

# LCRA Transmission Services Corporation

## Board Agenda

Wednesday, Aug. 17, 2022  
LCRA General Office Complex  
Board Room – Hancock Building  
3700 Lake Austin Blvd.  
Austin, TX 78703  
Earliest start time: 9 a.m.

### Items From the Chair

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### Items From the Chief Executive Officer

Chief Operating Officer Update

### Items From the Chief Financial Officer

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### Consent Items

3. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Blanco, DeWitt, Austin, Guadalupe and Fayette Counties..... 7
4. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Caldwell County..... 29
- \*5. Sale of Land and Conveyance of Water Line Easement in Bastrop County..... 37
6. Minutes of Prior Meeting..... 41

### Action Items

7. Fiscal Year 2022 LCRA Transmission Services Corporation  
Capital Plan Ratification ..... 46
8. Capital Improvement Projects Approval ..... 47
9. Acquisition of Interests in Real Property – Use of Eminent Domain  
in Travis County..... 52

**\*This agenda item requires the approval of at least 12 Board members.**

### Executive Session

The Board may go into executive session on any item listed above, pursuant to Chapter 551 of the Texas Government Code, including, but not limited to, sections 551.071, 551.072, 551.074, 551.076, 551.086, 551.089 and 418.183(f) of the Texas Government Code.

### Legal Notice

Legal notices are available on the Texas secretary of state website 72 hours prior to the meeting at the following link: <https://www.sos.texas.gov/open/index.shtml>

## OVERVIEW OF LCRA TRANSMISSION SERVICES CORPORATION

In connection with the implementation of retail competition in the electric utility industry in the state of Texas, LCRA was required by the Texas Legislature in its amendments to the Public Utility Regulatory Act (enacted in 1999 under state legislation known as Senate Bill 7, and referred to as SB 7) to unbundle its electric generation assets from its electric transmission and distribution assets. LCRA conveyed, effective Jan. 1, 2002, all of its existing electric transmission and transformation assets (collectively, the Transferred Transmission Assets) to the LCRA Transmission Services Corporation (LCRA TSC) pursuant to the terms of an Electric Transmission Facilities Contract (the Initial Contractual Commitment), dated Oct. 1, 2001.

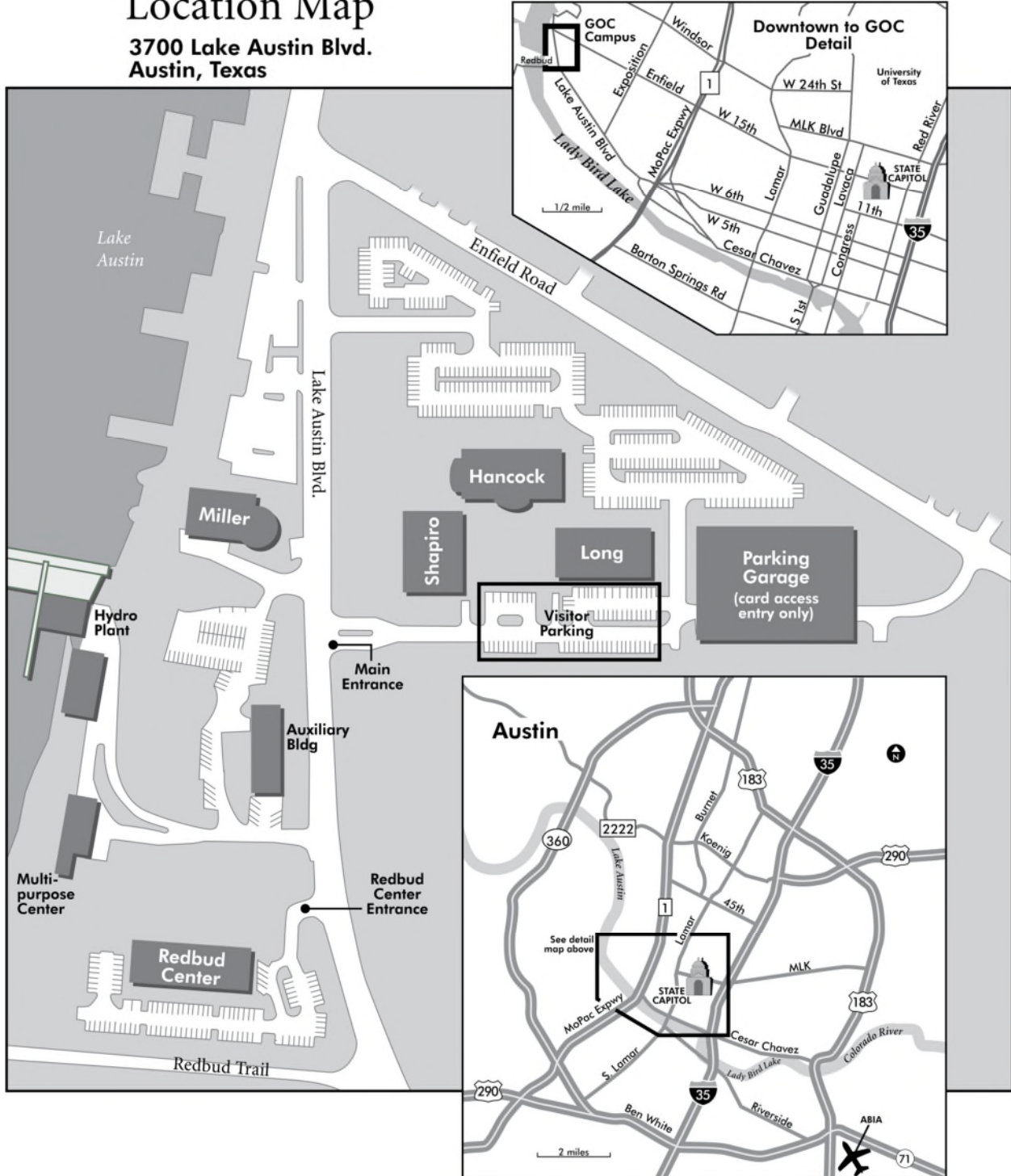
LCRA TSC is a nonprofit corporation created by LCRA to act on LCRA's behalf pursuant to Chapter 152, Texas Water Code, as amended. After Jan. 1, 2002, LCRA TSC engaged in the electric transmission and transformation activities previously carried out by LCRA and assumed LCRA's obligation to provide, and the right to collect revenues for, electric transmission and transformation services. LCRA TSC is an electric transmission service provider (a TSP) under the state's open-access electric transmission regulatory scheme within the approximately 85% area of the state covered by the Electric Reliability Council of Texas (ERCOT). In such capacity, LCRA TSC is entitled to receive compensation from all electric distribution service providers using the electric transmission system within ERCOT. As a TSP in the ERCOT region of the state, the rates that LCRA TSC will charge for transmission services are regulated by the Public Utility Commission of Texas (PUC) and determined pursuant to transmission cost of service rate proceedings filed with and approved by the PUC.

Within the framework of SB 7, LCRA TSC implements the electric transmission business of LCRA, including the expansion of electric transmission services outside of LCRA's traditional electric service territory. LCRA personnel are responsible for performing all of LCRA TSC's activities pursuant to a services agreement between LCRA TSC and LCRA. This includes procuring goods and services on behalf of LCRA TSC and is reflected in the LCRA Board agenda contracts.

Under the LCRA Master Resolution, defined as the LCRA Board resolution governing LCRA's outstanding debt, and certain provisions of state law, the LCRA Board is required to exercise control over all operations of LCRA TSC. This control includes approval of LCRA TSC's business plan and of the sale or disposition of any significant assets of LCRA TSC. The Board of Directors of LCRA TSC (LCRA TSC Board) is appointed by and serves at the will of the LCRA Board. The current membership of LCRA TSC Board is made up entirely of the existing LCRA Board.

# LCRA General Office Complex Location Map

3700 Lake Austin Blvd.  
Austin, Texas



## **FOR DISCUSSION**

# **1. Comments From the Public**

### **Summary**

This part of the meeting is intended for comments from the public on topics under LCRA Transmission Services Corporation's jurisdiction but not related to an item on the Board of Directors agenda. No responses or action may be taken by the Board during public comments.

In order to address the Board, a member of the public is required to sign and complete the registration form at the entrance to the meeting room.

Any member of the public wishing to comment on an item listed on this agenda will be called to make comments at the appropriate time.

**FOR DISCUSSION**

## **2. Financial Report**

### **Summary**

The financial report for LCRA Transmission Services Corporation covers fiscal year 2022.

### **Presenter(s)**

Jim Travis  
Treasurer and Chief Financial Officer

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**LCRA Transmission Services Corporation**  
**Financial Highlights**  
**June 2022**

**LCRA Transmission Services Corporation**  
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**Key terms:**

**4CP** – Four-month coincident peak is the average of the peak Electric Reliability Council of Texas electrical demands (measured in kilowatts) during the months of June, July, August and September of the previous calendar year.

**ELOPPP** – Extraordinary LCRA Optional Purchase Price Payment.

**Net margin** – Total operating revenues, including interest income, less direct and assigned expenses.



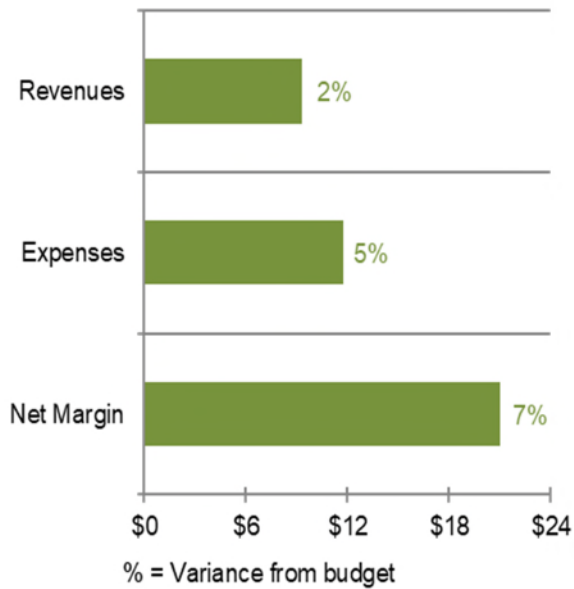
# LCRA Transmission Services Corporation

June 30, 2022

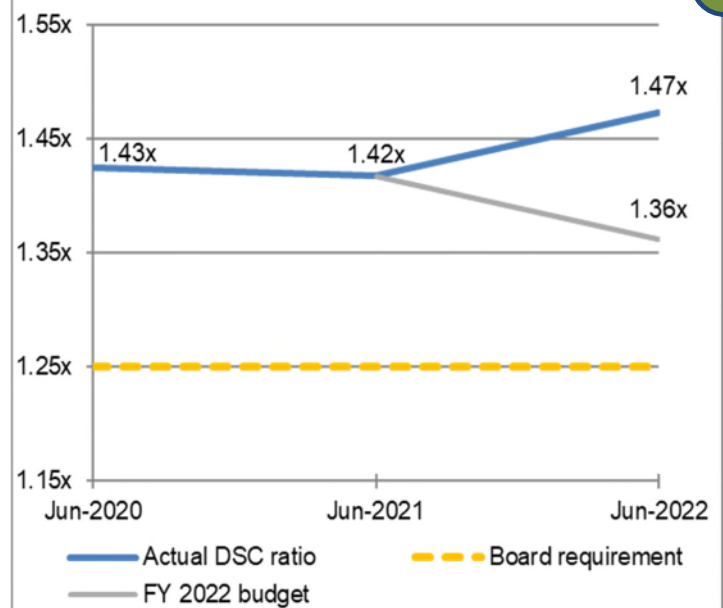
(Dollars in Millions)

## Budget-to-Actual Highlights

### Net Margin Fiscal Year-to-Date Variances



### Debt Service Coverage



#### Key takeaways:

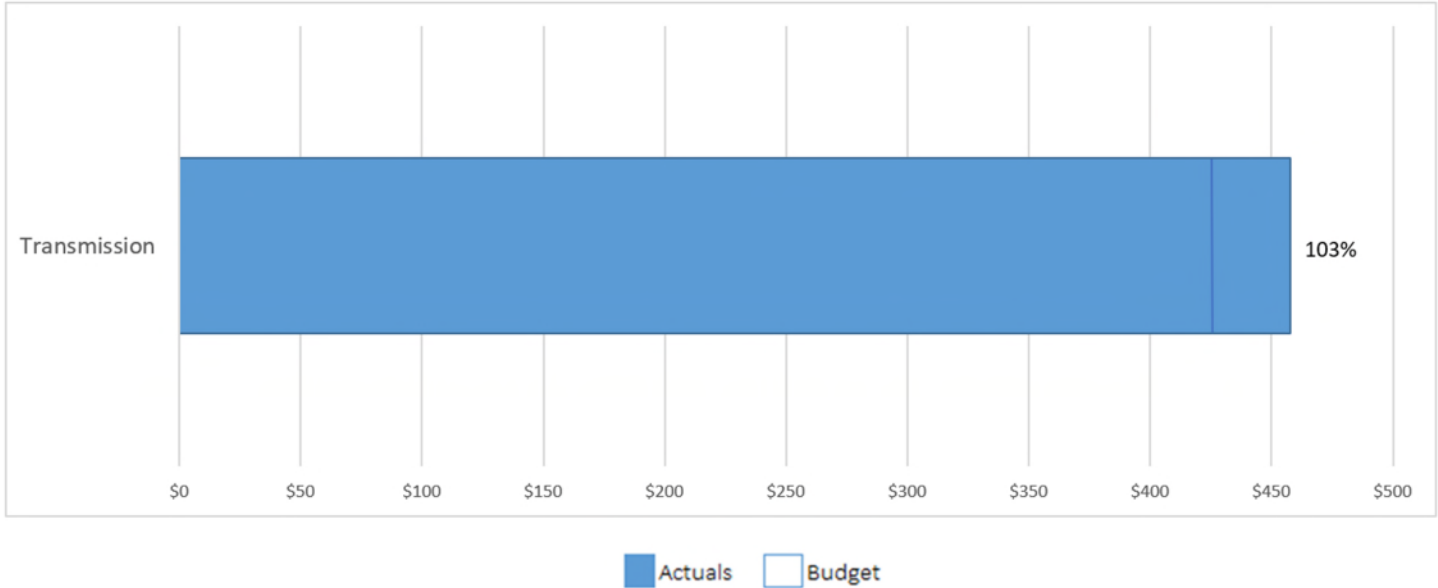
- Lower-than-budgeted expenses and higher-than-budgeted cost of service and other revenues primarily drove year-to-date performance.
- The debt service coverage ratio is higher than budget primarily due to lower-than-budgeted expenses and debt service and higher-than-budgeted cost-of-service and other revenues.

# LCRA Transmission Services Corporation

June 30, 2022

(Dollars in Millions)

## Capital Performance



### Key takeaways:

- LCRA TSC capital spending for FY 2022 was \$13.0 million over the amended capital plan budget of \$445.0 million.
- The variance primarily is due to costs greater than forecasted on construction, materials and two transmission service restoration projects.
- LCRA staff will seek Board approval to increase the LCRA TSC capital plan in August 2022.

### General manager project approvals:

- For any project not previously authorized by the Board in the capital plan, authority is delegated to the president and chief executive officer to approve any capital project with a lifetime budget not to exceed \$1.5 million, according to LCRA TSC Board Policy T301 – Finance. Additionally, the LCRA TSC Board delegated authority to the president and CEO to approve new generation interconnection projects and additional funding for capital projects expected to exceed a lifetime budget by 10% and \$300,000.

The president and CEO approved the following two budget resets this quarter:

- Hilltop to Ranch Road 12 Transmission Line Upgrade from \$9.3 million to \$11.7 million.
- Transmission Services Corporation – FY 2022 General Additions from \$5.0 million to \$5.9 million.

The president and CEO approved the following eight new projects this quarter:

- Clear Springs Generator Circuit Breaker Addition for \$4.1 million.
- Marshall Ford Control Power Substation Upgrade for \$1.5 million.
- Multiprotocol Label Switching Protective Relaying – FY 2022 Telecommunications Upgrade for \$1.1 million.
- Settlers Substation Addition for \$1.5 million.
- Telecommunications Virtual Machine Infrastructure System Upgrade for \$800,000.
- Transmission Metering – FY 2023 Substation Upgrade for \$1.0 million.
- Transmission Services Corporation – FY 2022 Minor Capital for \$120,000.
- Transmission Services Corporation – FY 2023 Minor Capital for \$400,000.

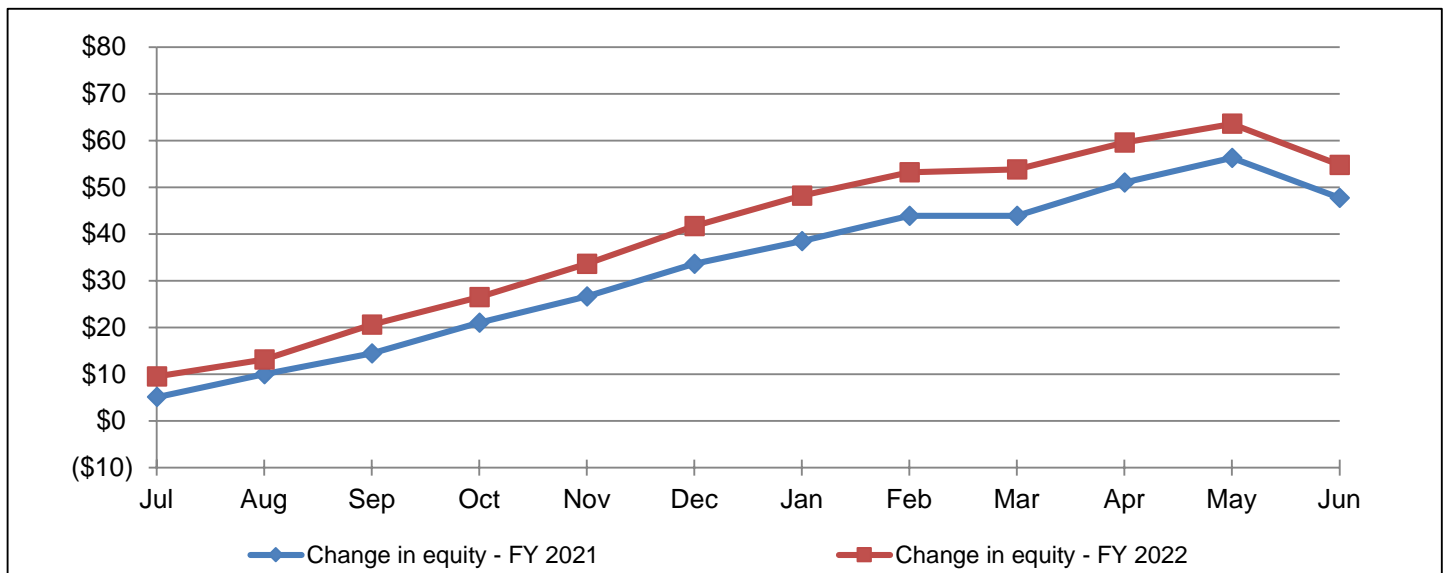
# LCRA Transmission Services Corporation

June 30, 2022  
(Dollars in Millions)

## Board Metrics

Board Metric	Description	Compliant
<b>Equity Ratio</b>	LCRA TSC will build equity that will maintain appropriate access to capital markets and is consistent with regulatory guidance. While LCRA TSC may be highly leveraged during periods of rapid growth, LCRA TSC business plans will specifically address the accumulation of equity to achieve and maintain a minimum long-term equity position of 20%.	✓
<b>Debt Service Reserves</b>	LCRA TSC will covenant debt service reserves in the amount of six months of maximum annual debt service requirements on outstanding debt.  Debt service reserves may be collected through rates or met with proceeds from additional debt or through the use of a surety to mitigate rate impacts.	✓
<b>Operating Reserves</b>	LCRA TSC will build and maintain appropriate target levels of operating reserves as follows: six months of average debt service on all outstanding LCRA TSC debt and other obligations to LCRA; and two months of average operating and maintenance expenses, including those billed by LCRA.  If at any time the reserves are less than the target levels set forth in this policy, the Board will promptly implement a plan, to be recommended by staff, to increase rates, reduce costs or otherwise cause there to be sufficient revenues to replenish the reserves to such target levels within 12 months.	✓

## Income Statement Trends Cumulative Fiscal Year to Date



### Key takeaway:

- Net income increased year over year primarily due to an increase in transmission revenues, partially offset by an increase in loss on the disposition/sale of property.

# LCRA Transmission Services Corporation

**June 30, 2022**

*(Dollars in Millions)*

## Condensed Balance Sheets

	<b>June 30, 2022</b>	<b>June 30, 2021</b>
<b>Assets</b>		
Cash and cash equivalents	\$ 177.1	\$ 219.7
Current assets	183.4	170.7
Total current assets	360.5	390.4
Capital assets	3,711.1	3,469.6
Long-term assets	230.9	234.6
Total long-term assets	3,942.0	3,704.2
<b>Total Assets</b>	<b>\$ 4,302.5</b>	<b>\$ 4,094.6</b>
<b>Liabilities</b>		
Bonds, notes and loans payable	\$ 276.5	\$ 300.4
Current liabilities	170.3	135.2
Total current liabilities	446.8	435.6
Bonds, notes and loans payable	2,902.7	2,725.6
Long-term liabilities	67.2	102.4
Total long-term liabilities	2,969.9	2,828.0
<b>Equity</b>		
Total equity	885.8	831.0
<b>Total Liabilities and Equity</b>	<b>\$ 4,302.5</b>	<b>\$ 4,094.6</b>

**Key takeaway:**

- Assets and liabilities are trending higher compared with June 2021 due to construction activities related to the capital plan.

# LCRA Transmission Services Corporation

**June 30, 2022**

*(Dollars in Millions)*

## Condensed Statements of Revenues, Expenses and Changes in Equity

	<b>Fiscal Year to Date</b>	
	<u>2022</u>	<u>2021</u>
<b>Operating Revenues</b>		
Transmission	\$ 526.4	\$ 478.5
Transformation	17.1	15.8
Other	2.2	3.2
Total Operating Revenues	<u>545.7</u>	<u>497.5</u>
<b>Operating Expenses</b>		
Operations	157.1	151.2
Maintenance	15.0	14.7
Depreciation and amortization	123.5	113.3
Total Operating Expenses	<u>295.6</u>	<u>279.2</u>
Operating Income	<u>250.1</u>	<u>218.3</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on debt	(98.5)	(94.5)
Other expenses	(96.8)	(76.1)
Total Nonoperating Revenues (Expenses)	<u>(195.3)</u>	<u>(170.6)</u>
Change in Equity	54.8	47.7
<b>Equity - Beginning of Period</b>	<u>831.0</u>	<u>783.3</u>
<b>Equity - End of Period</b>	<u>\$ 885.8</u>	<u>\$ 831.0</u>

# LCRA Transmission Services Corporation

June 30, 2022

(Dollars in Millions)

## Condensed Statements of Cash Flows

	Fiscal Year to Date	
	2022	2021
<b>Cash Flows From Operating Activities</b>		
Received from customers	\$ 505.3	\$ 489.7
Payments	(174.0)	(185.0)
Net cash provided by operating activities	331.3	304.7
<b>Cash Flows From Noncapital Financing Activities</b>	(26.1)	(26.6)
<b>Cash Flows From Capital and Related Financing Activities</b>		
Purchase of property, plant and equipment	(423.1)	(427.2)
Debt principal payments	(137.3)	(58.6)
Other capital and financing activities	204.9	247.9
Net cash used in capital and financing activities	(355.5)	(237.9)
<b>Cash Flows From Investing Activities</b>		
Sale and maturity of investment securities	184.8	74.6
Purchase of investment securities	(189.5)	(68.5)
Note payments and interest received	1.5	1.9
Net cash provided by (used in) investing activities	(3.2)	8.0
<b>Net Increase (Decrease) in Cash and Cash Equivalents</b>	(53.5)	48.2
<b>Cash and Cash Equivalents - Beginning of Period</b>	231.2	183.0
<b>Cash and Cash Equivalents - End of Period</b>	\$ 177.7	\$ 231.2

# LCRA Transmission Services Corporation

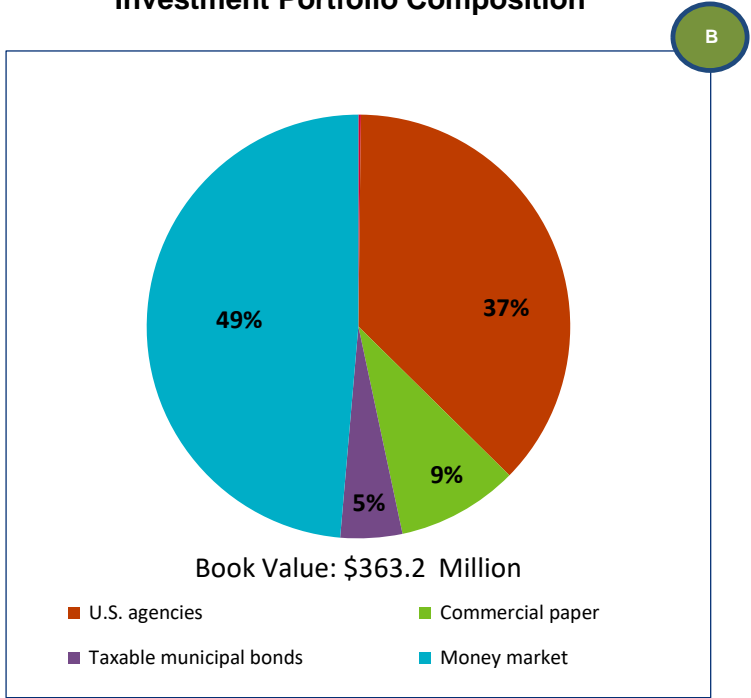
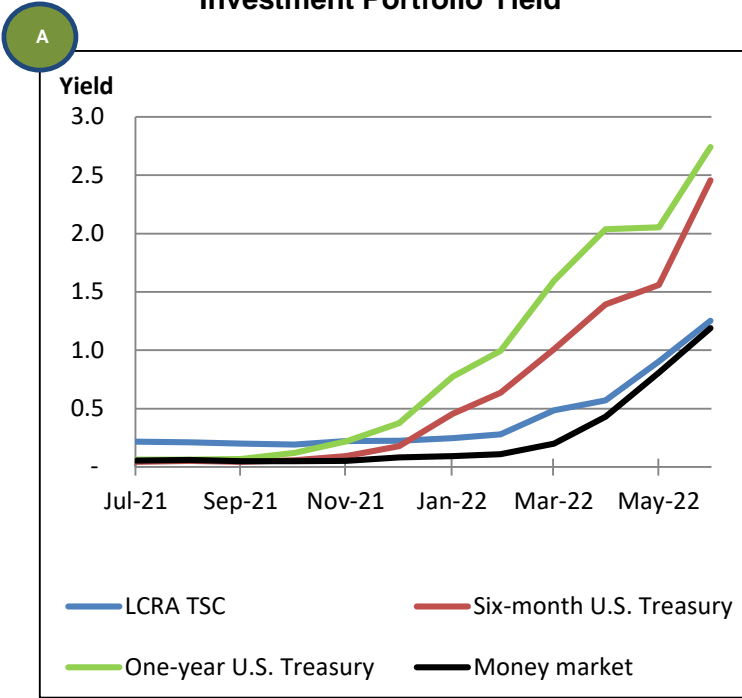
June 30, 2022

(Dollars in Millions)

## Investments and Debt

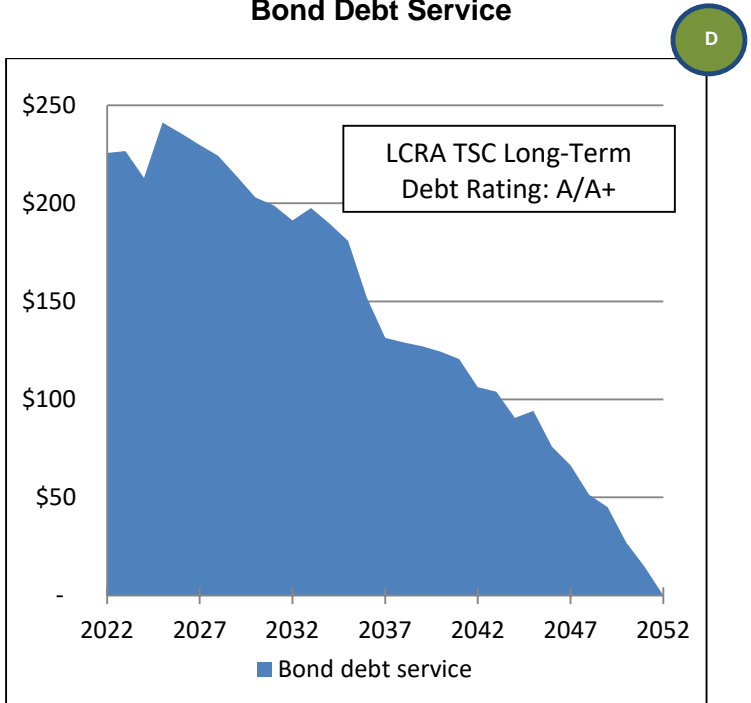
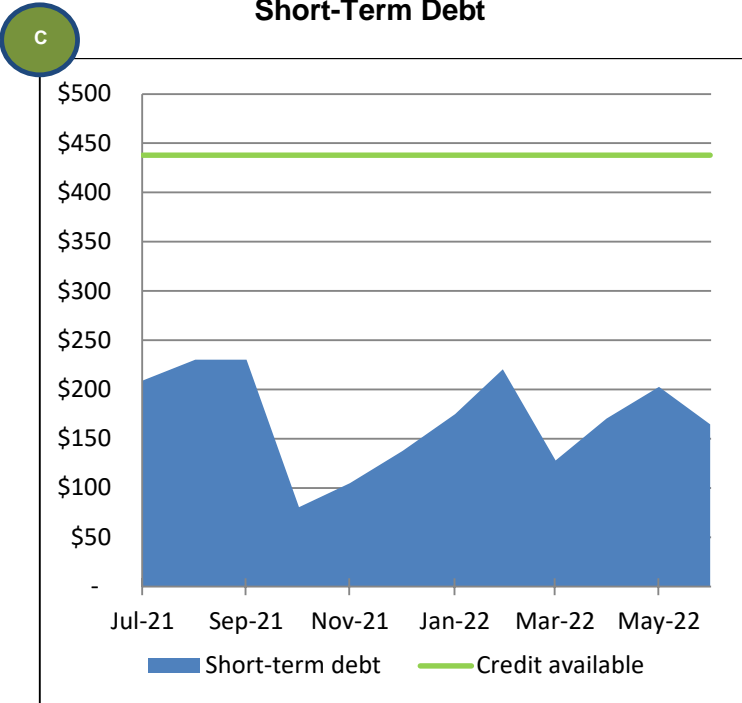
### Investment Portfolio Yield

### Investment Portfolio Composition



### Short-Term Debt

### Bond Debt Service



### Key takeaways:

- In its June 14-15 meeting, the Federal Open Market Committee approved its first 0.75% interest rate increase in 28 years, leaving the Federal Reserve rate target at 1.5%-1.75%.
- The Federal Open Market Committee is scheduled to meet again on July 26 and 27.

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## **FOR ACTION (CONSENT)**

### **3. Acquisition of Interests in Real Property – Use of Eminent Domain in Blanco, DeWitt, Austin, Guadalupe and Fayette Counties**

#### **Amended Proposed Motion**

I move that the Board of LCRA Transmission Services Corporation adopt the attached resolution; that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of needed easement rights for the LCRA Broadband Program project, on behalf of LCRA and at LCRA's expense, to provide for communications and to facilitate broadband services on the: Mountain Top to Kendall (T342), Lost Creek to Guadalupe (T541), Bellville South to Waller (T213), Zorn SWYD to Seguin (T203) and Salem to Warda (T667) transmission lines; and that the first record vote applies to all units of property to be condemned. Due to a clerical error, this previously approved item needs to be amended and ratified. "Exhibit 1 – Description of Specific Properties" was not included. This ratification will correct the clerical error.

#### **Board Consideration**

LCRA Transmission Services Corporation Board Policy T401 – Land Resources and Section 2206.053 of the Texas Government Code require Board authorization prior to the initiation of eminent domain proceedings.

Section 2206.053 of the Texas Government Code provides that if two or more Board members object to adopting a single resolution for all units, a separate record vote must be taken for each unit of property. If two or more units of real property are owned by the same person, those units may be treated as one unit of property.

LCRA utilizes LCRA Transmission Services Corporation to provide LCRA with fiberoptic communications and broadband services at LCRA's expense pursuant to LCRA Board Policy 220.20 and Section 8503.032 of the Special District Local Laws Code.

#### **Budget Status and Fiscal Impact**

The acquisition cost was included in the Board-approved budget for the LCRA Broadband Program project.

#### **Summary**

LCRA TSC proposes to acquire third-party communications rights in the counties of Blanco, DeWitt, Austin, Guadalupe and Fayette for the LCRA Broadband Program project. Paul Hornsby and Company will perform independent appraisals of the interests in real property to be acquired to determine just compensation to the landowners.

Staff will make initial offers to acquire the necessary interests in real property voluntarily from the landowners listed on Exhibit C, as required by Section 21.0113 of the Texas Property Code. Staff will continue to negotiate for the purchase of the interests in real property. Staff seeks Board authorization to proceed with condemnation if an agreement cannot be reached with the landowners.

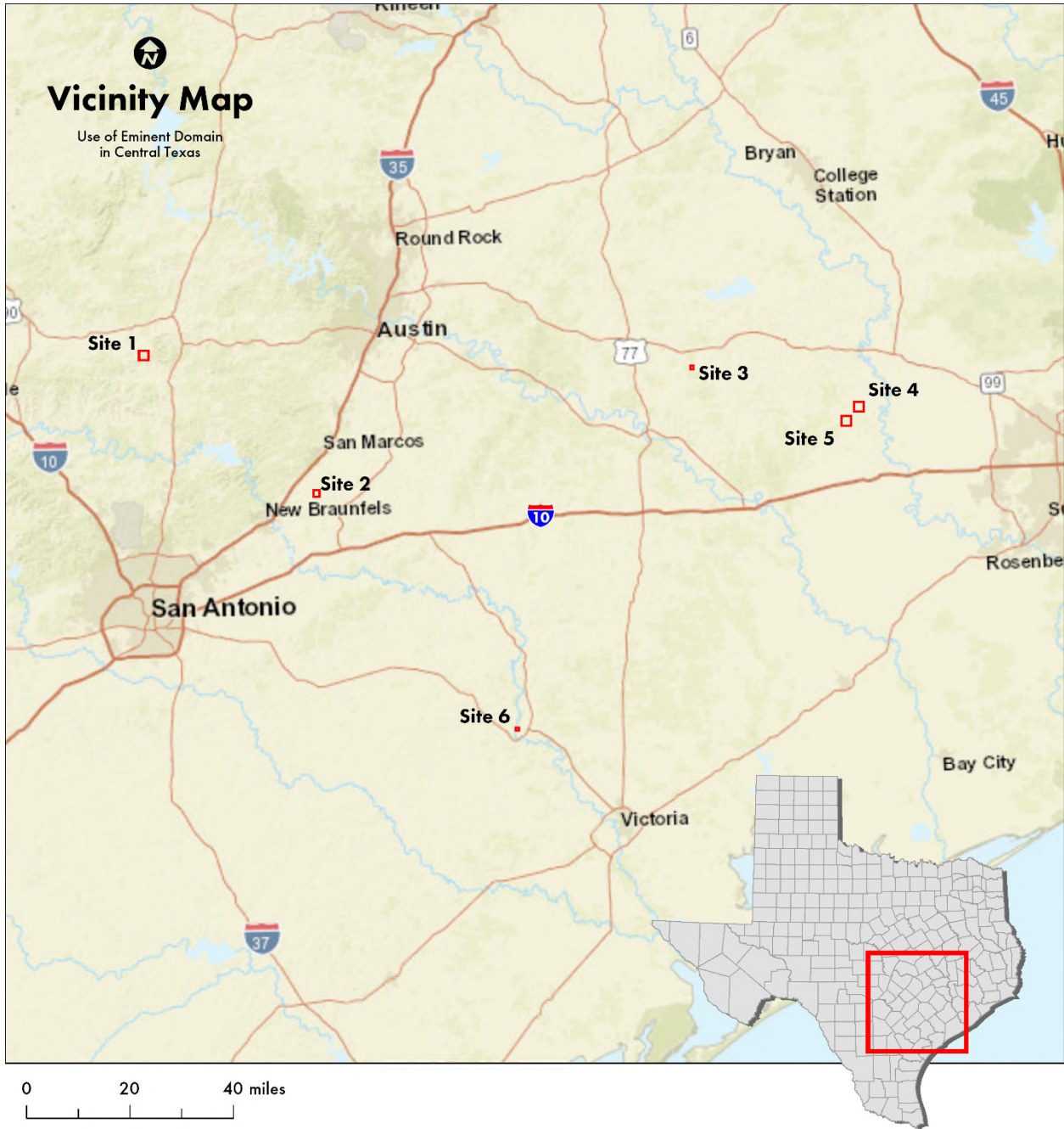
Staff has provided to the Board descriptions of the specific properties to be acquired and will attach the descriptions to the resolution.

Staff requests that the Board adopt the resolution in Exhibit D authorizing the initiation of condemnation proceedings on the first record vote for all units of property.

**Exhibit(s)**

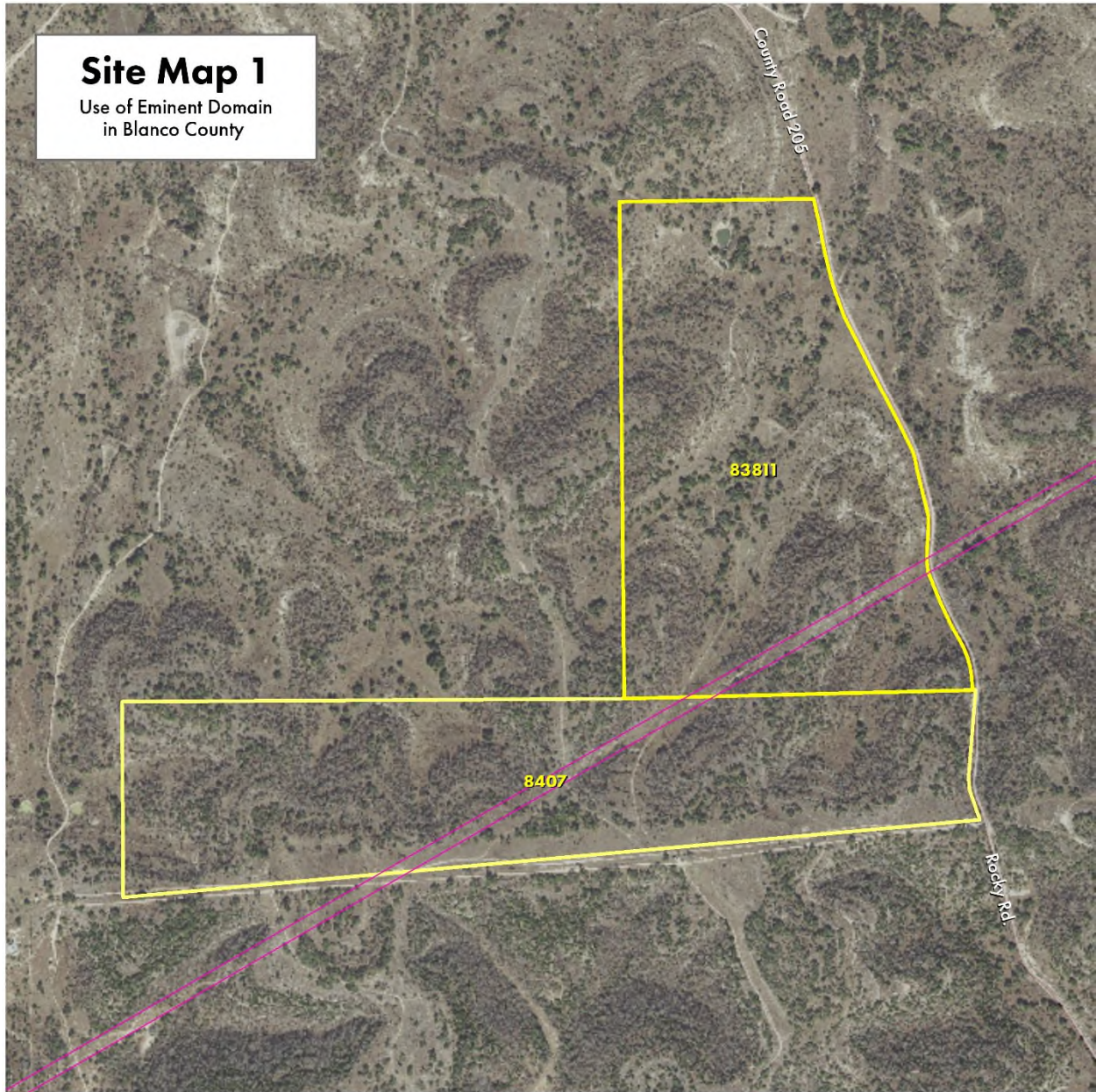
- A – Vicinity Maps
- B – Site Maps
- C – Landowner List
- D – Resolution
- 1 – Description of Specific Properties

**EXHIBIT A**





**EXHIBIT B**  
Page 1 of 6



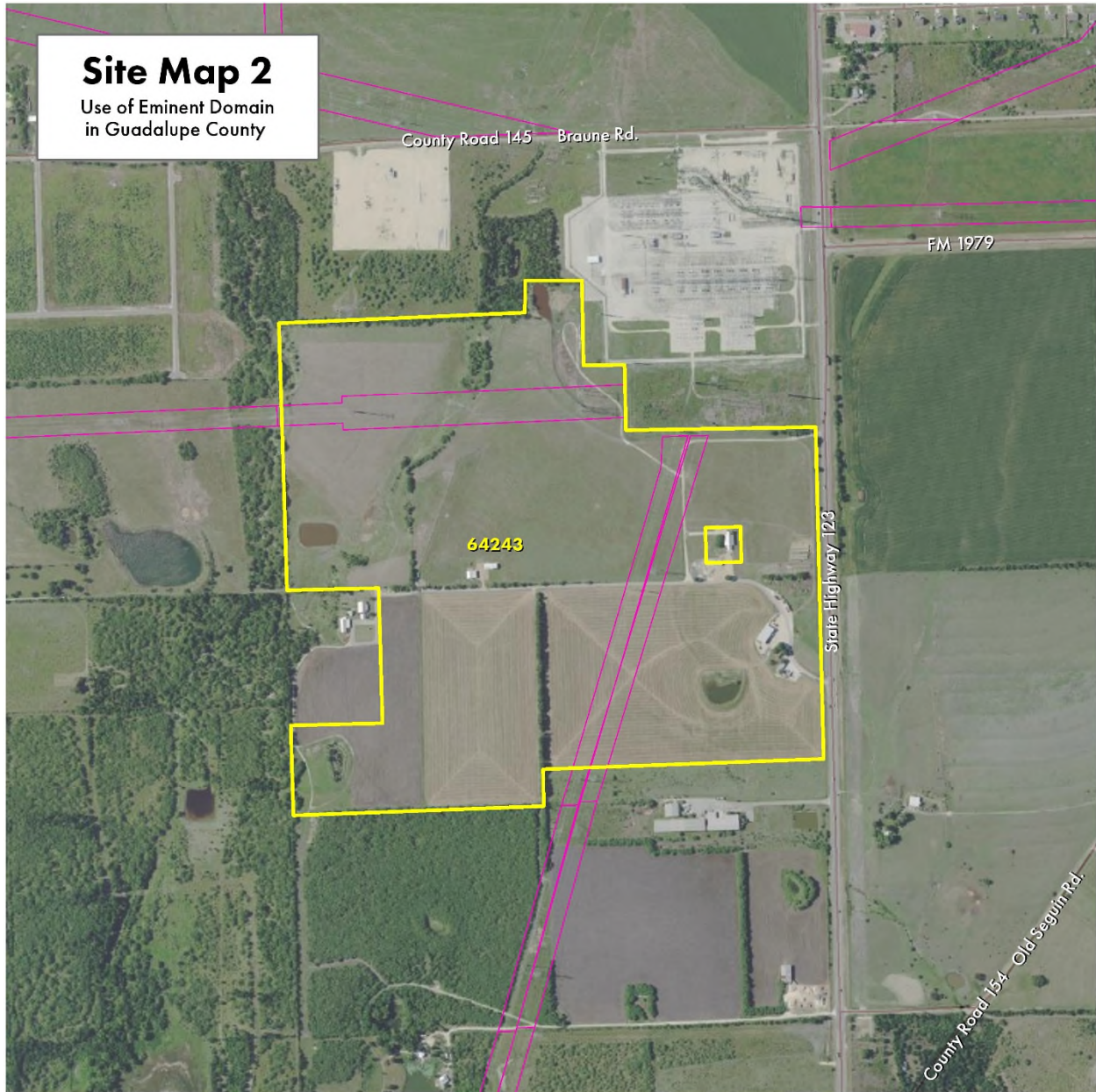
0 2,000 feet

- Existing Easement
- Blanco County Parcels

See Exhibit C Landowner List  
for owner names and acreages.



**EXHIBIT B**  
Page 2 of 6

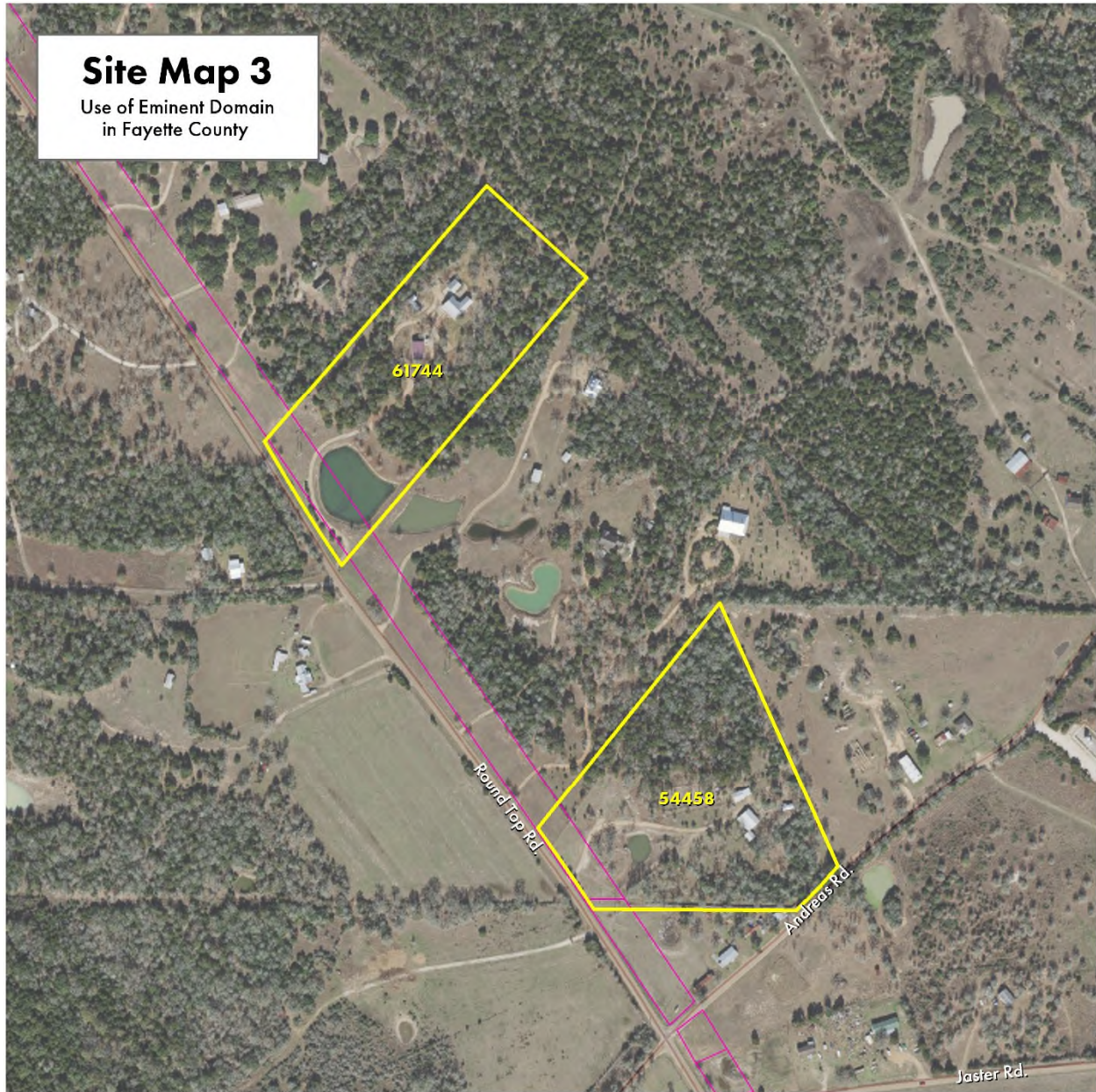


0 1,000 feet

- Existing Easements
- Guadalupe County Parcels

See Exhibit C Landowner List  
for owner names and acreages.



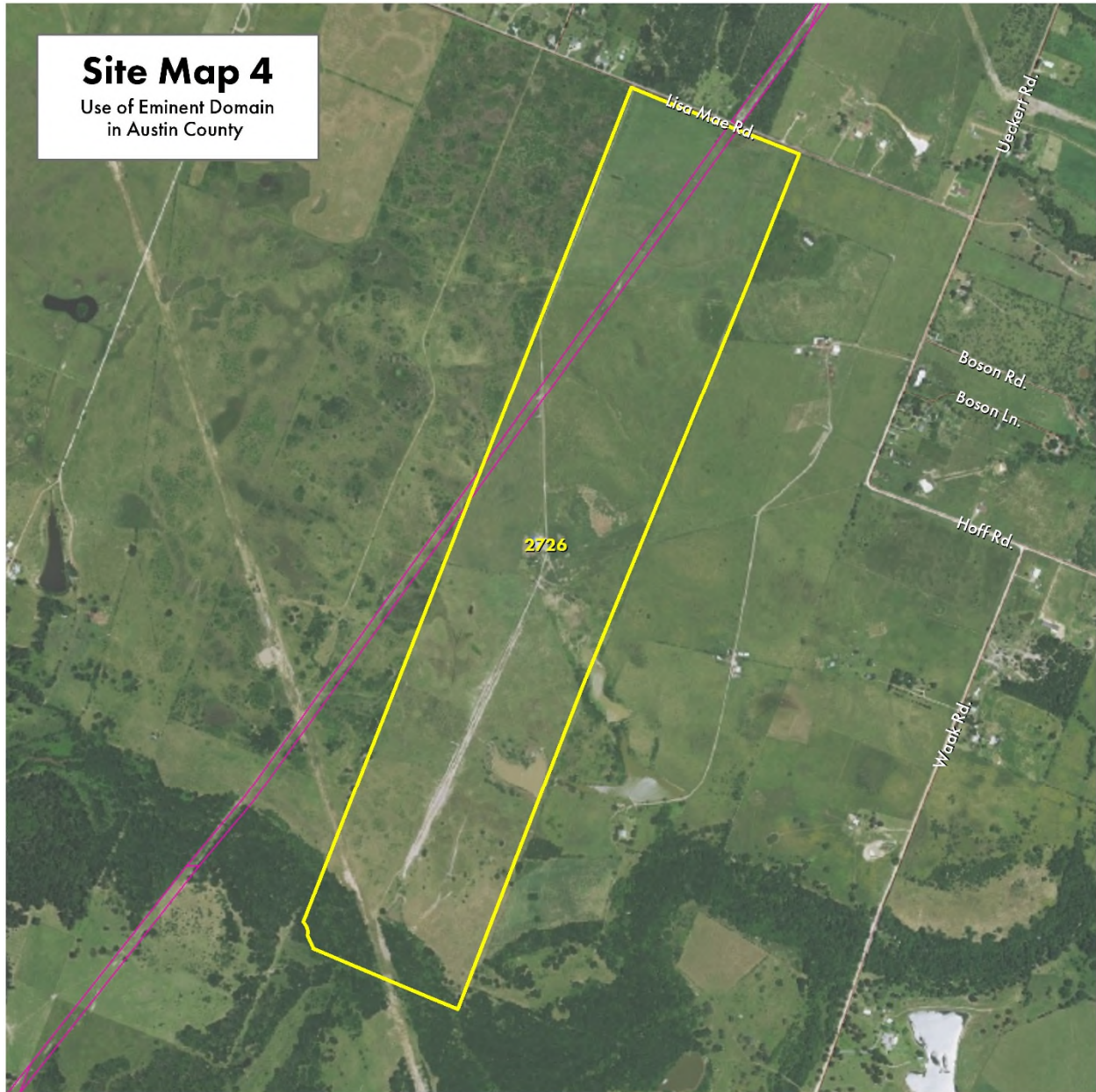


0 500 feet

- Existing Easement
- Fayette County Parcels

See Exhibit C Landowner List  
for owner names and acreages.







**Site Map 4**  
Use of Eminent Domain  
in Austin County



0 1,500 feet

-  Existing Easements
-  Austin County Parcels

See Exhibit C Landowner List  
for owner names and acreages.

**EXHIBIT B**  
Page 5 of 6

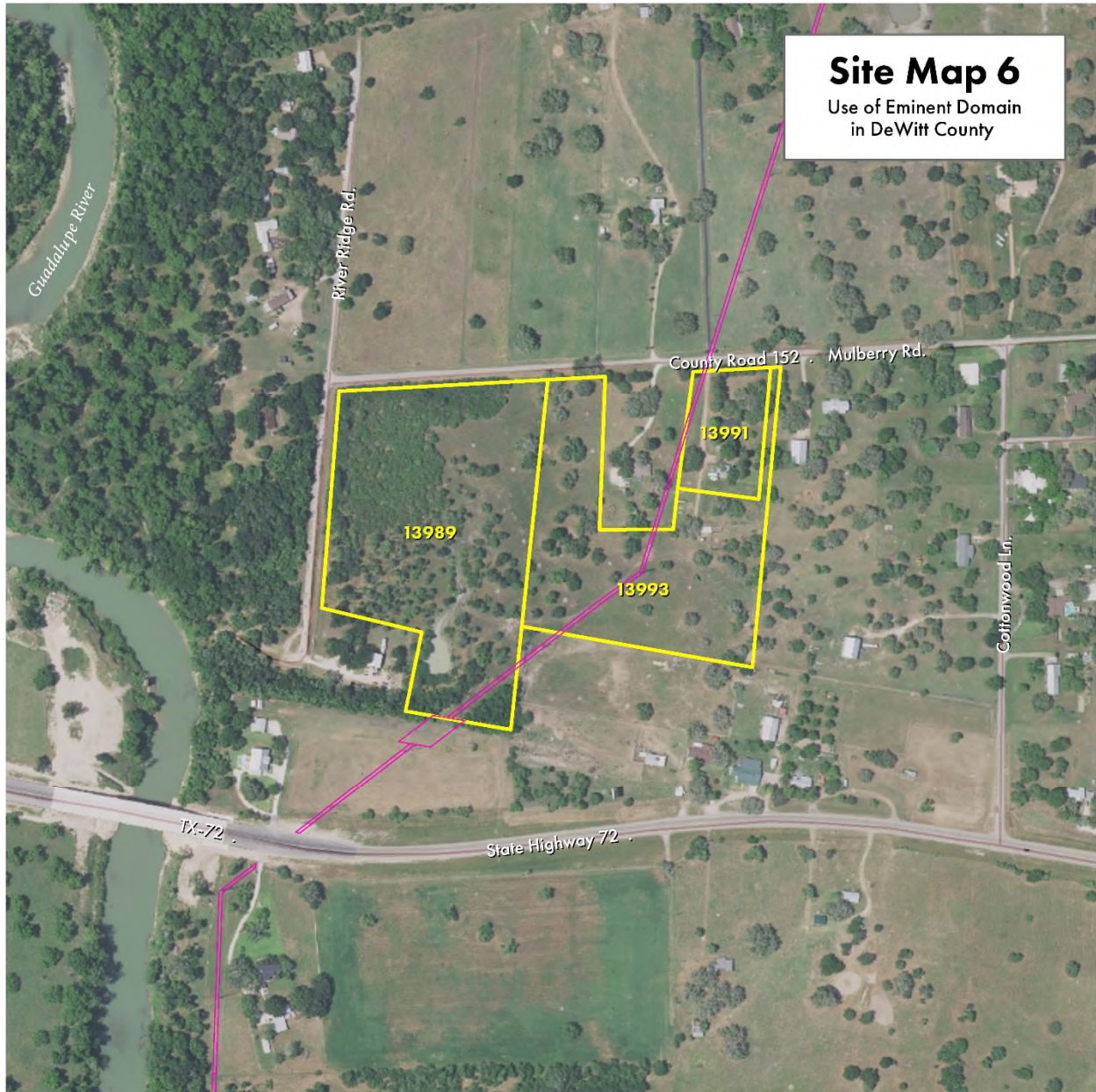


0 1,500 feet

- Existing Easements
- Austin County Parcels

See Exhibit C Landowner List for owner names and acreages.





0 600 feet

Existing Easements  
DeWitt County Parcels

See Exhibit C Landowner List  
for owner names and acreages.

**EXHIBIT C**

<b>Tract Number</b>	<b>Landowner</b>	<b>Approximate Parent Tract Acreage</b>	<b>Land Rights</b>	<b>Approximate Easement Acreage</b>	<b>County</b>	<b>Approximate Value</b>
83811	Dylan Alexander Hester	193 acres	Third-Party Communication	5.75 acres	Blanco	\$2,100
8407	Dylan Alexander Hester	174 acres	Third-Party Communication	4.6 acres	Blanco	\$1,500
13989	James and Jennifer Martin	9.9 acres	Third-Party Communication	0.06 acre	DeWitt	\$23
13991	James and Jennifer Martin	3.5 acres	Third-Party Communication	0.04 acre	DeWitt	\$14
13993	James and Jennifer Martin	6.25 acres	Third-Party Communication	0.1 acre	DeWitt	\$38
10167	Karl Warren Ebert et al	34.8 acres	Third-Party Communication	1.19 acres	Austin	\$952
2726	Ranch Las Torres LLC	299.57 acres	Third-Party Communication	7.67 acres	Austin	\$1,152
64243	Warren M. Kutscher	175.29 acres	Third-Party Communication	4.81 acres	Guadalupe	\$2,400
61744	Miller	10 acres	Third-Party Communication	0.98 acre	Fayette	\$823
54458	Janice Hughes and Robert Mackinnon	10 acres	Third-Party Communication	0.64 acre	Fayette	\$512

**EXHIBIT D**

Page 1 of 2

**PROPOSED MOTION**

**I MOVE THAT THE BOARD OF LCRA TRANSMISSION SERVICES CORPORATION ADOPT THE ATTACHED RESOLUTION; THAT THE BOARD AUTHORIZE BY RECORD VOTE THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE RIGHTS IN THE PROPERTIES DESCRIBED IN EXHIBIT 1 TO THE RESOLUTION FOR THE ACQUISITION OF THE LCRA BROADBAND PROGRAM PROJECT FOR THIRD -PARTY USE OF EXCESS BROADBAND CAPACITY ON THE T342, T541, T213, T203, AND T667 TRANSMISSION LINES; AND THAT THE FIRST RECORD VOTE APPLIES TO ALL UNITS OF PROPERTY TO BE CONDEMNED.**

**RESOLUTION**

**AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY BY CONDEMNATION IN BLANCO, DEWITT, AUSTIN, GUADALUPE AND FAYETTE COUNTIES FOR THIRD -PARTY USE OF EXCESS BROADBAND CAPACITY ON THE T342, T541, T213, T203, AND T667 TRANSMISSION LINES.**

**WHEREAS**, LCRA Transmission Services Corporation has determined the need to acquire the interests in real property necessary for the public uses of construction, operation and maintenance of electric transmission lines, communication lines, and appurtenances thereto in Blanco, DeWitt, Austin, Guadalupe and Fayette counties; and

**WHEREAS**, an independent, professional appraisal of the subject property will be submitted to LCRA Transmission Services Corporation, and an amount will be established to be just compensation for the interests in real property to be acquired;

**NOW, THEREFORE, BE IT RESOLVED** that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowners listed in the attached Exhibit C for the construction of the LCRA Broadband Program project for the third -party use of excess broadband capacity on the T342, T541, T213, T203, and T667 transmission lines, with the description of the location of and interest in the property LCRA Transmission Services Corporation seeks to acquire being more particularly described in maps provided to the Board and attached to this Resolution as Exhibit 1; that the public convenience and necessity requires the acquisition of said interests in real property; that the public necessity requires the condemnation of the interests in real property in order to acquire them for such uses; that LCRA Transmission Services Corporation does not intend to acquire rights to groundwater or surface water in the land; that, if applicable LCRA Transmission Services Corporation will make a bona fide

**EXHIBIT D**

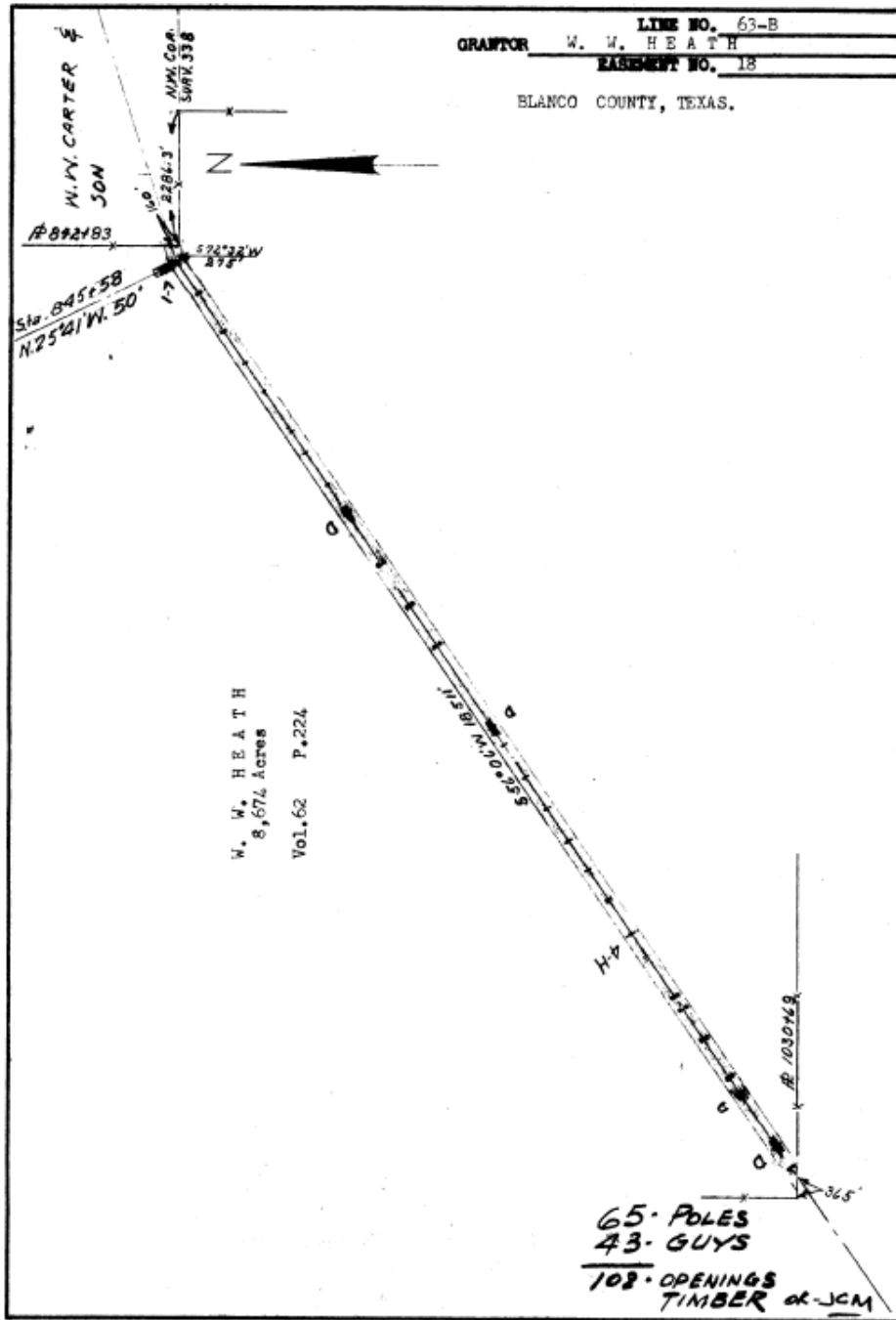
Page 2 of 2

offer to acquire the interests in real property from the landowner voluntarily as required by Section 21.0113 of the Texas Property Code; and that at such time as LCRA Transmission Services Corporation has determined that the landowner and LCRA Transmission Services Corporation will be unable to reach an agreement on the fair market value of the subject interests in real property and that it should appear that further negotiations for settlement with the landowner would be futile, or if after due diligence, the location or identity of the landowner is unknown, then the president and chief executive officer or his designee is authorized under Section 8503.032 of the Special District Local Laws Code and directed to initiate condemnation proceedings against the landowner of the property, and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the necessary interests in real property. This resolution takes effect immediately from and after its passage.

**BE IT FURTHER RESOLVED** that the president and chief executive officer or his designee is hereby authorized to do all things necessary and proper to carry out the intent and purpose of this resolution, including determination and negotiation of the interests in real property that are proper and convenient for the operation of the electric transmission lines.

**EXHIBIT 1**

Page 1 of 10



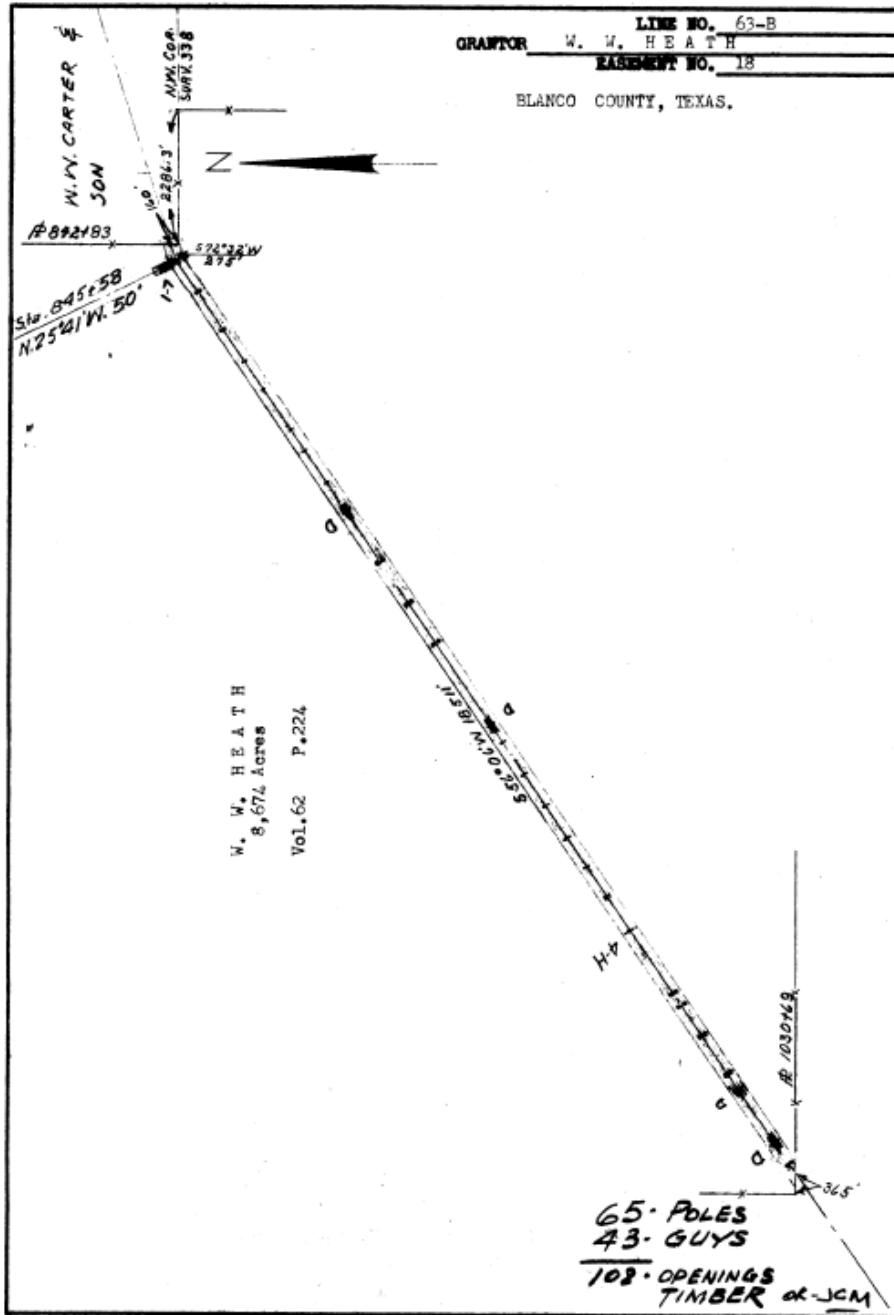
LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

LINE NO. 63-B FROM PHILLIPS-BLANCO TO COMFORT EASEMENT NO. 18

SCALE: 1" = 2000' DATE FEBRUARY, 1961 GRANTOR W. W. HEATH

1013 005457

**EXHIBIT 1**  
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LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT **EXHIBIT A**

LINE NO. 63-B FROM PHILLIPS-BLANCO TO COMFORT EASEMENT NO. 18  
SCALE: 1" = 2000' DATE FEBRUARY, 1961 GRANTOR W. W. HEATH

013 005457

**EXHIBIT 1**  
Page 3 of 10

E. F. Kuester }  
 Right of Way Easement. To }  
 Central Power & Light Company. }  
 The State of Texas, }  
 County of DeWitt. } **KNOW ALL MEN BY THESE PRESENTS:**

That E. F. Kuester and \_\_\_\_\_ husband and wife, of the County of DeWitt and State of Texas, for and in consideration of the sum of two and no/100 dollars, (\$2.00) dollars, to me (us) in hand paid by Central Power and Light Company, a private corporation organized and existing under and by virtue of the laws of the State of Massachusetts, and having a permit to do business in the State of Texas, the receipt of which is hereby acknowledged and confessed, have this day granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Central Power and Light Company, its successors and assigns, an easement or right of way for guys and anchorages, at or near the location and along the general course now located and staked out by said Central Power and Light Company, over, across and upon the following described lands now owned by me (us), located in the County of DeWitt and State of Texas, to-wit:

Parcel of land deeded to E. F. Kuester by Annie Laura Plick et al, more particularly described as follows: In DeWitt County, Texas, being 98.5 acres of land in the J. J. Tumlinson league, and 101.5 acres of land of the J. A. V. y Gonzales leagues, and a part of the 200 acre tract of land conveyed to T. A. Graves by J. W. Campbell, by deed dated Feb. 11, 1886, and recorded in vol. 27, page 54, of the deed records of DeWitt County, Texas, and being all out of lots 25 a, 26 a, 27a, 49a, 54a, and part of 55a, in the partition of the J. A. V y Gonzales league, described as follows:

Beginning at a stake on the bank of the Goad. River N edge of the right-of-way of the old S. A. P. Railway Company, the same being the SW corner of the T. A. Graves estate land. Thence with the N line of the right-of-way S 79 degrees E 1084.5 vrs to a stake and corner post, the edge of the old bridge road; thence N 2 degrees W 42.4 vrs to a stake and corner post; thence S 49 degrees E along the N edge of the said road, 275.5 vrs to a stake and rock; thence N 920.7 vrs to a stake and rock set in S light of right-of-way of the G. A. and S. A. Ry Co; thence with the right-of-way N 71.5 degrees W 3040.0 vrs to a stake; thence S 79.5 degrees W 1170.5 vrs to a stake and rock set on the high bank of the Guadalupe River, same being the NW corner of the T. A. Graves land; thence down the Guadalupe River to the place of beginning, containing 200 acres of land.

301.5

together with the right of ingress and egress over my (our) adjacent lands to or from said right of way for the purpose of constructing, reconstructing, inspecting, patrolling, hanging new wire on, maintaining and removing said line, poles, wires, and appurtenances; the right to re-locate along the same general direction of said line; the right to remove from said lands all trees and parts thereof, or other obstructions which endanger or may interfere with the safety or efficiency of said line, or its appurtenances; and the right to exercise all other rights hereby granted.

To have and to hold the above described rights, easement and rights of way unto the said Central Power and Light Company, its successors and assigns, until said line shall be abandoned and removed.

Not more than -- ( - ) poles and two (2) guys shall be erected along the course of said line upon the above described land unless the said Central Power and Light Company, its successors and assigns, shall pay to me (us), my (our) heirs or legal representatives, at the rate of one and no/100 (\$1.00) dollars for each pole or guy erected in excess of said number; and upon such payment the said Central Power and Light Company, its successors and assigns, shall have the right, and the right is hereby granted, to erect poles along said course in excess of said number.

And I (we) do hereby bind myself (ourselves), my (our) heirs and legal representatives, to warrant and forever defend all and singular, the above described rights, easement and rights of way unto the said Central Power and Light Company, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

In testimony whereof, witness my (our) hand(s) on this the 11th day of January, A. D. 1940.  
 E. F. Kuester.

The State of Texas, }  
 County of DeWitt. } Before me, the undersigned authority, on this day personally appeared  
 E. F. Kuester, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, on this the 11th day of Jan., A. D. 1940.  
 Seal. Dewey Schorre, Notary Public in and for  
 DeWitt County, Texas.

I hereby certify that the foregoing instrument was filed for record the 2 day of February, 1940 at 8 o'clock a. m. and recorded the 2 day of February, 1940 at 1 o'clock p. m.

Seal. *Henry J. Schorre*  
 County Clerk, DeWitt County, Texas.  
 BY *W. J. ...* Deputy.

City of Yoakum, Texas }  
 Release of Judgment. To }  
 C. L. Kopecky. }  
 The State of Texas, }  
 County of DeWitt. } **WITNESSETH:**

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And whereas, C. L. Kopecky has shown to the plaintiff in said judgment that he is unable to pay said judgment, but can obtain the sum of \$150.00 and pay to the City in consideration of being fully and finally released from said judgment, with the understanding that same shall not affect the City's rights to collect the remaining unpaid part of said judgment from the defendants in said judgment other than said C. L. Kopecky.

Now, therefore, know all men by these presents, that the City of Yoakum, Texas, as plaintiff in said judgment and owner thereof, does by authority of resolution of its Board of Commissioners duly passed and entered upon its minutes on January 11, 1940, for and in consideration of the payment to said City of the sum of \$150.00 net to the City by said C. L. Kopecky, the receipt of which is hereby acknowledged, does hereby forever release, discharge and acquit said C. L. Kopecky, his heirs, executors and administrators from any and all liabilities and obligations.



**EXHIBIT 1**  
Page 4 of 10

E. F. Kuester }  
 Right of Way Easement. To }  
 Central Power & Light Company. }  
 Successors of }  
 Easement and Right of Way. }  
 The State of Texas, }  
 County of DeWitt. } **KNOW ALL MEN BY THESE PRESENTS:**

That E. F. Kuester and --- husband and wife, of the County of DeWitt and State of Texas, for and in consideration of the sum of two and no/100 dollars, (\$2.00) dollars, to me (us) in hand paid by Central Power and Light Company, a private corporation organized and existing under and by virtue of the laws of the State of Massachusetts, and having a permit to do business in the State of Texas, the receipt of which is hereby acknowledged and confessed, have this day granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Central Power and Light Company, its successors and assigns, an easement or right of way for guys and anchorages, at or near the location and along the general course now located and staked out by said Central Power and Light Company, over, across and upon the following described lands now owned by me (us), located in the County of DeWitt and State of Texas, to-wit:

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In testimony whereof, witness my (our) hand(s) on this the 11th day of January, A. D. 1940.  
 E. F. Kuester.

The State of Texas, }  
 County of DeWitt. } Before me, the undersigned authority, on this day personally appeared  
 E. F. Kuester, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, on this the 11th day of Jan., A. D. 1940.  
 Seal. Dewey Schorre, Notary Public in and for  
 DeWitt County, Texas.

I hereby certify that the foregoing instrument was filed for record the 2 day of February, 1940 at 8 o'clock a. m. and recorded the 2 day of February, 1940 at 1 o'clock p. m.

Seal. *Henry J. Young*  
 County Clerk, DeWitt County, Texas.  
 BY *W. H. Riddle* Deputy.

City of Yoakum, Texas }  
 Release of Judgment. To }  
 C. L. Kopecky. }  
 The State of Texas, }  
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**EXHIBIT 1**  
Page 5 of 10

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 County Clerk, DeWitt County, Texas.  
 BY *W. J. ...* Deputy.

City of Yoakum, Texas }  
 Release of Judgment. To }  
 C. L. Kopecky. }  
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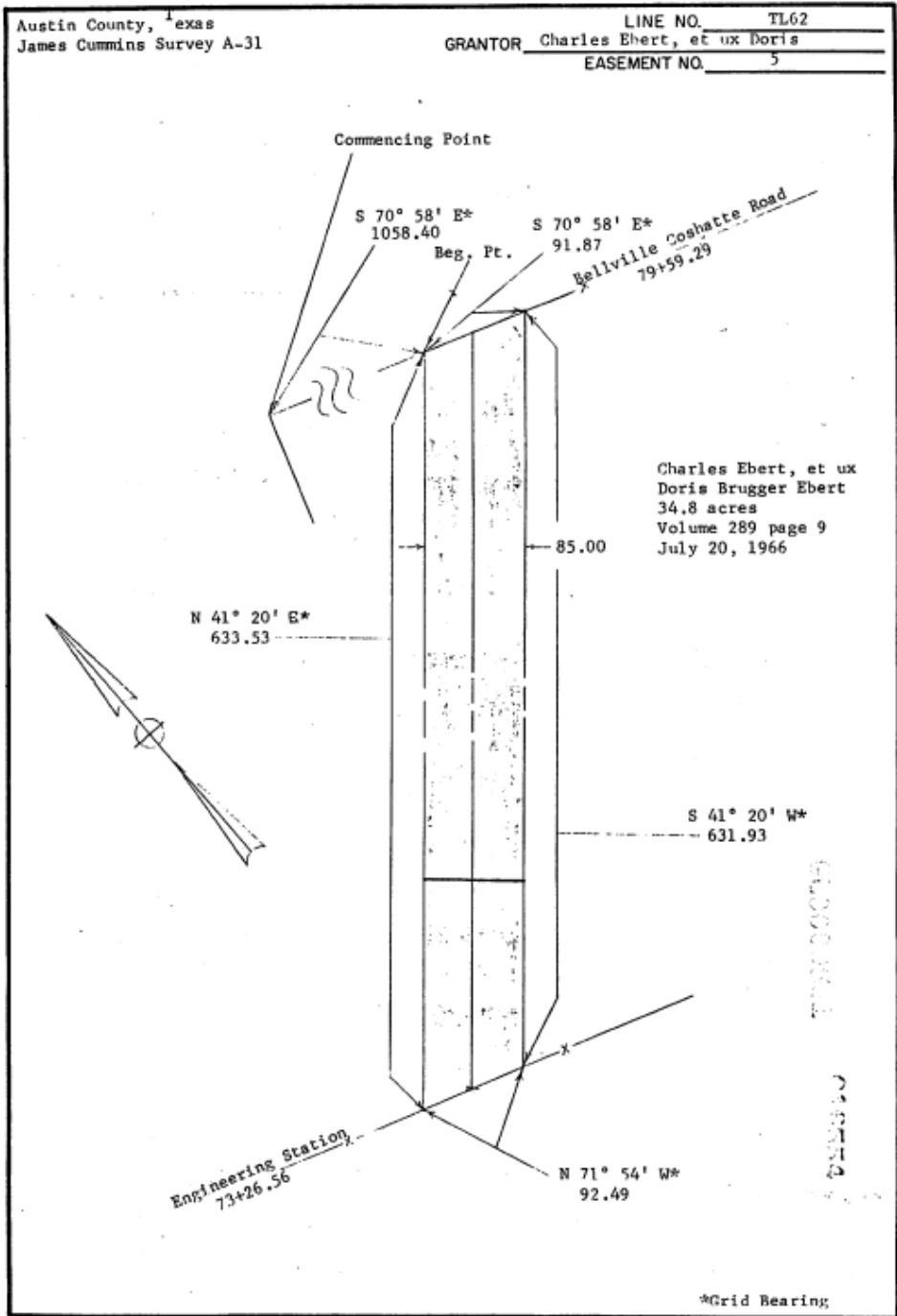
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**EXHIBIT 1**

Page 6 of 10

FORM 20



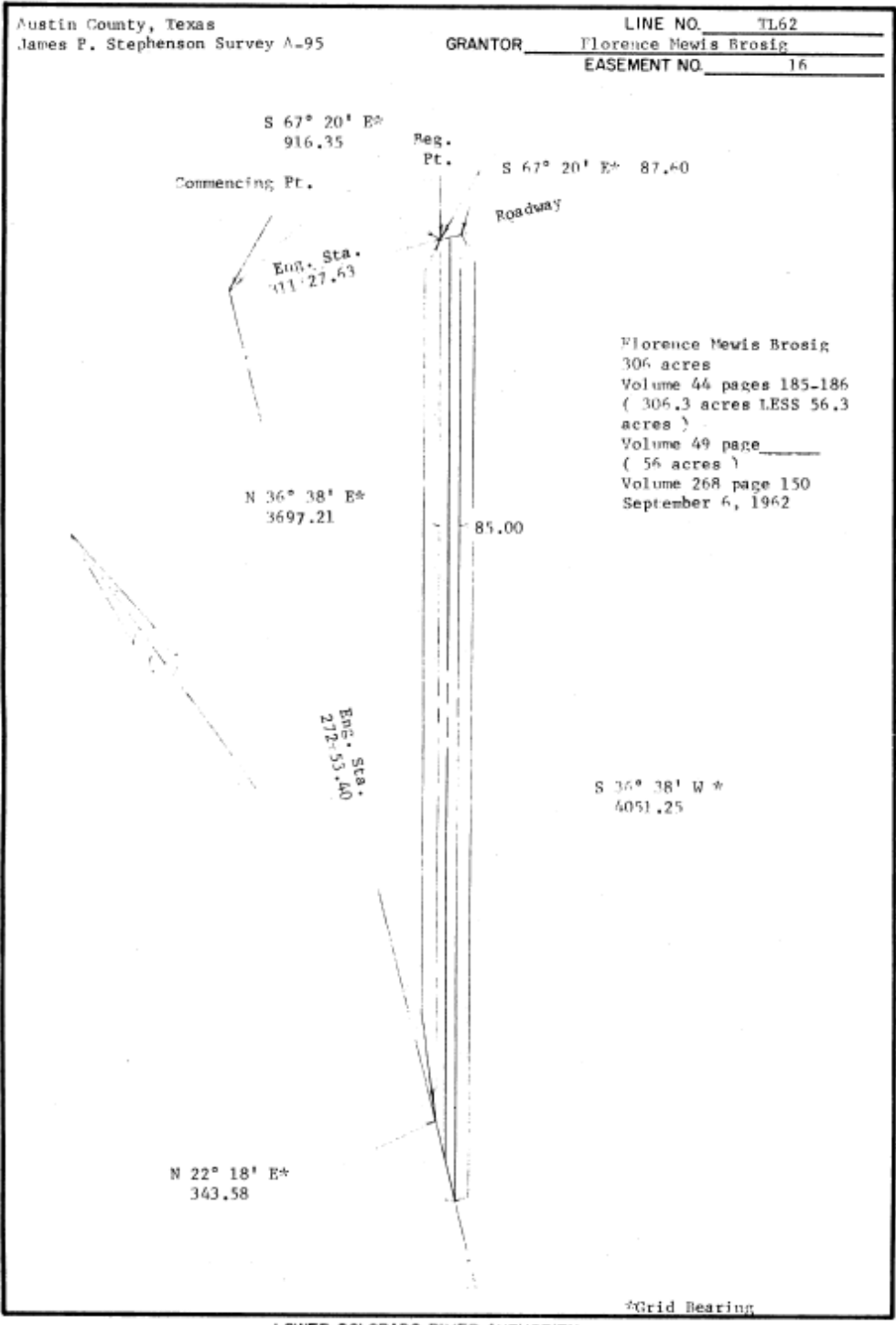
LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

EXHIBIT A - 2

LINE NO. TL62 FROM Bellville South TO Waller EASEMENT NO. 5

SCALE: 1"=100' DATE      /      /      GRANTOR Charles Ebert, et ux Doris

**EXHIBIT 1**  
Page 7 of 10



LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

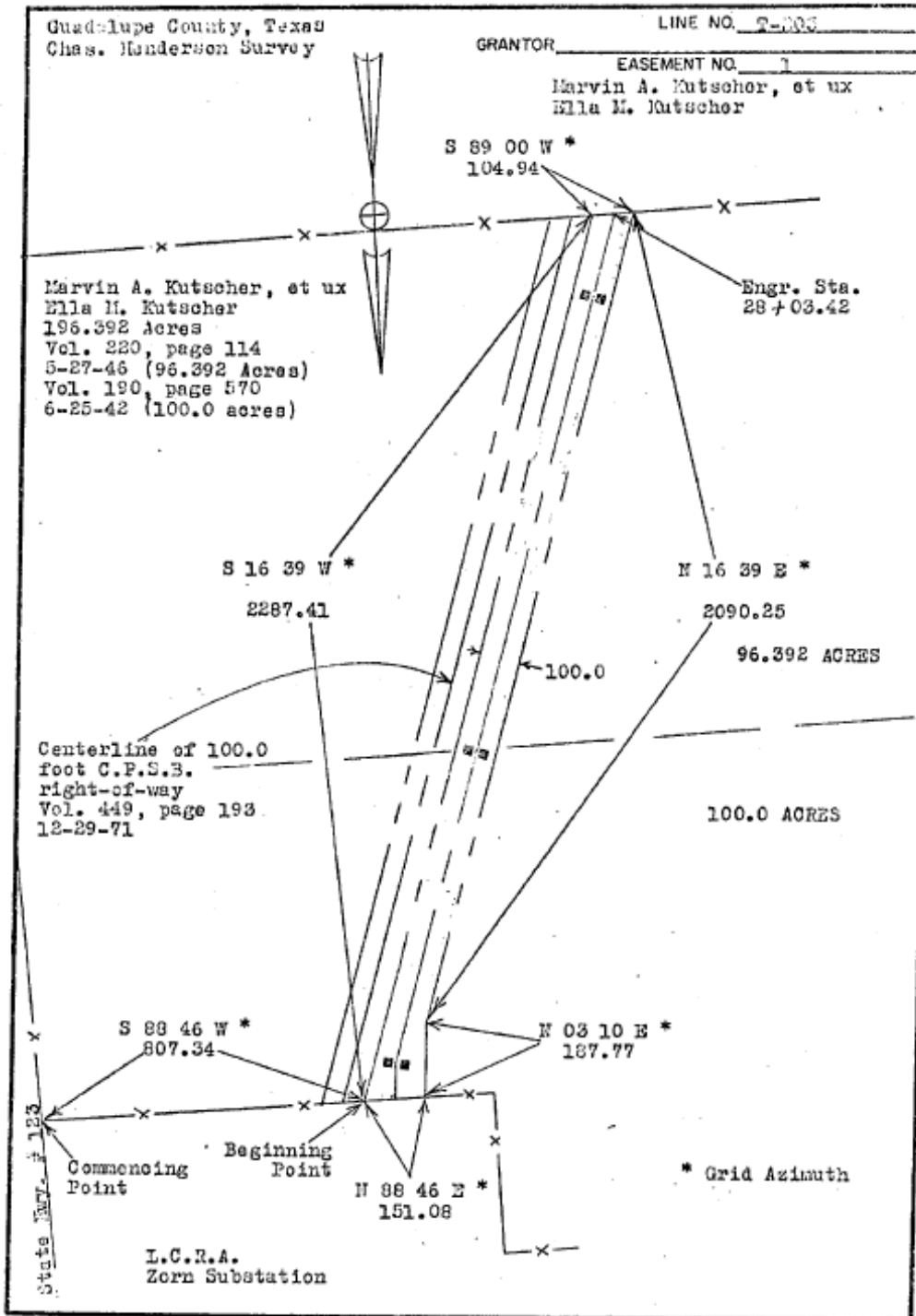
EXHIBIT A

LINE NO. TL62-4 FROM Bellville South TO Waller EASEMENT NO. 16

SCALE: 1"=500' DATE 1/1/63 GRANTOR Florence Mewis Brosig

**EXHIBIT 1**

Page 8 of 10



LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

EXHIBIT A

LINE NO. T-203 FROM Zorn TO Seguin EASEMENT NO. 1

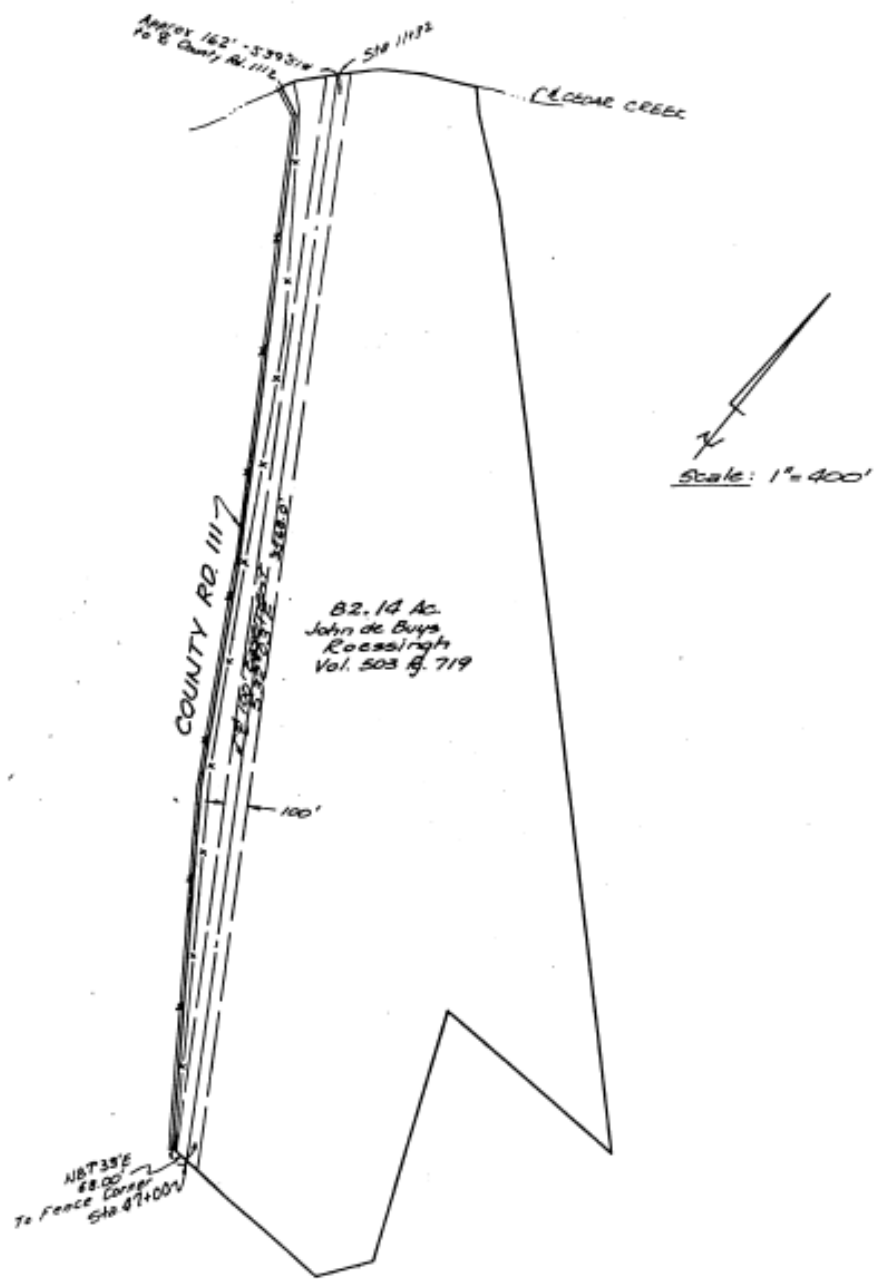
SCALE: 1"=300' DATE 11/19/72 GRANTOR Marvin A. Kutscher, et ux  
Ella M. Kutscher

**EXHIBIT 1**

Page 9 of 10

FOR A ONE HUNDRED (100) FOOT WIDE POWER TRANSMISSION LINE EASEMENT IN THE AMAZIAH E. BAKER LEAGUE (A-8) IN FAYETTE COUNTY, TEXAS, BEING ACROSS A 82.14 ACRE TRACT OF LAND CONVEYED TO JOHN DE BUYS ROESSINGH BY DEED RECORDED IN VOLUME 503, PAGE 719 OF THE FAYETTE COUNTY DEED RECORDS.

(D-7)



Date: April, 1982

Survey under the supervision of:

*Sam C. McKenzie, Jr.*  
Sam C. McKenzie, Jr.  
Registered Public Surveyor



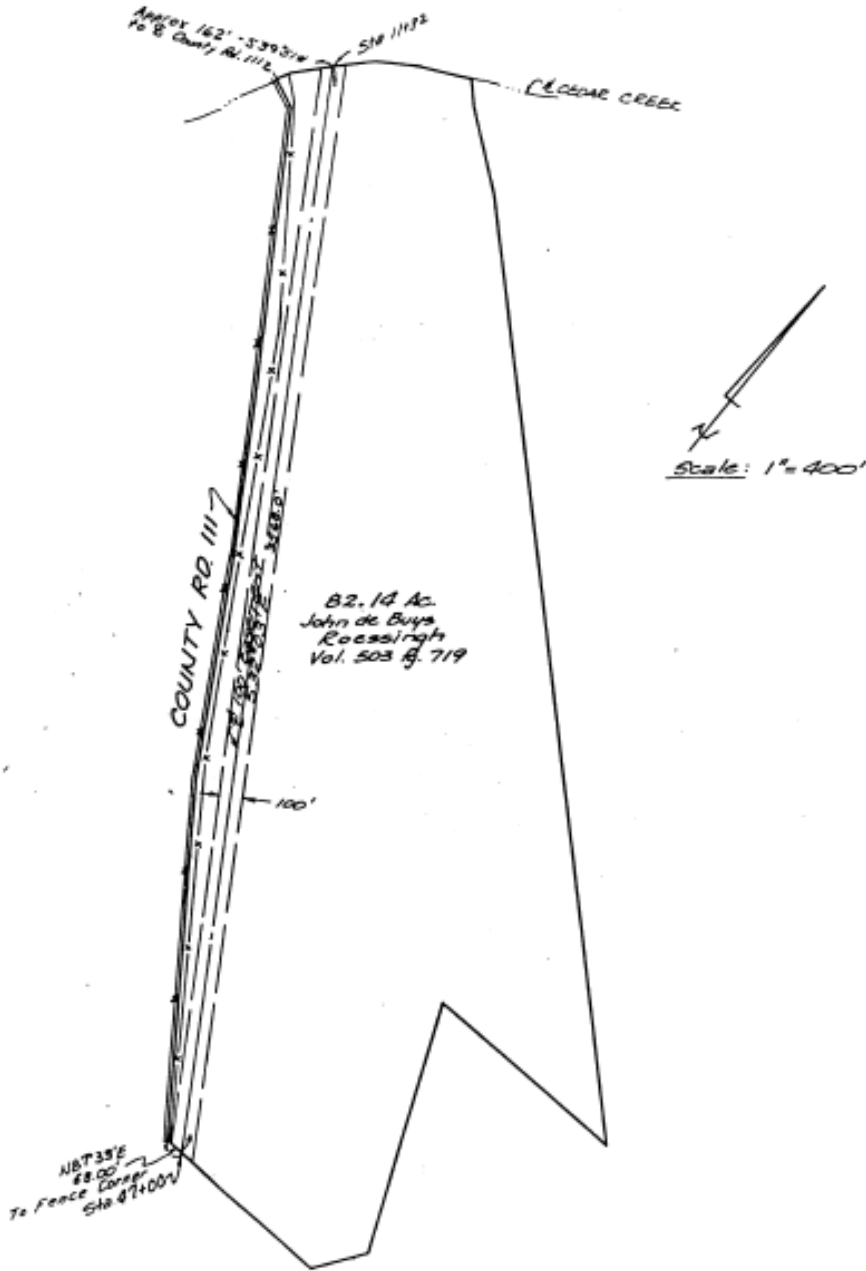
011 1101628

**EXHIBIT 1**

Page 10 of 10

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011 1101628

## **FOR ACTION (CONSENT)**

# **4. Acquisition of Interests in Real Property – Use of Eminent Domain in Caldwell County**

### **Amended Proposed Motion**

I move that the LCRA Transmission Services Corporation Board of Directors adopt the attached resolution; that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of an easement amendment for the Lockhart-Split Transmission Line Upgrade project; and that the first record vote applies to all units of property to be condemned. Due to a clerical error, this previously approved item needs to be amended and ratified. “Exhibit 1 – Description of Specific Properties” was not included. This ratification will correct the clerical error.

### **Board Consideration**

LCRA Transmission Services Corporation Board Policy T401 – Land Resources and Section 2206.053 of the Texas Government Code require Board authorization prior to the initiation of eminent domain proceedings.

Section 2206.053 of the Texas Government Code provides that if two or more Board members object to adopting a single resolution for all units, a separate record vote must be taken for each unit of property. If two or more units of real property are owned by the same person, those units may be treated as one unit of property.

### **Budget Status and Fiscal Impact**

The acquisition costs were included in the Board-approved budget for the Lockhart-Split Transmission Line Upgrade project.

### **Summary**

LCRA TSC proposes to acquire easement amendments in Caldwell County for the Lockhart-Split Transmission Line Upgrade project. Paul Hornsby and Company performed independent appraisals of the interests in real property to be acquired to determine just compensation to the landowners.

Staff made an initial offer to acquire the necessary interests in real property voluntarily from the landowners listed on Exhibit C, as required by Section 21.0113 of the Texas Property Code. Staff will continue to negotiate for the purchase of the interests in real property. Staff seeks Board authorization to proceed with condemnation if an agreement cannot be reached with the landowners.

Staff has provided to the Board descriptions of the specific properties to be acquired and will attach the descriptions to the resolution.

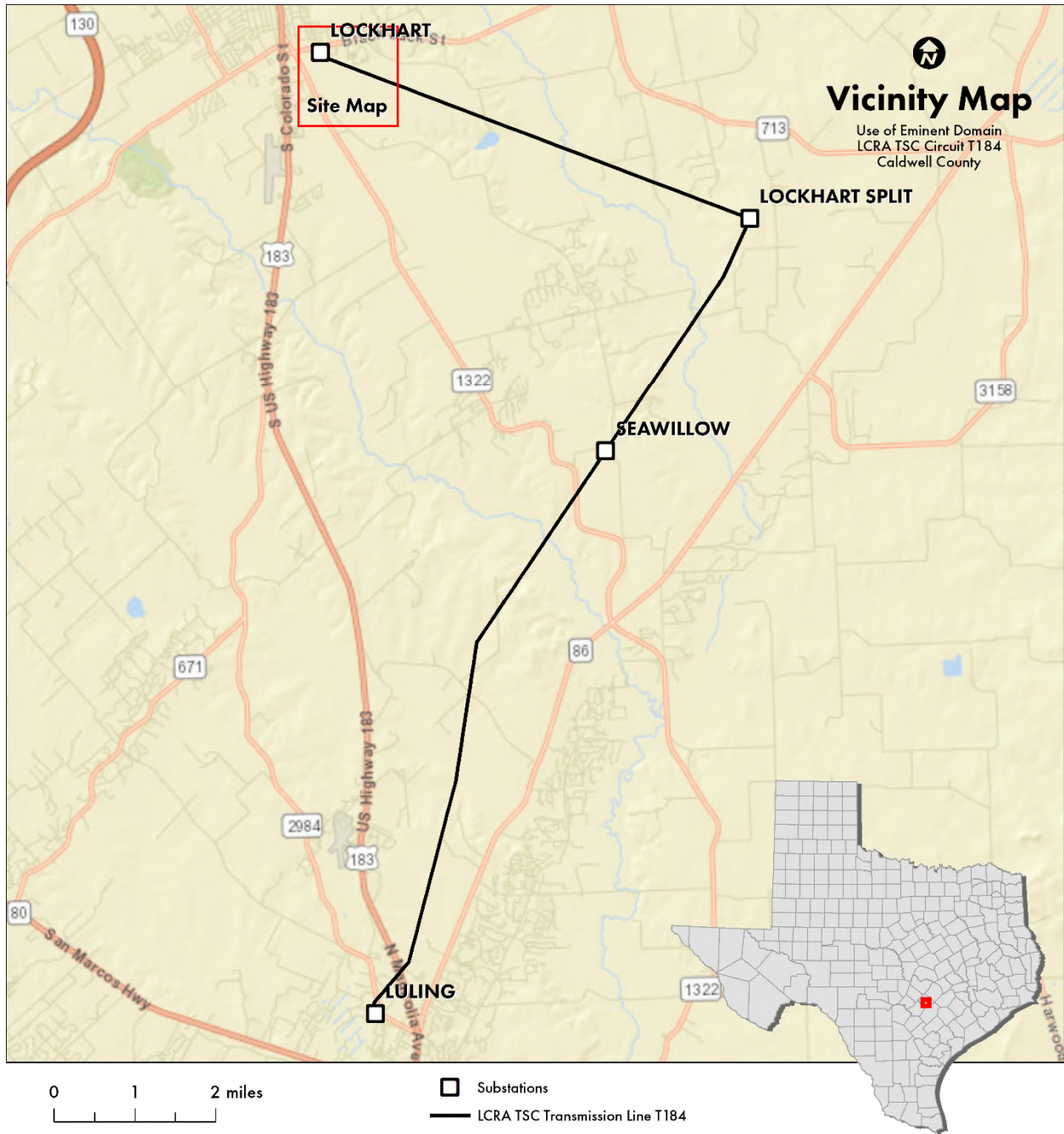
LCRA TSC representatives have performed environmental and cultural due diligence studies and did not identify any concerns. Staff requests the Board adopt the resolution in Exhibit D authorizing the initiation of condemnation proceedings on the first record vote for all units of property.

**Exhibit(s)**

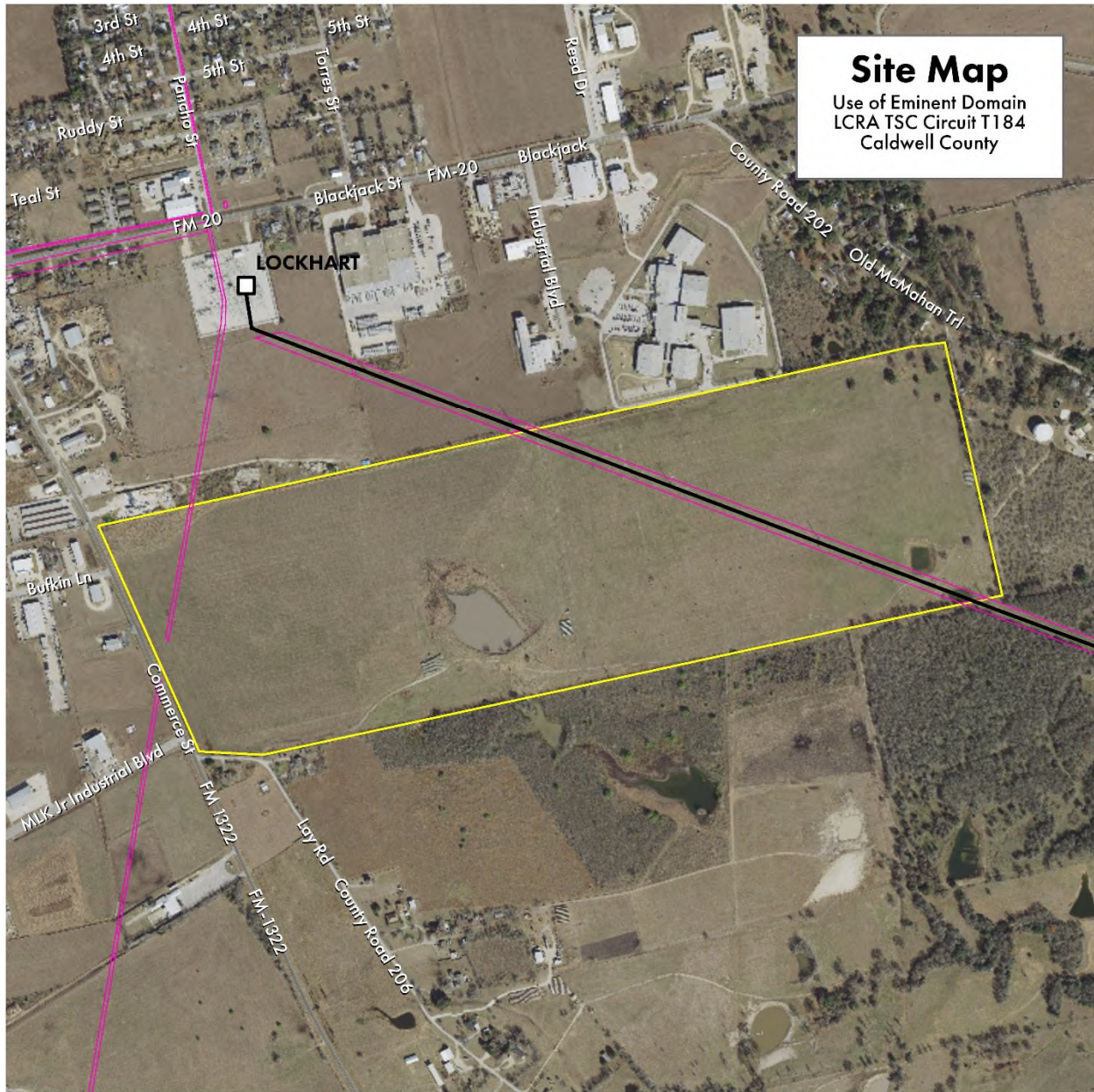
- A – Vicinity Map
- B – Site Map
- C – Landowner List
- D – Resolution
- 1 – Description of Specific Properties



**EXHIBIT A**



**EXHIBIT B**



**Site Map**  
Use of Eminent Domain  
LCRA TSC Circuit T184  
Caldwell County



0 1,000 feet

□ Substations  
— LCRA TSC Transmission Line T184

▭ Landowner Parcels  
▭ Transmission Easements

**EXHIBIT C**

<b>Landowner</b>	<b>Approximate Parent Tract Acreage</b>	<b>Land Rights</b>	<b>Approximate Acquisition Acreage</b>	<b>County</b>	<b>Value of Proposed Easement</b>	<b>Total Approximate Value</b>
Marilyn Riddle	178.42 acres	Easement Amendment	6.5 acres	Caldwell	\$1,325	\$1,325



**EXHIBIT D**

Page 1 of 2

**PROPOSED MOTION**

**I MOVE THAT THE BOARD OF LCRA TRANSMISSION SERVICES CORPORATION ADOPT THE ATTACHED RESOLUTION; THAT THE BOARD AUTHORIZE BY RECORD VOTE THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE RIGHTS IN THE PROPERTY OR PROPERTIES DESCRIBED IN EXHIBIT 1 TO THE RESOLUTION FOR THE LOCKHART-SPLIT TRANSMISSION LINE UPGRADE PROJECT; AND THAT THE FIRST RECORD VOTE APPLIES TO ALL UNITS OF PROPERTY TO BE CONDEMNED.**

**RESOLUTION  
AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY  
BY CONDEMNATION IN CALDWELL COUNTY FOR  
A TRANSMISSION LINE EASEMENT AMENDMENT.**

**WHEREAS**, LCRA Transmission Services Corporation has determined the need to acquire the interests in real property necessary for the public purposes of construction, operation and maintenance of an electric transmission line easement amendment in Caldwell County.

**WHEREAS**, an independent, professional appraisal of the subject property has been submitted to LCRA Transmission Services Corporation, and an amount will be established to be just compensation for the interests in real property to be acquired;

**NOW, THEREFORE, BE IT RESOLVED** that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowner(s) listed in the attached Exhibit C for the Lockhart-Split Transmission Line Upgrade project, with the description of the location of and interests in the property that LCRA Transmission Services Corporation seeks to acquire being more particularly described in maps provided to the Board and attached to this Resolution as Exhibit 1; that the public convenience and necessity requires the acquisition of said interests in real property; that the public necessity requires the condemnation of the interests in real property in order to acquire them for such purposes; that LCRA Transmission Services Corporation does not intend to acquire rights to groundwater or surface water in the land; that LCRA Transmission Services Corporation will make a bona fide offer to acquire the interests in real property from the landowner(s) voluntarily as required by Section 21.0113 of the Texas Property Code; and that at such time as LCRA Transmission Services Corporation has determined that the landowner(s) and LCRA Transmission Services Corporation will be unable to reach an agreement on the fair market value of the subject interests in real property and that it should appear that further negotiations for settlement with the landowner(s) would be futile, then the

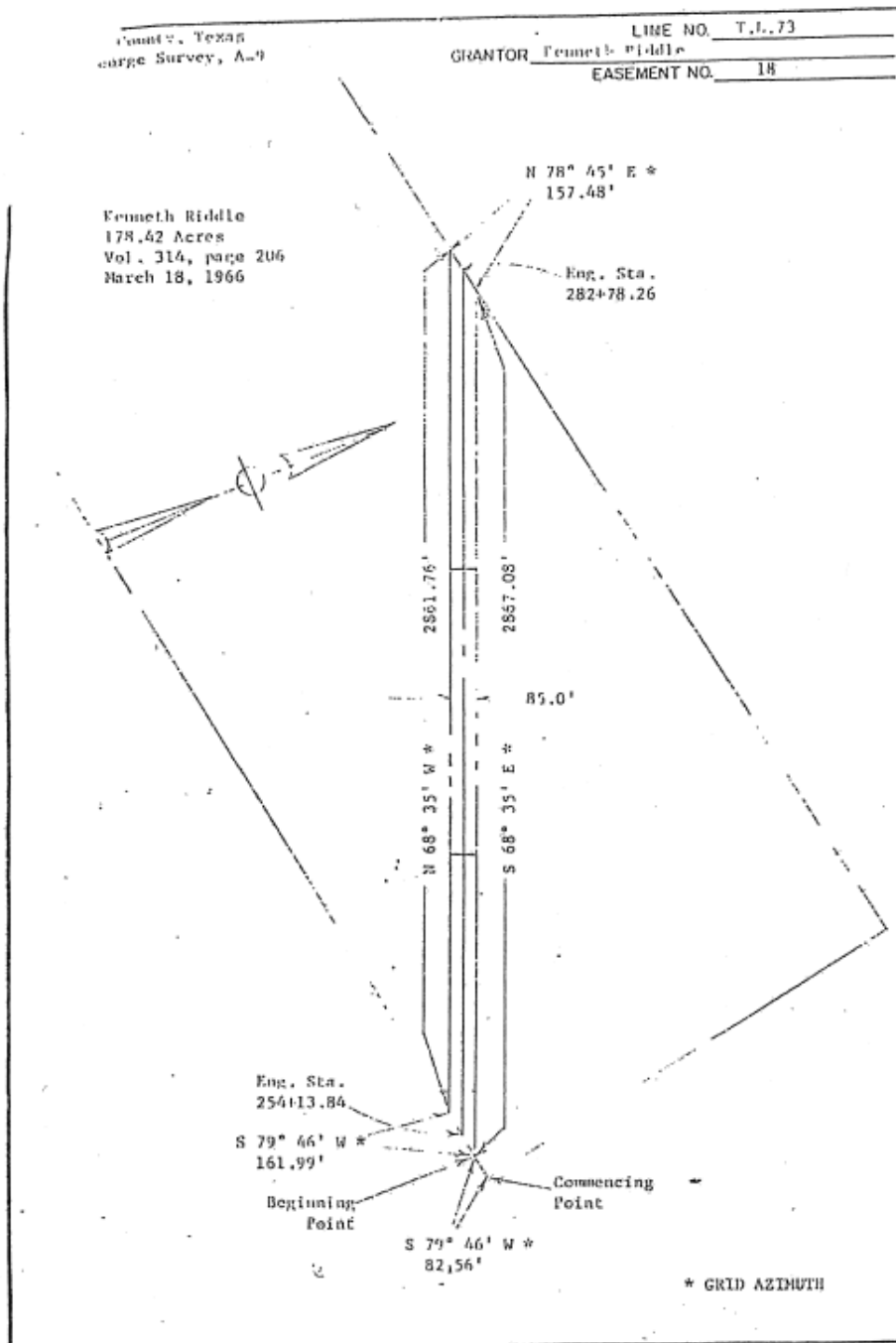
## **EXHIBIT D**

Page 2 of 2

president and chief executive officer or his designee is authorized and directed to initiate condemnation proceedings against the owners of the properties, and against all other owners, lien holders, and other holders of an interest in the properties, in order to acquire the necessary interests in real property; and that this resolution take effect immediately from and after its passage;

**BE IT FURTHER RESOLVED** that the president and chief executive officer or his designee is hereby authorized to do all things necessary and proper to carry out the intent and purpose of this resolution, including determination and negotiation of the interests in real property that are proper and convenient for the operation of the electric transmission line.

**EXHIBIT 1**  
Page 1 of 1



County, Texas  
Original Survey, A-9

GRANTOR Fenneth Riddle  
LINE NO. T.J.L.73  
EASEMENT NO. 18

Fenneth Riddle  
178.42 Acres  
Vol. 314, page 206  
March 18, 1966

N 78° 45' E \*  
157.48'

Eng. Sta.  
282+78.26

2861.76'

2867.08'

85.0'

N 68° 35' W \*

S 68° 35' E \*

Eng. Sta.  
254+13.84

S 79° 46' W \*  
161.99'

Beginning  
Point

Commencing  
Point

S 79° 46' W \*  
82.56'

\* GRID AZIMUTH

LOWER COLORADO RIVER AUTHORITY  
AUSTIN, TEXAS  
TRANSMISSION LINE EASEMENT PLAT

EXHIBIT A

130030

LINE NO. T.J.L.73 FROM Gideon - Luling TO Lockhart EASEMENT NO. 18

SCALE: 1"=400' DATE 7/11/11 GRANTOR Fenneth Riddle

EXHIBIT "A" - Page 2

36

## **5. Sale of Land and Conveyance of Water Line Easement in Bastrop County**

### **Proposed Motion**

Declare a 2.813-acre tract of land, being a portion of the LCRA Transmission Services Corporation Cedar Hill Substation in Bastrop County, nonessential, and authorize the president and chief executive officer or his designee to sell the property to Elgin Oaks LP. Authorize the chief executive officer or his designee to convey to Aqua Water Supply a 0.059-acre, water line easement across a portion of the Cedar Hill Substation.

### **Board Consideration**

LCRA TSC Board Policy T401 – Land Resources requires at least 12 members of the LCRA TSC Board of Directors to declare the land no longer necessary or beneficial to the business of LCRA TSC before conveyance. LCRA TSC Board Policy T401 also requires LCRA TSC Board approval of the terms of all land sales before conveyance.

LCRA TSC Board Policy T401 requires the declaration, terms of conveyance and requests for easements across LCRA TSC land to be approved by a three-fourths vote of the membership of the LCRA TSC Board.

### **Budget Status and Fiscal Impact**

The administrative costs associated with the sale of this land and the conveyance of this easement are contained in the fiscal year 2023 business plan. Proceeds from the land sale and easement conveyance will benefit LCRA TSC.

### **Summary**

In 1996, LCRA acquired a 52.796-acre tract of land from Elizabeth Schroeder for use as the Cedar Hill Substation. Elgin Oaks LP has requested to purchase a 50-foot-wide strip of land containing 2.813 acres. This strip of land will be used for a road to benefit a future elementary school. The sale price of \$49,014 is based on an appraisal performed by an independent and certified third-party appraiser. In addition, Elgin Oaks LP has requested a 30-foot-wide, 0.059-acre water line easement that will be conveyed to Aqua Water Supply. The price for the water line easement will be \$925 based on an appraisal performed by an independent and certified third-party appraiser.

LCRA TSC representatives will complete environmental and cultural resource due diligence assessments in accordance with Board Policy T401.403 before the sale of the property.

The property will be sold subject to the following reservations and restrictions:

1. LCRA TSC will reserve all presently held oil, gas and other mineral rights of every kind or character in, on and under the property, provided that LCRA TSC shall not be permitted to drill or excavate for minerals on the surface of the property.
2. LCRA TSC will reserve an easement to accommodate its transmission line needs. T-181/T-229 currently crosses the proposed sale tract on the east side.

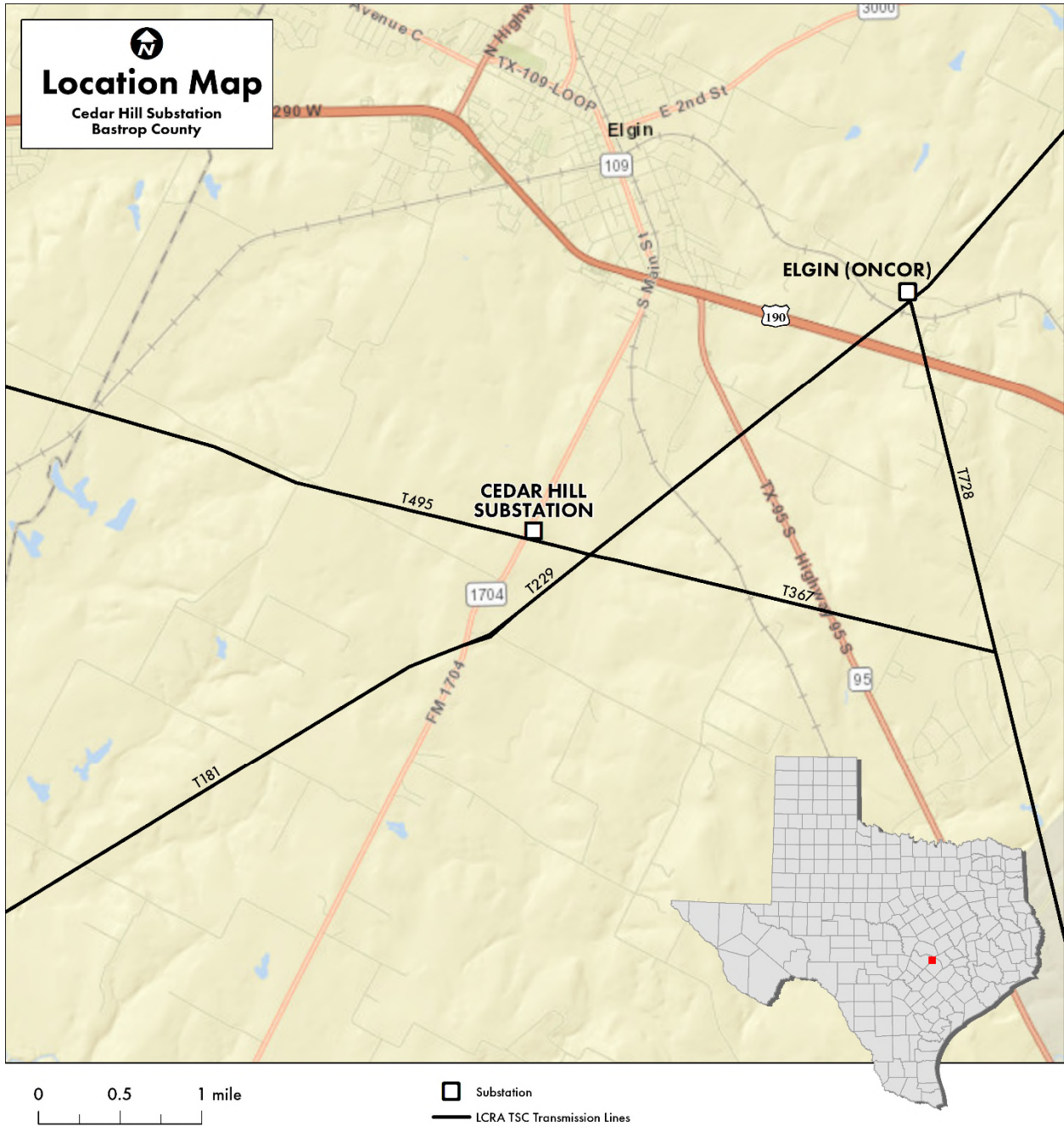
**Exhibit(s)**

A – Location Map

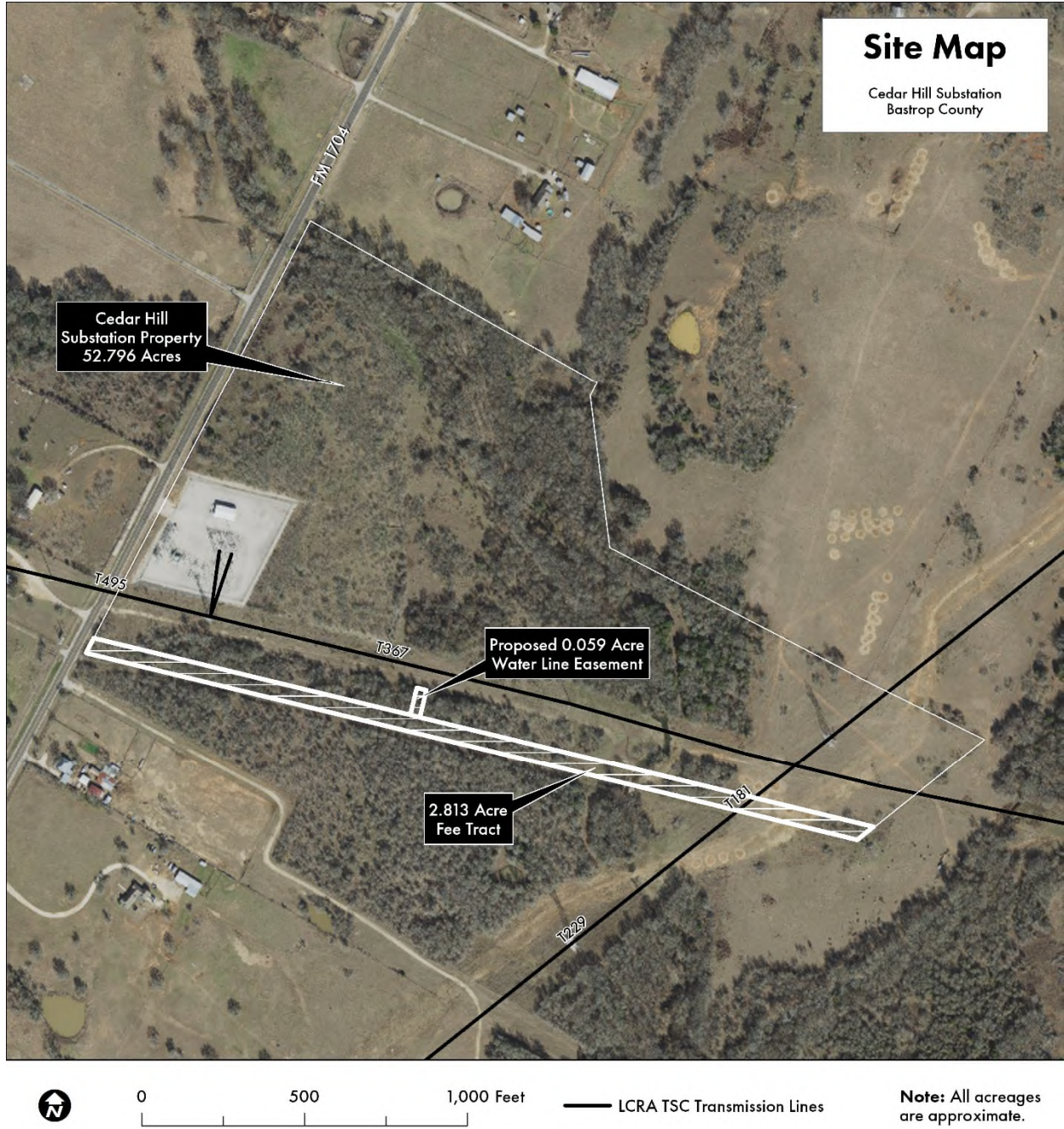
B – Site Map



**EXHIBIT A**



**EXHIBIT B**



**FOR ACTION (CONSENT)**

## **6. Minutes of Prior Meeting**

**Proposed Motion**

Approve the minutes of the June 15, 2022, meeting.

**Board Consideration**

Section 4.06 of the LCRA Transmission Services Corporation bylaws requires the secretary to keep minutes of all meetings of the Board of Directors.

**Budget Status and Fiscal Impact**

Approval of this item will have no budgetary or fiscal impact.

**Summary**

Staff presents the minutes of each meeting to the Board for approval.

**Exhibit(s)**

A – Minutes of June 15, 2022, meeting



## **EXHIBIT A**

Minutes Digest  
June 15, 2022

- 22-16 Authorization for the chief executive officer or his designee to convey to the City of Boerne a 0.171-acre, 20-foot-wide water line easement across a portion of LCRA Transmission Services Corporation's Esperanza Substation in Kendall County.
- 22-17 Authorization for the chief executive officer or his designee to convey to Vol Montgomery and Jill Prentice Montgomery a permanent access easement, being an approximately 0.44-acre tract, across a portion of LCRA Transmission Services Corporation's Graphite Mine Parcel S266 in Burnet County.
- 22-18 Authorization for the chief executive officer or his designee to convey to Oncor Electric Delivery Company, LLC an approximately 0.79-acre, 72-foot-wide transmission line easement across a portion of LCRA Transmission Services Corporation's Elgin Switch Substation in Williamson County.
- 22-19 Approval of the minutes of the May 18, 2022, meeting.
- 22-20 Adoption of a resolution authorizing the use of the power of eminent domain in Blanco, DeWitt, Austin, Guadalupe and Fayette counties to acquire rights in the properties described in Exhibit A to the resolution for the acquisition of needed easement rights for the LCRA Broadband Program project to provide for communications and to facilitate broadband services on the: Mountain Top to Kendall (T342), Lost Creek to Guadalupe (T541), Bellville South to Waller (T213), Zorn SWYD to Seguin (T203) and Salem to Warda (T667) transmission lines.
- 22-21 Adoption of a resolution authorizing the use of the power of eminent domain in Caldwell County to acquire rights in the property or properties described in Exhibit 1 to the resolution for the acquisition of easements amendment for the Lockhart Split Transmission Line Upgrade Addition project.
- 22-22 Approval of the Capital Improvement Project Authorization Request for the following projects and associated lifetime budgets: Eckert Power Transformer Upgrade; Marshall Ford to McNeil Transmission Line Storm Hardening; Starcke to Wirtz Transmission Line Storm Hardening; and Dale Power Transformer Upgrade.

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
LCRA TRANSMISSION SERVICES CORPORATION  
Austin, Texas  
June 15, 2022

Pursuant to notice posted in accordance with the Texas Open Meetings Act, the Board of Directors (Board) of LCRA Transmission Services Corporation (LCRA TSC) convened in a regular meeting at 10:03 a.m. Wednesday, June 15, 2022, in the Board Room of the Hancock Building, at the principal office of the Lower Colorado River Authority, 3700 Lake Austin Blvd., Austin, Travis County, Texas. The following directors were present, constituting a quorum:

Timothy Timmerman, Chair  
Stephen F. Cooper, Vice Chair  
Michael L. "Mike" Allen  
Matthew L. "Matt" Arthur  
Melissa K. Blanding  
Joseph M. "Joe" Crane  
Raymond A. "Ray" Gill Jr.  
Thomas L. "Tom" Kelley  
Robert "Bobby" Lewis  
Thomas Michael Martine  
Margaret D. "Meg" Voelter  
Martha Leigh M. Whitten

Absent: Laura D. Figueroa  
Carol Freeman  
Nancy Eckert Yeary

Chair Timmerman convened the meeting at 10:03 a.m. and led the Board in pledges of allegiance to the American and Texas flags. Director Whitten provided an invocation. Chair Timmerman recognized the following special guests in attendance: Mills County Judge-elect Jett Johnson, who formerly served on the LCRA Board of Directors, and Will Holford from Bluebonnet Electric Cooperative.

There were no public comments during the meeting [Agenda Item 1].

The Board next took action on the consent agenda. Upon motion by Director Voelter, seconded by Director Crane, the Board unanimously approved consent items 2, 3, 4 and 5 by a vote of 12 to 0 as follows:

22-16 Authorization for the chief executive officer or his designee to convey to the City of Boerne a 0.171-acre, 20-foot-wide water line easement across a portion of LCRA Transmission Services Corporation's Esperanza Substation in Kendall County, as recommended by staff in Consent Item 2 [attached hereto as Exhibit A].

22-17 Authorization for the chief executive officer or his designee to convey to Vol Montgomery and Jill Prentice Montgomery a permanent access easement, being an approximately 0.44-acre tract, across a portion of LCRA Transmission Services Corporation's Graphite Mine Parcel S266 in Burnet County, as recommended by staff in Consent Item 3 [attached hereto as Exhibit B].

22-18 Authorization for the chief executive officer or his designee to convey to Oncor Electric Delivery Company, LLC an approximately 0.79-acre, 72-foot-wide transmission line easement across a portion of LCRA Transmission Services Corporation's Elgin Switch Substation in Williamson County, as recommended by staff in Consent Item 4 [attached hereto as Exhibit C].

22-19 Approval of the minutes of the May 18, 2022, meeting [Consent Item 5].

22-20 Vice President of Real Estate Services Mark Sumrall presented for consideration a staff recommendation, described in Agenda Item 6 – Acquisition of Interests in Real Property – Use of Eminent Domain in Blanco, DeWitt, Austin, Guadalupe and Fayette counties [attached hereto as Exhibit D]. Director Martine moved, seconded by Director Gill, that the Board adopt a resolution authorizing by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit A to the resolution for the acquisition of needed easement rights for the LCRA Broadband Program project to provide for communications and to facilitate broadband services on the: Mountain Top to Kendall (T342), Lost Creek to Guadalupe (T541), Bellville South to Waller (T213), Zorn SWYD to Seguin (T203) and Salem to Warda (T667) transmission lines; and that the first record vote applies to all units of property to be condemned. The Board unanimously approved the motion by a record vote of 12 to 0.

22-21 Vice President of Real Estate Services Mark Sumrall presented for consideration a staff recommendation, described in Agenda Item 7 – Acquisition of Interests in Real Property – Use of Eminent Domain in Caldwell County [attached hereto as Exhibit E]. Director Martine moved, seconded by Director Crane, that the Board adopt a resolution authorizing by record vote the use of the power of eminent domain to acquire rights in the property or properties described in Exhibit 1 to the resolution for the acquisition of easements amendment for the Lockhart Split Transmission Line Upgrade Addition project; and that the first record vote applies to all units of property to be condemned. The Board unanimously approved the motion by a record vote of 12 to 0.

22-22 Vice President of Transmission Asset Optimization Kristian M. Koellner presented for consideration a staff recommendation, described in Agenda Item 8 [attached hereto as Exhibit F], that the Board approve the Capital Improvement Project Authorization Request for the following projects and associated lifetime budgets: Eckert Power Transformer Upgrade; Marshall Ford to McNeil Transmission Line Storm Hardening; Starcke to Wirtz Transmission Line Storm Hardening; and Dale Power

Transformer Upgrade. Upon motion by Director Crane, seconded by Vice Chair Cooper, the recommendation was unanimously approved by a vote of 12 to 0.

Vice President and Chief Operating Officer Kristen Senechal previewed items that staff anticipates placing on the Board's agenda in August.

There being no further business to come before the Board, the meeting was adjourned at 10:26 a.m.

---

Leigh Sebastian  
Secretary  
LCRA Transmission Services Corporation  
Approved: Aug. 17, 2022

## **FOR ACTION**

# **7. Fiscal Year 2022 LCRA Transmission Services Corporation Capital Plan Ratification**

### **Proposed Motion**

Ratify the Fiscal Year 2022 LCRA Transmission Services Corporation Capital Plan to increase authorized capital spending in FY 2022 from \$445 million to \$458 million.

### **Board Consideration**

LCRA TSC Board Policy T301 – Finance requires annual approval of a capital plan by the LCRA TSC Board of Directors. The policy states that if annual expenditures for operations or capital are expected to exceed Board-authorized levels, additional approval from the Board will be required.

### **Budget Status and Fiscal Impact**

The proposed ratification to increase LCRA TSC's capital budget authorization in FY 2022 will have no impact on LCRA TSC's existing rates for the provision of regulated transmission services. All of these costs will be recoverable in a future interim capital addition or a full rate case filing.

### **Summary**

Because LCRA TSC has exceeded the approved capital spending budget for FY 2022, staff seeks ratification of additional spending. The need for additional funding is driven by costs greater than forecast on construction, materials, and two transmission service restoration projects. The LCRA TSC Board approved the FY 2022 LCRA TSC capital plan in May 2021, establishing a capital spending limit of \$406.8 million for FY 2022. The LCRA TSC Board in March 2022 approved a budget reset increasing the spending limit to \$445 million. The fiscal year-end actual spending is \$458 million. This is an increase of \$13 million or 2.8%.

The Public Utility Commission of Texas establishes LCRA TSC's rates for regulated transmission services based on the actual costs of capital projects. This ratification does not increase the lifetime budget for any individual capital project but amends the spending limit established for FY 2022 to reflect actual spending within the FY 2022 capital plan.

### **Presenter(s)**

Kristen Senechal  
Vice President and Chief Operating Officer



## **FOR ACTION**

# **8. Capital Improvement Projects Approval**

### **Proposed Motion**

Approve the Capital Improvement Project Authorization Request for the projects and associated lifetime budgets as described in Exhibit A.

### **Board Consideration**

LCRA Transmission Services Corporation Board Policy T301 – Finance requires Board of Directors approval for any project exceeding \$1.5 million.

### **Budget Status and Fiscal Impact**

- Staff will monitor the FY 2023 forecast and will request a fiscal year budget increase if needed.
- The treasurer and chief financial officer will release funds as needed.
- Project costs will be funded through LCRA TSC regulated rates, subject to approval by the Public Utility Commission of Texas.

### **Summary**

Staff recommends approval of the capital projects described in exhibits A and B. These projects meet legal requirements in the Public Utility Regulatory Act and PUC rules.

Project funds will pay for activities, including but not limited to project management, engineering, materials acquisition, construction and acquisition of necessary land rights. LCRA TSC representatives will perform all necessary regulatory, real estate, environmental and cultural due diligence activities.

### **Presenter(s)**

Kristian M. Koellner  
Vice President, Transmission Asset Optimization

### **Exhibit(s)**

A – Project Cost Estimates and Cash Flow  
B – Project Details

**EXHIBIT A**

**Project Cost Estimates and Cash Flow**

*Dollars in millions*

Project Name	FY 2022 and Prior	FY 2023	FY 2024	FY 2025	FY 2026	Lifetime
<b>Service Reliability Projects</b>						
Antler-Bergheim Transmission Line Upgrade	1.0	1.0	21.8	24.9	22.1	70.8
Antler-Highway 46 Transmission Line Upgrade	0.3	0.7	1.0	27.9	38.3	68.2
Bergheim-Fair Oaks Transmission Line Upgrade	0.5	1.0	1.0	21.0	11.3	34.8
Boerne-Esperanza Transmission Line Upgrade	0.8	20.5	8.8	-	-	30.1
Boerne Split-Welfare Transmission Line Upgrade	0.2	0.5	48.7	12.2	-	61.6
Esperanza-Fair Oaks Transmission Line Upgrade	0.6	34.0	1.8	-	-	36.4
Hays Energy-Henne Split Transmission Line Upgrade	0.3	1.9	46.6	-	-	48.8
Henne-River Oaks Transmission Line Upgrade	1.3	31.9	1.7	-	-	34.9
Highway 46-River Oaks Transmission Line Upgrade	1.1	1.0	19.8	44.2	-	66.1
Kendall-Welfare Transmission Line Upgrade	1.1	23.5	49.3	2.5	-	76.4
North McCamey Circuit Breaker Substation Upgrade	0.5	2.3	4.3	-	-	7.1
<b>System Capacity Projects</b>						
Bearkat-North McCamey Transmission Line Addition	0.1	3.6	26.0	41.4	33.0	104.1
North McCamey-Sand Lake Transmission Line Addition	0.1	4.6	33.5	53.3	42.5	134.0
<b>Total</b>	<b>7.9</b>	<b>126.5</b>	<b>264.3</b>	<b>227.4</b>	<b>147.2</b>	<b>773.3</b>

Note: Totals may not equal the sum of numbers shown due to rounding.

## **EXHIBIT B**

<h3><b>Project Details</b></h3>
---------------------------------

**Project Name:** Antler-Bergheim Transmission Line Upgrade

**Project Number:** 1024576

**Lifetime Budget:** \$70.8 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Antler to Bergheim 138-kV and Bergheim to Hays Energy 345-kV 7.2-mile double-circuit transmission line in Comal County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2026.

**Project Name:** Antler-Highway 46 Transmission Line Upgrade

**Project Number:** 1024577

**Lifetime Budget:** \$68.2 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Antler to Highway 46 138-kV and Bergheim to Hays Energy 345-kV 10.4-mile double-circuit transmission line in Comal County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2026.

**Project Name:** Bergheim-Fair Oaks Transmission Line Upgrade

**Project Number:** 1024581

**Lifetime Budget:** \$34.8 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Bergheim to Fair Oaks 138-kV and Bergheim to Kendall 345-kV 4.1-mile double-circuit transmission line in Comal and Kendall counties. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2026.

**Project Name:** Boerne-Esperanza Transmission Line Upgrade

**Project Number:** 1024583

**Lifetime Budget:** \$30.1 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Boerne to Esperanza 138-kV and Bergheim to Kendall 345-kV 3.9-mile double-circuit transmission line in Kendall County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2024.

**Project Name:** Boerne Split-Welfare Transmission Line Upgrade

**Project Number:** 1024582

**Lifetime Budget:** \$61.6 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Boerne Split to Welfare 138-kV and Bergheim to Kendall 345-kV 7.5-mile double-circuit transmission line in Kendall County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2025.

**Project Name:** Esperanza-Fair Oaks Transmission Line Upgrade

**Project Number:** 1024585

**Lifetime Budget:** \$36.4 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Esperanza to Fair Oaks 138-kV and Bergheim to Kendall 345-kV 4.4-mile double-circuit transmission line in Kendall County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2024.

**Project Name:** Hays Energy-Henne Split Transmission Line Upgrade

**Project Number:** 1024587

**Lifetime Budget:** \$48.8 million

**Description:** The project will increase the reliability and capacity of transmission facilities on a 5.4-mile portion of the Bergheim to Hays Energy 345-kV transmission line in Comal and Hays counties. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2024.

**Project Name:** Henne-River Oaks Transmission Line Upgrade

**Project Number:** 1024588

**Lifetime Budget:** \$34.9 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the River Oaks to Henne 138-kV and Bergheim to Hays Energy 345-kV 3.8-mile double-circuit transmission line in Comal County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2024.

**Project Name:** Highway 46-River Oaks Transmission Line Upgrade

**Project Number:** 1024590

**Lifetime Budget:** \$66.1 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Highway 46 to River Oaks 138-kV and Bergheim to Hays Energy 345-kV 8.6-mile double-circuit transmission line in Comal County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2025.

**Project Name:** Kendall-Welfare Transmission Line Upgrade

**Project Number:** 1024592

**Lifetime Budget:** \$76.4 million

**Description:** The project will increase the reliability and capacity of transmission facilities on the Kendall to Welfare 138-kV and Bergheim to Kendall 345-kV 10.1-mile double-circuit transmission line in Kendall County. The project scope includes replacing structures and conductor and adding optical ground wire. The recommended project completion date is May 15, 2025.

**Project Name:** North McCamey Circuit Breaker Substation Upgrade

**Project Number:** 1026520

**Lifetime Budget:** \$7.1 million

**Description:** The project will increase the reliability of substation equipment at the Substation in Upton County. The project scope includes upgrading 17 138-kV circuit breakers to an increased short circuit interrupting rating that is based on North American Electric Reliability Corporation reliability standards and LCRA TSC transmission planning criteria. The recommended project completion date is May 15, 2024.

**Project Name:** Bearkat-North McCamey Transmission Line Addition

**Project Number:** 1027395

**Lifetime Budget:** \$104.1 million

**Description:** The project will construct an approximately 71-mile new 345-kV double-circuit transmission line between the LCRA TSC-owned North McCamey Substation in Upton County and the Wind Energy Transmission Texas Bearkat Substation in Glasscock County. The project scope includes the addition of new bundled conductor with a minimum rating of 2,564 megavolt amperes and optical ground wire on new structures and obtaining easements and rights of way. An amendment to the LCRA TSC Certificate of Convenience and Necessity is required. The recommended project completion date is June 30, 2026.

**Project Name:** North McCamey-Sand Lake Transmission Line Addition

**Project Number:** 1027402

**Lifetime Budget:** \$134.0 million

**Description:** The project will construct an approximately 94-mile new 345-kV double-circuit transmission line between the LCRA TSC-owned North McCamey Substation in Upton County and the Oncor-owned Sand Lake Substation in Winkler County. The project scope includes the addition of new bundled conductor with a minimum rating of 2,564 MVA and optical ground wire on new structures and obtaining easements and rights of way. An amendment to the LCRA TSC CCN is required. The recommended project completion date is June 30, 2026.

## **FOR ACTION**

# **9. Acquisition of Interests in Real Property – Use of Eminent Domain in Travis County**

### **Proposed Motion**

I move that the LCRA Transmission Services Corporation Board of Directors adopt the attached resolution; that the Board authorize by record vote the use of the power of eminent domain to acquire rights in the properties described in Exhibit 1 to the resolution for the acquisition of needed easement rights for the LCRA Broadband Program project to provide for communications and to facilitate broadband services on the: McNeil to Gilleland Creek (T147) transmission line; and that the first record vote applies to all units of property to be condemned.

### **Board Consideration**

LCRA Transmission Services Corporation Board Policy T401 – Land Resources and Section 2206.053 of the Texas Government Code require Board authorization prior to the initiation of eminent domain proceedings.

Section 2206.053 of the Texas Government Code provides that if two or more Board members object to adopting a single resolution for all units, a separate record vote must be taken for each unit of property. If two or more units of real property are owned by the same person, those units may be treated as one unit of property.

LCRA utilizes LCRA Transmission Services Corporation to provide LCRA with fiberoptic communications and broadband services at LCRA's expense pursuant to LCRA Board Policy 220.20 and Section 8503.032 of the Special District Local Laws Code.

### **Budget Status and Fiscal Impact**

The acquisition cost was included in the Board-approved budget for the LCRA Broadband Program project.

### **Summary**

LCRA TSC proposes to acquire communication rights, including the facilitation of broadband services, in Travis County for the LCRA Broadband Program project. Paul Hornsby and Company performed independent appraisals of the interests in real property to be acquired to determine just compensation to the landowners.

Staff will make initial offers to acquire the necessary interests in real property voluntarily from the landowners listed on Exhibit C, as required by Section 21.0113 of the Texas Property Code. Staff will continue to negotiate for the purchase of the interests in real property. Staff seeks Board authorization to proceed with condemnation if an agreement cannot be reached with the landowners.

Staff has provided to the Board descriptions of the specific properties to be acquired and will attach the descriptions to the resolution.

Staff requests that the Board adopt the resolution in Exhibit D authorizing the initiation of condemnation proceedings on the first record vote for all units of property.

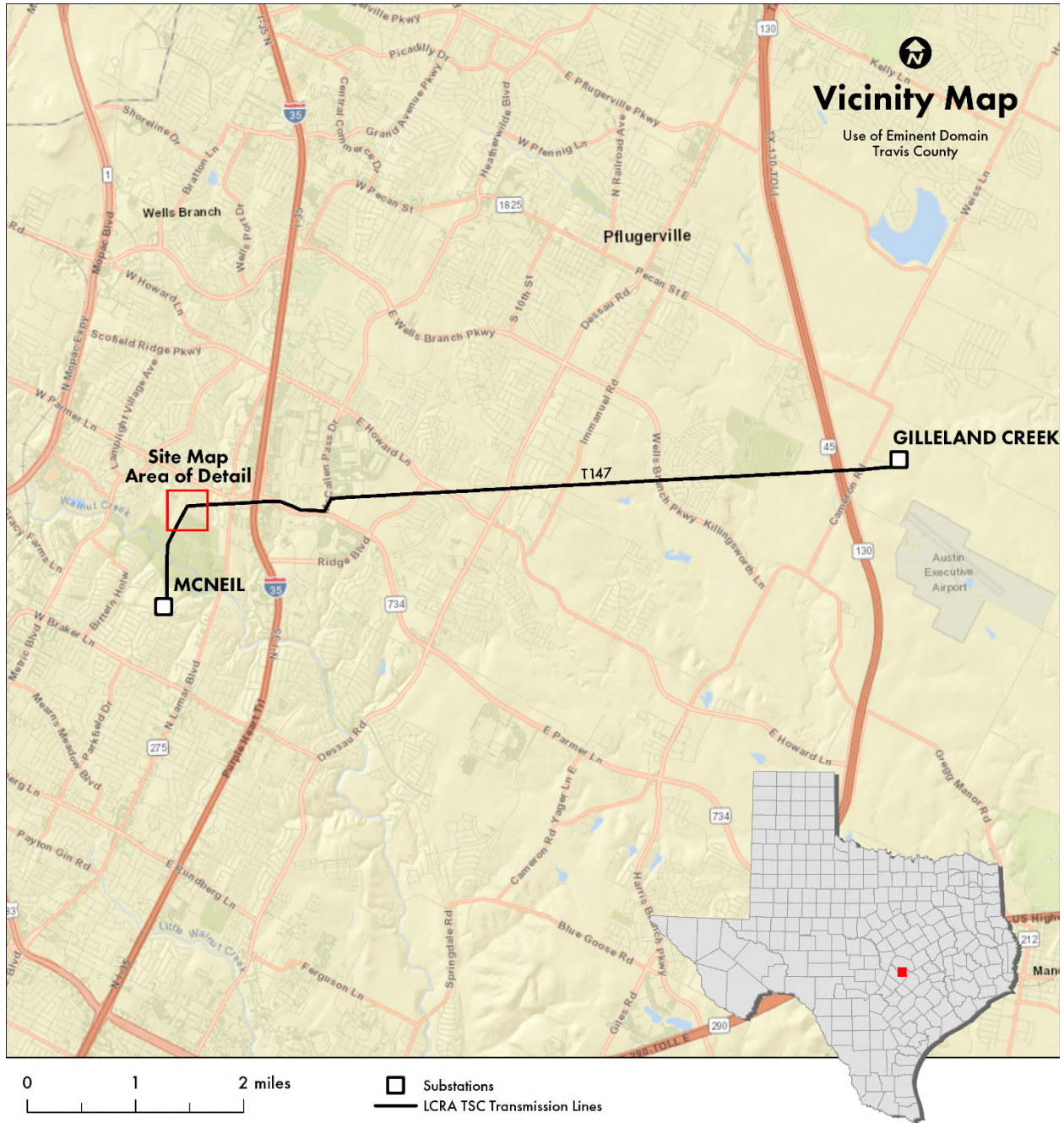
**Presenter(s)**

Mark Sumrall  
Vice President, Real Estate Services

**Exhibit(s)**

- A – Vicinity Map
- B – Site Map
- C – Landowner List
- D – Resolution
- 1 – Description of Specific Properties

**EXHIBIT A**





**EXHIBIT B**



0 300 feet

Existing Easements — T147  
Travis County Parcels

See Exhibit C Landowner List for owner names and acreages.

**EXHIBIT C**

<b>Tract Number</b>	<b>Landowner</b>	<b>Approximate Parent Tract Acreage</b>	<b>Land Rights</b>	<b>Approximate Easement Acreage</b>	<b>County</b>	<b>Approximate Value</b>
262641	Clinton Onyenobi; the heirs of John Onyenobi, deceased; and the heirs of Doris Onyenobi, deceased	0.41 acre	Third-Party Communication	0.02 acre	Travis	\$317

**EXHIBIT D**

Page 1 of 2

**PROPOSED MOTION**

**I MOVE THAT THE BOARD OF LCRA TRANSMISSION SERVICES CORPORATION ADOPT THE ATTACHED RESOLUTION; THAT THE BOARD AUTHORIZE BY RECORD VOTE THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE RIGHTS IN THE PROPERTIES DESCRIBED IN EXHIBIT 1 TO THE RESOLUTION FOR THE ACQUISITION OF EASEMENT AMENDMENTS NECESSARY TO PROVIDE, ON BEHALF OF LCRA AND AT LCRA'S EXPENSE, FOR COMMUNICATIONS AND TO FACILITATE BROADBAND SERVICES ON THE T147 TRANSMISSION LINE; AND THAT THE FIRST RECORD VOTE APPLIES TO ALL UNITS OF PROPERTY TO BE CONDEMNED.**

**RESOLUTION  
AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY BY  
CONDEMNATION IN TRAVIS COUNTY FOR TRANSMISSION LINE EASEMENT  
AMENDMENTS.**

**WHEREAS**, LCRA Transmission Services Corporation has determined the need to acquire the interests in real property necessary for the public uses of construction, operation and maintenance of electric transmission lines, communication lines, and appurtenances thereto in Travis County; and

**WHEREAS**, an independent, professional appraisal of the subject property will be submitted to LCRA Transmission Services Corporation, and an amount will be established to be just compensation for the interests in real property to be acquired.

**NOW, THEREFORE, BE IT RESOLVED** that the president and chief executive officer or his designee is authorized to purchase the interests in real property from the landowners listed in the attached Exhibit C, with the description of the location of and interest in the property LCRA Transmission Services Corporation seeks to acquire being more particularly described in maps provided to the Board and attached to this Resolution as Exhibit 1; that the public convenience and necessity requires the acquisition of said interests in real property; that the public necessity requires the condemnation of the interests in real property in order to acquire them for such uses; that LCRA Transmission Services Corporation does not intend to acquire rights to groundwater or surface water in the land; that if applicable or if after due diligence, the location or identity of the landowner is unknown, LCRA Transmission Services Corporation will make a bona fide offer to acquire the interests in real property from the landowner voluntarily as required by Section 21.0113 of the Texas Property Code; and that at such time as LCRA Transmission Services Corporation has determined that the landowner and LCRA Transmission Services Corporation will be

## **EXHIBIT D**

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unable to reach an agreement on the fair market value of the subject interests in real property and that it should appear that further negotiations for settlement with the landowner would be futile, then the president and chief executive officer or his designee is authorized under Section 8503.032 of the Special District Local Laws Code, and directed to initiate condemnation proceedings against the landowner of the property, and against all other owners, lien holders, and other holders of an interest in the property, in order to acquire the necessary interests in real property, and that this resolution takes effect immediately from and after its passage.

**BE IT FURTHER RESOLVED** that the president and chief executive officer or his designee is hereby authorized to do all things necessary and proper to carry out the intent and purpose of this resolution, including determination and negotiation of the interests in real property that are proper and convenient for the operation of the electric transmission lines.



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