

Control Number: 28813



Item Number: 1682

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**

Commission
FILING CLERK

**CAP ROCK ENERGY CORPORATION'S
EIGHTH REQUESTS FOR INFORMATION
TO THE CITY OF GREENVILLE**

To: The City of Greenville, by and through its attorney of record, Jim Boyle, 1005 Congress Avenue, Suite 550, Austin, Texas 78701

1. This document is directed to the above-named party by and through its 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 The City of Greenville ("Greenville") the requests for information set forth in the attached Exhibit "A" consisting of: requests for information.

3. Greenville 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 November 30, 2004, Greenville 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 & 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.

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

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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 Greenville 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. "GEUS" means the Greenville Electric Utility System.
 14. "Greenville" means the City of Greenville
 15. The word "and" means "and/or."

16. The word "or" means "or/and."
17. "You," and "your," means Greenville, 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 Greenville.

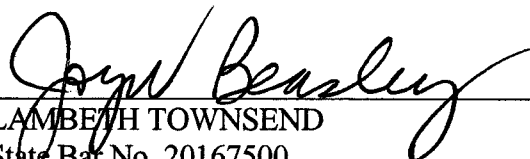
II. INSTRUCTIONS

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


LAMBETH TOWNSEND
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State Bar No. 05185500

MELISSA E. RAMIREZ
State Bar No. 24027645

ATTORNEYS FOR CAP ROCK ENERGY
CORPORATION

CERTIFICATE OF SERVICE

I, Joyce Beasley, attorney, certify that a copy of this document was served on all parties of record in this proceeding on this the 10th day of November, 2004, in the following manner: hand delivered, sent via facsimile, or mailed by First Class Mail.

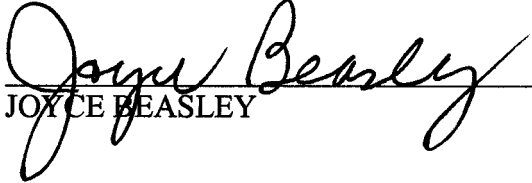

JOYCE BEASLEY

EXHIBIT A

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

CAP ROCK'S EIGHTH REQUESTS FOR INFORMATION TO CITY OF GREENVILLE

- 8-1 Please provide a Summary of Rate Case Expense Schedule for Greenville's rate case expenses in Docket No. 28813. This summary should list separately by vendor the fees and expenses. It should also list separately by vendor any estimated additional fees and expenses for Docket No. 28813. Please attach supporting documentation, including billing statements, all detailed timesheets and/or notes the vendor maintained as services were provided, invoices and receipts for all rate case expenses incurred to date.
- 8-2 Please provide the hourly billing rate for each person and the number of hours billed. If the payments were not done on an hourly rate, please explain the billing arrangement and provide by individual the number of hours worked.
- 8-3 Please provide a schedule of any charges included in Greenville's rate case expenses that result from a single person billing in excess of 12 hours per day.
- 8-4 Please provide a detailed schedule of all lodging charges, non-commercial aircraft charges, luxury items, and individual meals exceeding \$25.00.
- 8-5 Please provide a statement of position concerning Cap Rock's recovery of its rate case expenses for Docket No. 28813.
- 8-6 Please provide for each witness that Greenville presents in the rate case expense phase of this proceeding the following:
 - a. the facts known by the witness that relate to, or form the basis of, the witness' mental impressions and opinions formed or made in connection with the testimony;
 - b. the mental impressions and opinions formed by the witness;
 - c. the methods by which the mental impressions and opinions were formed;
 - d. all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, prepared by or for the witness in anticipation of his testimony;

- e. the witness' current resume and bibliography;
- f. copies of testimony filed by the witness on rate case expenses in other cases from 1995 to the present; and
- g. copies of the final orders in the proceedings referenced in subsection f, and a reference to the order with regard to the adoption or rejection of the witness' testimony.

8-7 Please provide any comparisons, analysis or surveys performed by Greenville or its consultants concerning total hours billed and billing rates for attorneys and consultants providing rate case services before the Public Utility Commission of Texas.