

# BRAUN & GRESHAM

## ATTORNEYS AT LAW

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

#### TRANSMISSION LINE ROUTING

## Prevailing Persistence

PATRICK REZNIK SAVES A BEAUTIFUL COUNTRY ESTATE IN A NARROW, RAPIDLY-DEVELOPING PENINSULA FROM A 138-KV TRANSMISSION LINE.

“We knew we had to get out of the city,” says Robert McMeen.

It was 2009. Robert and his wife Angela owned a home in Frisco, but with three growing boys and a daughter with Asperger syndrome, a form of high-functioning autism, their suburban neighborhood had become too stressful and their house too small.

“The boys needed room to run around, ride 4-wheelers and fish in the pond... and our daughter needed stability and connection with animals,” Robert explains.

When the McMeens toured a beautiful country estate with healthy acreage located just minutes from downtown Cross Roads and only a half hour’s drive from Robert’s office in Plano, they immediately knew that it was “perfect” for their family and relocated within the year.

Bordered by gentle hills and a lush tree-line, the McMeens’ land is part of a conglomeration of large, deed-restricted lots in one of the most rapidly-developing areas in the Dallas metroplex.

Their home is situated half a mile off the highway, providing a peaceful sense of isolation.

“I grew up on a tobacco farm and my daddy’s a coal miner, so Frisco just wasn’t suiting my fancy,” says Angela. “But out here, I can garden and we have cows, chickens and lambs. It’s wonderful.”

“You can feel the negative energy dissipating when you turn down the highway,” adds Robert. “There’s just a calmer feeling out here and we love it. But then on May 15, 2015, we get a letter.”

The letter, which was mistakenly delivered to a neighbor, contained a vague announcement from Brazos Electric Cooperative (Brazos)

stating that the McMeens’ property had been selected as the possible site for a 138-kV transmission line.

“I knew this was a problem,” Robert says. He quickly learned all he could about municipal government, eminent domain, and the Public Utility Commission’s process for constructing transmission lines.



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

“They care about public opinion,” explains Robert. “They decide, ‘We’ve got neighborhoods and we don’t want to bother them, so we’re going to crisscross through these big pieces of land so it affects the least amount of people and structures.’”

At a community meeting, Brazos explained their need to connect a tap point along a preexisting northeastern line to a substation near the southern tip of the Oak Point and Lakewood Village peninsula at Lake Lewisville. Without the new line, the peninsula would run out of power within 3 years.

Robert understood the need for additional infrastructure, but was horrified to learn that all of Brazos’ proposed routes cut directly through the McMeens’ property, coming uncomfortably close to their home and destroying almost all of their trees, several of which are hundreds of years old.

“I talked to 25 attorneys and the majority of them told me that the power company is basically an extension of the state, that the state can take my property, and that I really had no recourse other than to fight like mad after they’ve finished their work and it’s time to get paid,” Robert says.

“Patrick was the only one who told me that the way to win is not to fight, but to collaborate,” he continues. “I knew he was the right guy.”

Robert and Patrick’s first order of business was to join affected landowners together, pool resources, and file a collective intervention to protest undesirable routes as loudly as possible.

## THE WINNING STRATEGY

Unsurprisingly, the group elected Robert as their leader. He and Patrick quickly hired their own consultants to design viable alternative routes to propose to Brazos and their contractor, Cox McLain Environmental Consulting. If the McMeen Alliance could get Brazos to include one of their designed routes and then recommend it to the PUC, who makes the ultimate decision, then the McMeen Alliance’s land could be saved.

At first, Brazos refused to compromise and Robert was “striking out at every turn,” but then he remembered the potency of money

and power. When he began contacting developers along Brazos’ then-preferred route, his luck immediately changed.

None of the developers had heard about the project and they swiftly filed interventions. Shortly afterwards, Brazos agreed to discuss Robert and Patrick’s designed routes.

“We told them, ‘If you don’t accept at least one of our alternatives, we will take this to the end and fight on the lack of adequate lines,’” Robert explains. “To them, that meant delays. I could push the process out 18 months. They would have to spend more money, and if they finally did beat us, they would have to beat the clock to get the thing built.”

In the end, Brazos accepted one of Robert and Patrick’s routes, which placed the line parallel to Highway 424 at the front of the McMeen’s land instead of straight through it — under one condition. Robert and Patrick would have to secure the approval of all affected landowners.

Several landowners filed interventions toward the southern end of the route, but Patrick met with them in person and tactfully convinced them to agree. With no opposition, Brazos proposed Robert and Patrick’s route to the PUC, and even though the route was more expensive, the PUC accepted it.

## Fifteen months after receiving that initial letter, the McMeens’ land was saved.

“I feel honored that my fellow landowners let me lead, and validated taking all of that effort and working as hard as I did,” he says. “I am firmly in belief that the only way this worked out is because we chose a path of collaboration as opposed to antagonism and ineffective arguments like health concerns or property values.”

Robert also adds that his career has required him to work with many attorneys over the years, but that he was thoroughly impressed by Patrick and his team.

“Finding Patrick was a blessing. His communication is impeccable and he was a friend through all of it. I feel very grateful.”