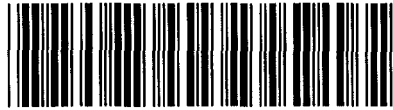




Control Number: 28813



Item Number: 1106

Addendum StartPage: 0

**SOAH DOCKET NO. 473-04-3554**  
**PUC DOCKET NO. 28813**

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**PETITION TO INQUIRE INTO THE  
REASONABLENESS OF THE RATES  
AND SERVICES OF CAP ROCK  
ENERGY CORPORATION**

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§  
§  
§

**BEFORE THE STATE OFFICE OF  
ADMINISTRATIVE HEARINGS**  
PUBLIC UTILITY COMMISSION  
CLERK

**CAP ROCK ENERGY CORPORATION'S  
SECOND REQUESTS FOR INFORMATION  
TO PIONEER NATURAL RESOURCES, USA, INC.**

To: Pioneer Natural Resources, USA, Inc., by and through its attorney of record, James Z. Brazell, 1601 Rio Grande Street, Suite 335, P.O. Box 1945, Austin, Texas 78767.

1. This document is directed to each of the following named parties of record by and through its above-named designated representative of record.

2. Pursuant to 16 TEX. ADMIN. CODE § 22.144 and the Texas Rules of Civil Procedure, Cap Rock Energy Corporation ("Cap Rock") propounds to Pioneer Natural Resources, USA, Inc. ("Pioneer") the requests for information set forth in the attached Exhibit "A" consisting of: (a) requests for disclosure, and (b) interrogatories (collectively "requests for information").

3. Pioneer is expected to provide its own answers to each request as those answers relate to that Opposing Party's knowledge or position, and the documents requested within the party's possession, custody, or control.

4. On or before August 2, 2004, Pioneer must answer each of the requests for information separately, fully, in writing, and under oath and serve a signed copy of the answers to these requests upon counsel for Cap Rock, Lambeth Townsend, at the following address: Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C., 111 Congress Avenue, Suite 1800, Austin, Texas, 78701, and upon all other parties as required by P.U.C. PROC. R. 22.144.

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5. All definitions and instructions governing discovery in the Texas Rules of Civil Procedure, the procedural rules of the Public Utility Commission of Texas (“PUC”), and the State Office of Administrative Hearings (“SOAH”) and all applicable orders issued herein shall apply to these discovery requests. Specific definitions and instructions are set forth below.

6. Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are fully and completely understood.

7. If the items requested to be produced herein have already been provided in other discovery answers to Cap Rock or to another party, it shall not be necessary to duplicate such production. It shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely answer this discovery request shall be provided in your answer.

8. If the answer to any request consists of a document(s) obtained by the answering party from Cap Rock, it shall not be necessary to produce the document. It shall only be necessary to describe the document, its date, subject matter, and when/how it was obtained from Cap Rock. If the requested document is found in the public records of the PUC or other governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.

## **I. DEFINITIONS**

The following definitions apply to all of the requests for information in their entirety, including the instructions noted below:

1. “Cap Rock” means Cap Rock Energy Corporation.
2. “Communication” means any oral, written or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which Pioneer has knowledge, information, or belief.

3. “Concerning” means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
4. “Date” means the exact day, month, and year, if ascertainable or, if not, the best approximation.
5. “Describe” or “identify,” when used in reference to a **document**, means you must state, to the fullest extent possible, the following:
  - (a) The nature (*e.g.*, letter, handwritten note) of the document;
  - (b) The title or heading that appears on the document;
  - (c) The date of the document and the date of each addendum, supplement, or other addition or change;
  - (d) The identity of: the author of the document; any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - (e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
6. “Describe” or “identify,” when used in reference to an **entity**, means you must state, to the fullest extent possible, the following:
  - (a) The entity’s full and correct legal name;
  - (b) The nature of the entity’s structure and/or organization;
  - (c) The address, telephone and fax number of the entity’s principal offices;
  - (d) The principal line(s) of the entity’s business or activity; and
  - (e) The officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
7. “Describe” or “identify,” when used in reference to a **person or individual**, means you must state, to the fullest extent possible, the following:
  - (a) The individual’s full name;
  - (b) The individual’s present or last known residential address, including zip code;

- (c) The individual's present or last known occupation, job title, employer, employer's address, including zip code, and employer's telephone and facsimile number(s);
  - (d) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request for information; and
  - (e) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
- 8. "Document(s)" or "documentation" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of Opposing Party.
- 9. "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
- 10. "Person(s)" or "Individual(s)" means any natural person.
- 11. "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item.
- 12. "SEC" means the Securities and Exchange Commission.
- 13. "Pioneer" means Pioneer Natural Resources, USA, Inc.
- 14. The word "and" means "and/or."
- 15. The word "or" means "or/and."

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16. "You," and "your," means Pioneer, its members, officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Pioneer.

## II. INSTRUCTIONS

1. As to any request for information to which you are unable to respond to in whole or in part, for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular request for information or part thereof is not possible, please answer each request for information to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
2. For each document or other requested information that you assert is privileged, please comply with the requirements of Rule 193.3 of the Texas Rules of Civil Procedure and P.U.C. PROC. R. 22.144.
3. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
4. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish all requested documents available to you and known by you, or in your possession, custody, or control or that of your agents and attorneys.
6. In those instances where you choose to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit Cap Rock to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can Pioneer.
7. In those instances when requested information or documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each request for information and indicate clearly the request for information to which each response is responsive. When requests for information contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.

9. You are under a duty to supplement your responses to these requests for information that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any request for information between the time of the original responses and the conclusion of this proceeding.
10. Unless otherwise indicated, the discovery requested in these requests for information relate to the time period from January 1, 1999, through and including the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

LLOYD, GOSSELINK, BLEVINS,  
ROCHELLE, BALDWIN & TOWNSEND, P.C.  
111 Congress Avenue, Suite 1800  
Austin, Texas 78701  
(512) 322-5830  
Fax: (512) 472-0532

  
\_\_\_\_\_  
LAMBETH TOWNSEND  
State Bar No. 20167500

JOYCE BEASLEY  
State Bar No. 01987300

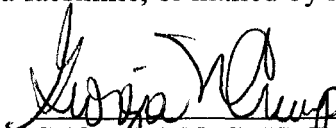
GEORGIA N. CRUMP  
State Bar No. 01585500

MELISSA E. RAMIREZ  
State Bar No. 24027645

ATTORNEYS FOR CAP ROCK ENERGY  
CORPORATION

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 6<sup>th</sup> day of July, 2004, a true and correct copy of this document has been hand delivered, sent via facsimile, or mailed by First Class Mail to all parties of record.

  
\_\_\_\_\_  
GEORGIA N. CRUMP

**EXHIBIT A**

**SOAH DOCKET NO. 473-04-3554  
PUC DOCKET NO. 28813**

**CAP ROCK'S SECOND REQUEST FOR INFORMATION  
TO PIONEER**

- 2-1. Who drafted the press release attached hereto as Attachment "A"?
- 2-2. Who is Kristy Ozmun?
- 2-3. Describe all communications and produce all documents passing between Pioneer, any of its representatives or counsel, and any representative, member, or counsel of Citizens United for Fair Energy Costs ("Citizens") regarding the Energy Utility Survey performed by Montgomery and Associates, from May 26 to June 7, 2004, concerning Cap Rock.
- 2-4. Describe all communications and produce all documents passing between Pioneer, any of its representatives or counsel, and any member, representative, or counsel of St. Lawrence Cotton Growers' Association ("St. Lawrence") regarding the Energy Utility Survey performed by Montgomery and Associates, from May 26 to June 7, 2004, concerning Cap Rock.
- 2-5. Who commissioned the survey referred to in RFI 2-3 and 2-4?
- 2-6. What was the total cost of the survey referred to in RFI 2-3 and 2-4?
- 2-7. Who paid for the survey referred to in RFI 2-3 and 2-4?
- 2-8. How much did Pioneer pay for the survey referred to in RFI 2-3 and 2-4?
- 2-9. Provide a detailed list of all payments paid by any person or entity for the survey performed by Montgomery and Associates referred to in RFI 2-3 and 2-4.
- 2-10. Describe all communications and produce all documents passing between Pioneer or any of its representatives, including counsel, and any representative of Montgomery and Associates regarding the survey referred to in RFI 2-3 and 2-4.
- 2-11. Identify and describe all discussions or communications between Pioneer, any representative thereof, and any other person or entity regarding the possibility of commissioning a survey.
- 2-12. Who suggested hiring Montgomery and Associates to perform a survey regarding Cap Rock?
- 2-13. How did you locate Montgomery and Associates?



- 2-14. Please provide a copy of the script used by Montgomery and Associates in performing the survey regarding Cap Rock.
- 2-15. Please provide copies of all correspondence, notes, and other documents received from Montgomery and Associates regarding the survey of Cap Rock customers.
- 2-16. Please provide copies of all documents provided to Montgomery and Associates regarding the survey it performed on Cap Rock customers.
- 2-17. Does Pioneer contend that customers who are not shareholders of Cap Rock should be allowed to attend the annual shareholders' meetings? If you answer "yes," what is the basis for your contention?
- 2-18. Has Pioneer intervened or otherwise participated in any electric rate proceedings (including, but not limited to, proceedings at the PUC, a municipal power authority, an electric cooperative, or a city council) other than this docket? If your answer is "yes," please provide a complete list of all such proceedings, including the date of such proceedings, describing the extent of Pioneer's participation and the positions taken by Pioneer, and describing the outcome of all such proceedings.
- 2-19. For all proceedings listed in RFI 2-18 above, please provide a copy of any resolution or order accepting or rejecting Pioneer's positions or otherwise relating to the positions taken by Pioneer.

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FOR IMMEDIATE RELEASE  
June 22, 2004

Contact: Kristy Ozmun  
(512) 474-1501

## **SURVEY SHOWS STRONG OPPOSITION TO UTILITY RATE INCREASE**

**MIDLAND, Texas**—Today the Citizens United For Fair Energy Costs and the St. Lawrence Cotton Growers Association joined forces to unveil the results of a poll recently conducted to measure opinions of Cap Rock ratepayers.

"In the wake of Cap Rock's rate increase request filed with the Public Utility Commission of Texas, we felt that it was important to learn how area ratepayers feel about the rates they are paying now, and how they view the prospect of a rate increase," said Harold Hoelscher, Secretary of the St. Lawrence Cotton Growers Association.

The poll was conducted by Montgomery & Associates, a Texas based polling firm.

"Public opinion is overwhelmingly opposed to Cap Rock's proposed rate increase," said Jeff Montgomery, President of Montgomery & Associates. "Seven out of ten Cap Rock customers we interviewed said the cost of service was already too high, and more than half said they would switch if they had an affordable opportunity to do so. 84% oppose the rate increase Cap Rock is promoting."

"Clearly, a majority of those of us who pay a Cap Rock utility bill are unhappy with the rates we are currently paying," said Hoelscher. "If we could, a majority of us would choose a different provider for our electricity in our homes, businesses and agricultural operations."

"We urge all Cap Rock ratepayers to write the Public Utility Commission," said Connie Hargrave, head of Citizens United For Fair Energy Costs. "Send them a copy of your utility bill to show them how high Cap Rock rates really are. Tell the PUC that you oppose the proposed Cap Rock rate increase."

"Watch for future announcements that will provide all the information needed to register your opposition to the rate increase. Since the PUC hearing has been postponed until October 5, we have plenty of time to send in our complaints and copies of our bills."

"We want to make sure the PUC knows that all of us who pay a utility bill to Cap Rock are opposed to higher electric bills," said Hoelscher.