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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

ORDER NO. 33  
REGARDING CAP ROCK'S MOTION TO COMPEL

Cap Rock Energy Corporation (Cap Rock) has filed a motion to compel responses to its 3<sup>rd</sup> set of RFIs to Pioneer Natural Resources, Inc. (Pioneer). Pioneer asserts that some responsive documents are privileged and has produced a privilege log. After considering Pioneer's privilege log and the nature of the specific items identified by Pioneer as privileged, the Administrative Law Judges make the following determinations regarding the three numbered items that are the subject of Cap Rock's motion to compel:<sup>1</sup>

1. January 8, 2003 email from Jim Boyle to J. Uhelski and G. Compton regarding Cap Rock's failure to return \$7 million fuel refund from SPS and failure to pay customers for value of the transmission system.

As to this item, Cap Rock's Motion to compel is denied.

2. March 22, 2003 FAX from Mary Marecek, member of St. Lawrence Cotton Growers, to J. Uhelski regarding Cap Rock's rates among highest in the State.

As to this item, Cap Rock's motion to compel is granted and Pioneer is hereby ORDERED to produce the document no later than 3:00 p.m. on October 4, 2004.


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<sup>1</sup> In its motion to compel, Cap Rock identified three allegedly privileged items it was seeking under RFI 3-1 to Pioneer. Those items are addressed in order.

3. February 28, 2004, e-mail from J. Boyle to J. Uhelski regarding proposed tariff and inclusion of large increase in Dual Fuel Rate and impact on Pioneer.

As to this item, Cap Rock's Motion to compel is denied.

SIGNED October 1, 2004.

  
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CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

  
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WENDY K. Q. HARVEL  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS