12 And you testified, Mr. Gurley, back to you,
13 "That the state park actually presented a favorable
14 routing opportunity under PURA and Commission rules
15 because it is an artificial break in habitat established
16 by existing perimeter fencing and access roads." That
17 was a quote, by the way, from your testimony?

18 A. (Gurley) You said that was in my testimony?

19 Q. Mr. Gurley?

20 A. (Gurley) Yes.

21 Q. Page 19.

22 A. (Gurley) Of my direct testimony?

23 Q. No, rebuttal.

24 A. (Gurley) I'm sorry, I'm not seeing that.

25 MR. TAYLOR: Ms. Pemberton, I believe that

1 would be in Russell's testimony; Mr. Marusak.

2 A. (Marusak) Yes, I can verify that it is, and
3 it's actually Page 18.

4 Q. (BY MS. PEMBERTON) Okay. Oh. Okay. Thank
5 you. I moved a lot of this stuff around. I guess I
6 missed some pages.

7 So you -- and you stated that it presented
8 a favorable routing opportunity under PURA and the
9 Commission rules?

10 A. (Marusak) Yes. That statement actually is on
11 Page 19.

12 Q. I'm sorry, I couldn't hear you.

13 A. (Marusak) That statement actually is on
14 Page 19 of my rebuttal testimony.

15 Q. Okay. I got something right.

16 So -- and it's because there is an
17 artificial break in the habitat already established by
18 perimeter or fencing; correct?

19 A. (Marusak) Yes.

20 Q. Okay. And across access roads; correct?

21 A. (Marusak) Yes, in that particular area along
22 the east side of the park, there's the parks perimeter
23 fence. There's the adjacent ranch fence and then
24 there's a trail that's part of the -- it's a perimeter
25 trail that's part of the park. And then on the other

1 side, there's a -- you know, most people maintain
2 their -- not most people. Some people maintain the
3 perimeter of their fences.

4 Q. I have a -- I still have more, but I have a
5 question that will finish up this, to Ms. Phillips.

6 JUDGE SHENOY: Okay.

7 Q. (BY MS. PEMBERTON) Ms. Phillips, you testified
8 that the transmission line won't harm Dinosaur Valley
9 State Park from an environmental perspective; correct?

10 A. (Phillips) That is correct.

11 Q. Okay.

12 MS. PEMBERTON: I have more, but I can wait
13 till tomorrow.

14 JUDGE SHENOY: Okay. Let's stop there.

15 We do need to talk a little bit about
16 what's going to happen tomorrow. And at this point, it
17 seems like most of the general process questions have
18 been asked of the panel in terms of how did you do this
19 process, where did you meet, what did you do. There
20 have not been any asked and answered objections, but
21 I -- at the same time, I don't want anyone to be
22 repeating questions. So I anticipate that as we go
23 forward into the remaining people who might question
24 this panel, that because those other questions have been
25 asked, we can focus on what it is that you need to know

1 about your line and your specific concerns. So I just
2 want to put that out there.

3 If we need to impose time limits, we will,
4 but we'd like to get done with this panel so that we can
5 move on to the intervenor witnesses who also need to be
6 crossed. And then of course we have staff's witness,
7 who I know a number of people also want to cross.

8 So we're going to do what we can to put in
9 time limits if we have to. We gave everyone some leeway
10 earlier because a lot of those questions are the
11 questions that everybody wants to know. So we let those
12 be asked, but I think they've been asked at this point.

13 I want to let Judge McCabe talk a little
14 bit about tomorrow and what we're going to do with all
15 the folks who are still in limbo.

16 JUDGE MCCABE: So I've gone through the
17 list a little bit, and I'm still kind of working through
18 some of that, but it looks like about 25 out of the
19 people who have filed something were stated as wanting
20 their direct testimony included, and -- without
21 addition -- without stating something additional, there
22 were at least two that appeared to be edited with either
23 a small change to their direct testimony as it
24 filed that I've seen so far or have additional photos or
25 additional things added to the direct testimony.

1 I -- I would question whether or not for
2 those people who have filed something and identified it,
3 would we be able to just take the stuff that's on
4 that -- on the filing as of 4/8 and just -- would
5 anybody have an objection to just taking that and just
6 kind of wiping it clean?

7 And for those people who have identified
8 additional exhibits, that's a little bit different.
9 We'll take up that stuff as we go, but if it's somebody
10 who has just listed their, quote, unquote, "direct
11 testimony," we will just -- would be willing to take
12 that, pull it down from the interchange, and put it up
13 on to the Egnyte under an admitted -- and we'll admit
14 those just as it is. Would that work for the parties?

15 MR. BRADY: Your Honor, Zach Brady for
16 Spade. To the extent we're not talking about anything
17 that was previously labeled a statement of position.

18 JUDGE MCCABE: I'm about to -- so here's
19 what I'm about to do.

20 MR. BRADY: Okay.

21 JUDGE MCCABE: I'm about to -- I've got a
22 list of people. I can hand you some -- I can hand you
23 that list and you can check it out. It's going to be
24 about 25 names, so you're going to have to figure out if
25 there's somebody -- you want to split it up so you can

1 write it down or if we can -- I can maybe figure out a
2 way to get you something, but --

3 So I can give you those. I would ask,
4 Mr. Taylor, those 25 names, would you -- would Oncor be
5 able to grab those off the interchange and put them into
6 Egnyte?

7 MR. TAYLOR: We're talking about, just to
8 make sure I'm clear, taking the direct testimony that
9 was filed by the 8th --

10 JUDGE MCCABE: Yes.

11 MR. TAYLOR: -- and moving that into Egnyte
12 under that party's name?

13 JUDGE MCCABE: Yes.

14 MR. TAYLOR: Yes.

15 JUDGE MCCABE: Okay. And what -- before
16 we -- I will not admit it -- right now. I will give you
17 guys time and we'll do it tomorrow. So don't do it yet,
18 but I'm going to give you the names, and that way you
19 guys can take a look and see if there's somebody I added
20 that I -- shouldn't be on there. And then I'll also
21 kind of talk about the -- we'll talk about the rest of
22 the names as well.

23 JUDGE SHENOY: And before Judge McCabe
24 reads these names, if you are on Zoom, this is the time
25 to listen up. If your name is called, something might

1 be said that affects you. So please listen carefully.

2 JUDGE MCCABE: Okay. The name I have --
3 this is in the order that I received them in the filings
4 for the last day. So it might not be in alphabetical.

5 Anita McKessen, Martha Jordan, Wesley
6 Schwarz, Joshua Lynn Klassen, Sara Kenny Willis, Mark
7 Kenny, Martha Kenny Marks, Ashley Northcutt, Kermit
8 Aaron Northcutt II, Tony and Shawna Hayhurst, Russell
9 Lasater, Garland Richards. I will note that in the
10 filing, he said Exhibit 1 and 2, but it looks like
11 the -- what he's referencing as Exhibit 2 was the map to
12 it, but if it pulls off the thing, that doesn't -- it
13 should be included.

14 Cody Moore, Beth Maynard, Jack Bell, Roxie
15 Jordan, David Voss and Voss Farms, Roland Stroebel,
16 Redeemer Lutheran Cemetery Association, Cullen Guinn,
17 Michael G. Huxen, Cary Betz, Jennifer Betz, Dana Herod,
18 Juda Stephens, Tommie Pack through attorney-in-fact
19 Susan Trainham, J.D. Callahan, Betty Lou Yeates
20 Leatherwood, Thomas Lawrence or Lawrence Ranch, Merle Jo
21 Parks.

22 Sharon Burnett, Daniel Burnett, Joree
23 Burnett. Technically, three exhibits that were filed by
24 those -- direct testimonies for each one of those.

25 Sharon Rene Mosley, Deborah K. and Rodney

1 N. Payne, Christina Betz, Grant Betz, Arlene Wright,
2 Chrisann Parr Ricciardi, Sherry Sharp, Jason and Beverly
3 Whitley, Jerod James, Tawnya James, Tim Jones, Ethan
4 Dyson, and Ladonna Rincones.

5 For reference, she's the one I saw the
6 testimony had additional photos that was not in the
7 original direct testimony filing.

8 JUDGE SHENOY: So if Judge McCabe called
9 your name, that means we are proposing to the parties
10 that what you filed in the form that it was on or before
11 April 8th on the PUC interchange would be accepted as
12 direct testimony, and not everything, just things that
13 were labeled direct testimony.

14 That's what we're trying to do to try to
15 help people who did actually file in time, but then
16 didn't make an exhibit list or didn't say that it was an
17 exhibit or didn't do some other step that caught them
18 up. That's not everybody who has filed something with
19 us asking for reconsideration. That's one group of
20 people that we've been able to get through and that we
21 think we can handle with relative clarity. That's where
22 we are right now. We'd like to take it up again
23 tomorrow and get feedback from the parties if there are
24 objections, if there are concerns.

25 JUDGE MCCABE: And I will be going

1 through -- in just a second, I'll identify some people
2 that we've received additional materials that appears to
3 be outside that exhibit list.

4 But I wanted to check, for those people
5 that were named, is there any objection to that course
6 of action?

7 Mr. Bayliff?

8 MR. BAYLIFF: Thank you, Your Honor. Just
9 to confirm, the course of action would be that Oncor
10 would be pulling them from the interchange and not using
11 what parties have uploaded that may be changed some?

12 JUDGE MCCABE: Can I help you, ma'am?

13 MS. HEROD: Yes. This is Dana Herod. He
14 called my name.

15 JUDGE MCCABE: Yes, Ms. Herod.

16 MS. HEROD: Yes. This is Dana Herod. You
17 called my name. I'm Dana Herod.

18 JUDGE MCCABE: Yes. So we were talking
19 about a course of action where I understand that we
20 received a filing requesting -- and my understanding is
21 that you've requested only that your direct testimony,
22 as it was filed, is to be admitted.

23 And what we're proposing is -- it's unclear
24 to some of the parties whether there was additional
25 information that was included in those filings. And so

1 to short -- to basically allow us to move quickly
2 through this and keep going with our hearing, the
3 proposal is that Oncor would pull the interchange
4 filings as of April 8th and include those as the
5 admitted exhibits for those 25 people -- or 25 or so
6 people that I just named.

7 MS. HEROD: I didn't make any changes to my
8 testimony.

9 JUDGE MCCABE: You may not have, but people
10 have to go and compare all those, and there were some
11 people that it looked like there were changes. And
12 instead of relying on -- you know, in those changes,
13 it's just, instead of making people go leave today and
14 review all of those, to pull off the interchange, and
15 I'm asking if that would be an appropriate course of
16 action. So that way -- to save everybody a little bit
17 of time from having to pull up one, pull up the other,
18 and compare them to make sure.

19 MS. HEROD: I would be fine with that.
20 Thank you, sir.

21 JUDGE MCCABE: Thank you.

22 Anybody -- Mr. Bayliff?

23 MR. BAYLIFF: Thank you. I'm supportive of
24 that approach with Oncor pulling them off from the
25 interchange and putting them into the Egnyte system and

1 somebody being responsible to put them up to Kiteworks.

2 Thank you.

3 JUDGE MCCABE: Okay. Is there any problem
4 with that, Mr. Taylor?

5 Okay. I hear nothing else. Let me then
6 talk about the other cases I have that have additional
7 information.

8 MS. CALLAHAN: I'm sorry, this is Nikki
9 Callahan. I heard my husband's name be called.
10 However, I think it was said wrong. You said a J.D.
11 Callahan, but --

12 JUDGE MCCABE: We have a J.W. Callahan.

13 MS. CALLAHAN: Yes, sir. Thank you.
14 That's appropriate. I appreciate it.

15 JUDGE MCCABE: From the list -- here's the
16 list of people that I have that have what I see as
17 additional or were checking back in based on our
18 conversation, and we'll talk about those in the morning
19 and whether we can address some of them or whether
20 they'll just have to keep pushing until we get to their
21 direct at this point.

22 We did receive an exhibit list from the
23 D32, D33 property owners. I understand that's direct
24 testimony, rebuttal testimony, and a set of RFIs. That
25 has additional information.

1 We still have the Jeffrey Marks, John
2 Marks, and the Byrd Family Farm.

3 Thomas Tutt, Kelly Jordan, Barbara Harmon.
4 And I combined Barbara Harmon and Lance Trinqué because
5 I believe they both dealt with the petition --
6 additional exhibit.

7 The Wiess Family Trust had photos listed.
8 I wasn't sure if that was part of their direct.

9 Shelby Whitaker Norman, Rick Beard and
10 Comanche Star Ranch.

11 Nikki Callahan I had listed as a statement
12 of position.

13 I think we still carry the Erath County
14 Historical Commission and Cindy Chapman -- Cindy
15 Shipman. Oh, my goodness.

16 John Trice, Ryan Barrett Simpson, James
17 Evans McBride, Priscilla Monson as general manager of
18 McBride Ranch Company, Wilks Ranch, Beverly Stewart,
19 Mark Stewart, and 2-1 Turf LLC. It looks like there is
20 something labeled additional testimony in that one.

21 Acrea Cemetery Association, it looked like
22 there was photos that were separately applied that were
23 not part of the direct.

24 And then Amber McLaughlin Gill, Kelly
25 McLaughlin, and Roy McAdams had a supplemental direct in

1 addition to the affidavits of direct testimony.

2 And Linda Pelon had additional exhibits as
3 well.

4 MS. PELON: Yes. So, Judges, I'm
5 representing as -- Linda Pelon. I'm representing the
6 Penatuhkah Comanche Trails. We represent several
7 counties that are --

8 JUDGE MCCABE: Ms. Pelon?

9 MS. PELON: Uh-huh.

10 JUDGE MCCABE: I understand you'll have an
11 opportunity to argue about the exhibits. We're not
12 taking up those case -- those exhibits right now, and
13 it's not really that opportunity to do that. We'll take
14 those up as we go, and -- or as we return to those. I
15 was just giving out a list of those I've received that
16 I've seen filings filed before noon that if -- based on
17 Judge Shenoy's instruction, if you filed something
18 before noon today --

19 MS. PELON: I did file --

20 JUDGE MCCABE: -- that's what I've seen.
21 And, Ms. Pelon, I understand. I have you listed as a
22 series of exhibits, and we will -- we'll take those up.
23 Okay?

24 MS. PELON: Thank you.

25 JUDGE MCCABE: Thank you.

1 MS. PELON: I appreciate it. I didn't know
2 I was included.

3 JUDGE MCCABE: You are. Your intervention
4 was granted earlier today and so you are a party.
5 And --

6 MS. PELON: Thank you.

7 JUDGE MCCABE: -- you have -- we have your
8 exhibit list, which has additional materials. So that
9 way -- we'll have to take that up when we come to it.
10 Okay?

11 MS. PELON: Thank you, I appreciate you.

12 JUDGE MCCABE: I do have a hand raised from
13 Valentino -- Mr. Valentino.

14 MR. VALENTINO: And yes, thank you, Judge.
15 I submitted my testimony to the Egnyte and the Kiteworks
16 websites yesterday afternoon. I wasn't sure if my name
17 was going to be called or not.

18 JUDGE MCCABE: That's all I've seen in the
19 filings that happened between yesterday when Judge
20 Shenoy indicated and the noon o'clock deadline. I
21 can take a look -- we'll take a look at that and we'll
22 address that in the morning if we need to.

23 MR. VALENTINO: Okay. Thank you.

24 JUDGE MCCABE: Thank you.

25 So Mr. Valentino as well. We'll add that

1 to the list to check to see if that filing came in.

2 Okay.

3 JUDGE SHENOY: All right. I think,
4 hopefully, everyone's clear. We had two groups of
5 people we were talking about. Second group, no
6 decision's been made. You're still pending. Still need
7 to hang with us because things didn't go right the first
8 time with however you filed it. We're trying to work
9 that out and figure it out.

10 First group, we potentially have a
11 solution. We'll take it up again tomorrow. We'll keep
12 working on this.

13 So tomorrow we're going to start up with
14 Ms. Pemberton's cross, and then go through the rest of
15 the list. We will impose time limits if we need to. I
16 know that at least a couple people have witnesses who
17 need to be tomorrow. Some people are flexible as to
18 tomorrow versus Thursday. I think that's -- that's what
19 I've got.

20 I know, Mr. Taylor, that you said your
21 witness needs a time certain after 1:00 p.m. If you can
22 talk to other parties and figure that out, we're willing
23 to figure -- whatever time that you can come to an
24 agreement to, if you can do that, that's great.

25 MR. TAYLOR: Yeah. Just a short change

1 that. If anyone wants to talk to Dr. Gelmann, just come
2 see me and we'll coordinate a time.

3 JUDGE SHENOY: All right. And if you are
4 someone who's on Zoom and you wanted to cross Oncor's
5 expert, Dr. Gelmann, you need to get in touch with Oncor
6 and their lawyers, and we'll figure out when you can ask
7 him some questions. Okay.

8 MR. BROWN: Your Honor, David Brown, White
9 Bluff.

10 JUDGE SHENOY: Yes.

11 MR. BROWN: We have two -- well, actually
12 three witnesses on the list for tomorrow. The first is
13 supposed to appear at 9:00 a.m., Commissioner Joslin
14 from Somervell County. I've talked to Oncor about that.
15 I don't know, they may waive him, they may not, but
16 we'll work on that.

17 The other two -- the one in the middle is
18 Buntz, and he can be pretty flexible because routing is
19 what he does -- or a lot of what he does. So we can
20 move him around, if necessary.

21 The third one is Dr. Michael Morrison who
22 is alternately in the field or he's going to be
23 available to -- tomorrow at the end of the day toward
24 4:00 p.m. I don't know if that's going to work for
25 anybody or whether anybody actually wants to

1 cross-examine him. It was Oncor's list, that's all, but
2 I'll talk to them about that as well, but I just wanted
3 to alert the Court to the issues with scheduling that
4 are still out there.

5 JUDGE SHENOY: Okay. Well, we'll try and
6 talk about them in the morning. We are going to be
7 pretty strict about, you know, if you didn't name
8 someone to cross, now is not the time to be adding
9 people. We're being pretty generous with the Oncor
10 panel because just about everyone said they have
11 questions for Oncor in one way or another. So we're
12 trying to give everyone a chance, but with all the other
13 witnesses, now is not the time to come forward and say,
14 oh, yeah, that other intervenor, I wanted to question
15 them.

16 So if you get a waiver from anyone who has
17 told you that they want to cross your witness, tell us
18 that and we'll take them off the list. Otherwise we'll
19 try and work through all of them. Okay?

20 We've gone until 5:15 today, so my
21 apologies to the court reporter. We will start again at
22 9:00 o'clock tomorrow and try and end promptly at 5:00.
23 We're off the record. Adjourned for today.

24 (Proceedings adjourned 5:14 p.m.)
25

C E R T I F I C A T E

STATE OF TEXAS)

COUNTY OF TRAVIS)

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