

BRAUN & GRESHAM

ATTORNEYS AT LAW

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TRANSMISSION LINE ROUTING

Fighting Power with Power

IN CHALLENGING POWER LINES, LANDOWNERS FIND SUCCESS IN NUMBERS

When John Hawley and his wife received notice from the local utility, Cross Texas Transmission (“CTT”), that there were plans to build yet another transmission line through their Texas High Plains property, they knew that they’d need to get organized...and fast. The Hawleys are what one might call ‘seasoned veterans’ of the Texas CREZ (Competitive Renewable Energy Zone) siting process. They knew what it would take to keep CTT from building power lines through their property – the legal expertise of Braun & Gresham, PLLC.

“We’d worked with attorneys at Braun & Gresham to successfully defeat a previous CREZ line that tried to cross our property back in 2009 so we knew they’d be a strong ally on this case,” said John Hawley, whose land posed one of the largest obstacles to connecting the two electrical substations, Gray and White Deer. Braun & Gresham also has the experience of engaging neighboring landowners to create a unified voice against the utility’s massive transmission lines.



Texas leads the nation in wind power but the state’s main challenge is getting the renewable energy from the windy Texas High Plains, to the more populated regions with the greatest demand. To fast-track this process, Texas legislators developed CREZ transmission projects, enabling utility companies to build 160-foot-wide corridors of 18-story lattice towers carrying high voltage power lines over farm land, family ranches and wildlife habitat.

“The Lesser Prairie Chicken roosts in the tall grasses on our property and they would have been greatly disturbed by the CREZ lines. It’s nearly an extinct species now,” explains Hawley. “They look at those power lines and won’t cross them because they think they’re an enemy.”

Of the 78 proposed routes that the utility ranked as potential alternatives, the ‘preferred route’ as well as three other alternative routes were drawn to run right through the Hawleys’ property. “Our property covers nearly half of the 40 mile proposed route and it’s just south

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of the Gray substation so it was not a good situation for us,” laments Hawley. “But having worked with Braun & Gresham on a previous CREZ case, we knew that they would be able to help us identify a better route that would bypass our land.”

CTT only gave the Hawleys a short 30 days to intervene and influence the siting of the proposed routes, so Braun & Gresham worked quickly to help them navigate the intervening process. “The firm did all the work putting everything together and that’s important when you’re a busy man,” confirms Hawley. “This is a trial process so there are a lot of rules, deadlines and paperwork that I just didn’t have time to mess with so it was great having them as experts on this case. I could have been on the moon!”

Braun & Gresham also tapped its network of environmental and engineering experts to analyze each of the proposed routes and to provide testimony in the case. “Landowners with experienced attorneys get better results,” explains Patrick Reznik, an attorney with Braun & Gresham. “Unlike most other law firms, Braun & Gresham’s focus is on providing expert legal help to owners of rural land. We have the expertise to maximize results for our landowners.”

Although it’s clear that the Hawleys benefited greatly from the expertise and experience of Braun & Gresham, not everyone seeks the help of attorneys because they don’t think that their land is at risk. “Those who aren’t on the preferred route think that they don’t have anything to worry about,” affirms Reznik. “But in reality, ‘preferred’ does not mean ‘preferred’— any one of the proposed routes is a possibility.” He noted that, “those landowners that don’t intervene, or follow all the technical rules, often get the line because their property provides a path of least resistance.”

To educate other landowners about this reality, the Hawleys called upon George Parkey, a passionate organizer who owns a

family ranch in the West Texas and who served as a liaison between Braun & Gresham and the landowners. “I took the notice list, got the phone book out and started calling these individuals one by one to explain to them what was going on from a land-

owners’ perspective,” explains Parkey. “People pretty much thought I was crazy, that we had no chance of winning over the utility but I wasn’t going to go down without swinging.”

Parkey was able to organize a coalition of eight landowners who pooled their resources to hire Braun & Gresham. Braun & Gresham worked tirelessly to ultimately keep the line off their properties, and redirect it onto a different route. “I firmly believe that we wouldn’t have gotten any of this done if we hadn’t worked together as a

group,” proclaims Jerome Weinheimer, one of the intervenors and members of the landowner coalition. “It took a lot of effort and analysis to work out a successful deal and it would have been a lot more difficult if we hadn’t had Braun & Gresham to help us.”

Working as a team, they were also able to cut legal and expert costs by sharing fees based on the size of their properties and the impact of the line, making it feasible for all of them to obtain representation by Braun & Gresham. “I was very happy with their services,” says Doyle Smith, another member of the landowner coalition and a small-sized farmer in the Texas Panhandle who benefited from the shared costs. “They kept me informed and didn’t let me do a whole lot, which I liked. If I get into problems like that again I’ll definitely call Braun & Gresham.”

As for the Hawleys, they’re hoping that this will be the last CREZ line that they’ll have to deal with, but say they’re not worried knowing that they have Braun & Gresham in their back pocket. “I’m ready! Bring it on!” exclaims John Hawley. “I feel so confident in these people, I’ll take anybody on!”

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J.M. HAWLEY
MANAGING PARTNER, TAYLOR PROPERTIES