

# BRAUN & GRESHAM

ATTORNEYS AT LAW

## S U C C E S S S T O R I E S

### TRANSMISSION LINE ROUTING

## Wind Power Is Renewable, But Texas Land Isn't

### BRAUN FINDS TEAMWORK IS KEY TO ENSURING ENERGY TRANSMISSION LINES DON'T DESTROY PROPERTY VALUES

A year ago, George Parkey was living in West Palm Beach, never expecting he might become a sort of everyday expert at deflecting electrical transmission lines from his family's third-generation land in Texas. But when he received a notice that his North Central Texas ranchland was likely to be crossed by 160-foot-wide corridors of 18-story lattice towers in order to deliver electricity from West Texas wind farms to the state's population centers, Parkey's immediate instinct was to take action.

"I desperately began to make calls," Parkey says. "I had no idea what this was about, so I called an attorney at the PUC [Public Utility Commission of Texas]. All she said was if I wanted to protect my rights, then I probably should get an attorney."

Parkey found himself smack-dab in the middle of a CREZ – competitive renewable energy zone – transmission project. Texas currently leads the country in renewable wind-energy development; but delivering the power from where the wind is – West Texas, the Panhandle



CREZ-like towers loom over nearby homes.

– to where most Texans live – Austin, Dallas/Fort Worth, San Antonio – remains a challenge. So state leaders came up with CREZ transmission projects, a fast-tracking of transmission-line construction intended to ultimately transmit 18,456 MW of wind power from western wind farms to central and eastern Texas towns.

"Landowners aren't against clean energy," notes Cassie Gresham, an attorney at Braun & Gresham, the Texas land-conservation specialists Parkey engaged. "The issue is, how is it done? Landowners are opposed to destroying open space without a clear plan and forethought going into it. And the severely expedited schedule of these projects pushes landowners into an unfortunate position. It's a madhouse, and it breeds misunderstanding."

Fortunately for Parkey, a neighbor of his – the vast W.T. Waggoner Estate – agreed to let the transmission line run between two existing electric-line easements already on their property, missing Parkey's land completely.

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“We saw the writing on the wall,” explains Todd Thomas, a geologist and oil division manager at the W.T. Waggoner Estate. “We’ve got over a half-million acres, so if you’re trying to get from point A to point B, then you’re probably going to cross our property. We cooperated with the utility and the PUC, and got a line put in where it would be least offensive to us.”

But not long after that agreement was signed, the same utility submitted a second application with the PUC for a second transmission line going through the same property.

**“YOU COULD NOT GO THROUGH SUCH A COMPLEX PROCESS ON SUCH A TIGHT SCHEDULE – AND DO IT WELL – WITHOUT GOOD COUNSEL. BRAUN & GRESHAM WAS CONSISTENTLY ON THE BALL.”**

TODD THOMAS, W.T. WAGGONER ESTATE

“The second notice really yanked my chain,” Parkey protests. “This was the same thing we had just gotten done dealing with, and here we go again. And worse, Waggoner had negotiated on the first project, and immediately was faced with another line exactly where they didn’t want it. It was like a slap in the face.”

In the utility’s ranking of its proposed routes for the second transmission line, Parkey’s land was included not only on the “preferred” route, but was also on proposed alternate routes. Parkey saw the odds stacking up against him, but followed the Braun team’s advice.

“The process is extremely complex and very much stacked against landowners,” confirms David Braun. “So, many of them give up in despair, believing it’s hopeless. But George did it right. He didn’t just hire some lawyers and expect them to do magic. He became part of the team. He got involved. He worked to recruit neighbors with shared interests, kept them informed, and did things to keep costs down for the whole group.”

“Even though the process is difficult and moving three times faster than usual, landowners don’t have to just roll over,” Gresham affirms. “There is power in numbers, and it helps to share the costs.”

Parkey put together a coalition of five neighboring landowners, including the W.T. Waggoner Estate, and served as the liaison

between the group and Gresham. The coalition became one of dozens of interveners in the application case, and Braun tapped environmental and engineering experts to independently analyze the proposed routes and offer testimony during a public hearing.

At the conclusion of the hearing, a new and different route was recommended – one that both Parkey and his neighbors find acceptable. But until the PUC commissioners finalize the decision, no one’s land is truly safe.

“In reality, there is no ‘preferred’ route,” clarifies Gresham. “All routes are in play until one is approved. What happens in every single case I’ve seen is, the landowners on the alternate routes think they’re safe because they’re not on the ‘preferred’ route, so they don’t participate in the process. Meanwhile, the landowners on the ‘preferred’ route get organized and move the transmission line to an alternate route. Unfortunately, because the alternate-route landowners haven’t gotten involved in the process and provided information about their properties, the line gets moved to their route, and it’s too late for them to do anything about it. If CREZ lines can affect your land, you’ve got to get engaged and do it early. You need to have a voice in the process.”

Braun & Gresham is one of only a handful of firms statewide equipped to lead clients from the earliest stages of studying the land, all the way through the legal process, and – if necessary – to the final negotiation of how much the utility will pay the landowner for the property they’re taking over.

**“BRAUN & GRESHAM ARE PLAYERS IN THIS ARENA, AND THEY’RE TEAM PLAYERS, TOO. THEY’VE GOT ACCESS TO THE RIGHT PEOPLE, THEY’RE LISTENED TO AND RESPECTED.”**

GEORGE PARKEY, CLIENT

“Braun & Gresham are players in this arena, and they’re team players, too,” Parkey attests. “They know the timelines, the deadlines, they navigate the ins and outs with ease. They’ve got access to the right people, they’re listened to and respected. At the same time, they respect the landowners, they listen to us and are responsive to us. When you call them, you actually get to talk to them, and that’s rare.”