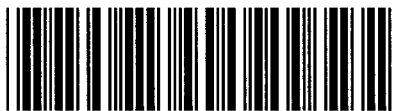




Control Number: 29705



Item Number: 297

Addendum StartPage: 0

SOAH DOCKET NO. 473-04-8361
PUC DOCKET NO. 29705

RECEIVED
65 MAR -2 AM 10:12

APPLICATION OF SAM HOUSTON	§	BEFORE THE STATE OFFICE
ELECTRIC COOPERATIVE, INC. FOR	§	FILING CLERK
A CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY (CCN) FOR A	§	
PROPOSED TRANSMISSION LINE IN	§	
SAN JACINTO COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

ORDER NO. 32
RULING ON SHECO'S MOTION TO COMPEL JACK ZIMMERMAN TO RESPOND
TO FIRST RFIs REGARDING ZIMMERMAN'S DIRECT TESTIMONY

On February 15, 2005, Sam Houston Electric Cooperative, Inc. (SHECO) filed a Motion to Compel Jack Zimmerman/George Russell (Zimmerman) to respond to SHECO's first RFI regarding Jack Zimmerman's Direct Testimony. On February 23, 2005, Jack Zimmerman filed his Response to the motion. Upon consideration of the motion and response filed by both parties, the Administrative Law Judge (ALJ) finds as follows:

RFI 1-1 Please provide copies of all documents that you have sent to or received from other individuals/entities that discuss or relate to this CCN proceeding or this proposed transmission project.


Zimmerman objected to this RFI as overbroad. SHECO contended that the request was limited in subject matter and time. Additionally, George Russell, who objected on grounds of "attorney-client communications", "attorney work-product" or "communications protected by the joint litigant privilege" responded to an identical request. The motion to compel is **OVERRULED**. When requesting documents, a party must be specific and is not allowed to "fish."

RFI 1-4 Please provide a copy of the transcripts and audio tapes of all Waterwood Improvement Association meetings that discuss the proposed project, and in particular, but not limited to, those portions that involved presentations made by George Russell.

Zimmerman responded to this request by stating that Waterwood Improvement Association (WIA) meetings tapes may be listened to at the WIA offices, or complete monthly minutes could be obtained on the internet at their website. Further, if SHECO could identify the particular meetings of interest, a copy of those meetings could be sent to them. On February 25, 2005, SHECO submitted a letter to the ALJ withdrawing its request on this issue. Therefore, no ruling is necessary.

Zimmerman's response to SHECO's motion to compel also addressed RFI 1-10, stating his objections to the request. However, RFI 1-10 was not addressed in SHECO's Motion to Compel. Therefore, the ALJ presumes that the request has been answered satisfactorily.

SIGNED March 1, 2005.



**TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**