



Control Number: 30168



Item Number: 350

Addendum StartPage: 0

SOAH DOCKET NO. 473-05-2135
PUC DOCKET NO. 30168

RECEIVED

05 APR -6 PM 2: 02

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF TXU ELECTRIC	§	
DELIVERY COMPANY TO AMEND A	§	BEFORE THE STATE OFFICE
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (CCN) FOR A	§	OF
PROPOSED TRANSMISSION LINE	§	
WITHIN JACK, WISE, AND DENTON	§	ADMINISTRATIVE HEARINGS
COUNTIES, TEXAS	§	

**TXU ELECTRIC DELIVERY COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
FROM SAM RECTOR**

COMES NOW TXU Electric Delivery Company ("Electric Delivery" or "Company"), by and through its attorneys of record, and requests that you provide the information and answer the attached questions under oath. It is further requested that the questions be answered in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

Instructions

Please answer the attached questions on separate pages and copy the question immediately above the answer to each question. Following each answer, please identify the witness or witnesses who will sponsor each of your answers at the hearing in this SOAH Docket No. 473-05-2135; PUCT Docket No. 30168. These questions are continuing in nature and, should there be a change in circumstances which would modify or change any of your answers, then, in such case, please change or modify such answer and submit such changed answer as a supplement to the original answer within five (5) working days of your discovery that such change or modification is appropriate.

In answering these requests for information, you are requested to furnish such information as is available to you, including information which you are able to obtain by due diligence from your present or former attorneys, accountants, investigators, consultants, employees, agents, and persons acting on your behalf.

If you are unable to answer any request fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such request as fully and completely as

you can and to specify the portions which you are unable to answer in such request. In addition to specifying those portions, you are to state with regard to each portion:

1. The fact on which you base the contention that you are unable to answer that portion;
2. The knowledge, information, and belief you have concerning that portion; and
3. The acts done and inquiries made by you in attempting to answer such request.

The singular includes the plural and the plural includes the singular.

Masculine, feminine, or neuter pronouns do not exclude the other genders.

The words "document" and "documents" have the broadest meaning that can be ascribed to them pursuant to the Texas Rules of Civil Procedure. Among other things, the words "document" and "documents" mean the final form and all drafts and revisions of any kind of written or graphic matter, original or reprovided copy, however provided or reprovided, of any kind and of every kind, and all copies there from which are different in any way from the original regardless of whether designated "confidential," "privileged," or otherwise restricted. Without limiting the generality of the foregoing, the words "document" and "documents" also include information stored or maintained on, or which could be reprovided from, film, microfilm, computer printout, disk or diskette, magnetic tape, cassette, phonographic disc, videotape, or similar means.

The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to bring within each request all documents which might otherwise be construed as outside its scope.

The words "communication" and "communications" include, without limitation of their generality, both written and oral: statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia. These words include, without limitation of their generality, both communications and statements which are face-to-face and those which are transmitted by any writing or document or by media such as intercoms, telephones, television or radio.

The words "identify" and "identification", when used with respect to a natural person or persons, mean to state the name, address(es) and telephone number(s) of each such person. If any of the foregoing information is not available, state any other available means of identifying such person.

The words "identify" and "identification", when used in reference to a person other than a natural person, mean to set forth its:

- (1) full name or title;
- (2) nature or organization, including the state under which the same was organized or incorporated;
- (3) address and telephone number (with area code prefix); and
- (4) principal line of business.

If any of the foregoing information is not available, state any other available means of identifying such person.

The words "identify" and "describe", when used in reference to a fact, mean to state not only the fact itself, but also:

- (1) its date, time and place;
- (2) the name, address and telephone number of each person with knowledge of the fact;
- (3) whether the act is supported by an oral communication, a document, or other event;
and
- (4) any other evidence which supports such fact.

The words "identify" and "identification", when used in reference to a document, mean to state:

- (1) its date;
- (2) its author;
- (3) its addressee;
- (4) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegram, chart, photograph, etc.); and
- (5) its present location and identity of its custodian. If any document was, but is no longer, in your possession, custody, or control, or is no longer in existence, explain why.

If any of the foregoing information is not available, state any other available means of identifying such document. If a document is one of a series of pages contained in a book, pamphlet, binder, folder, microfilm (or other storage device), include in your identification of such document(s) any available numerical reference (or other aid) to the pages and line or other portion thereof at which the information referred to can be found. A true and correct copy of any document may be provided and filed with your Answers hereto in lieu of the above information.

The words “identify” and “describe”, when used with respect to an oral communication, mean:

- (1) to state the substance of each such oral communication;
- (2) to state the exact words used by each person participating in the oral communication;
- (3) to identify each speaker;
- (4) to identify each person present at the making or reception of such oral communication;
- (5) to specify the date, time and place of each oral communication;
- (6) to identify each person repeating such oral communication;
- (7) to identify every document which records, memorializes, or relates to all or part of such communication; and
- (8) to identify the mode of such communication (e.g., telephone, face-to-face, etc.).

The words “person” and “persons” as used herein, mean all individuals and entities, and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other entities, including without limitation, any electric utility, cogenerator, independent power provider, qualifying facility, or any other entity which generates electricity.

The words “relate”, “related”, “relates” and “relating”, as used herein, mean involving, relating to, referring to, having any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part.

The term “Commission” refers to the Public Utility Commission of Texas.

If you have any question concerning the attached Questions or any of these instructions, please contact Kirk D. Rasmussen at (214) 979-3047.

Unless the specific question permits a longer time period, answers to this Request for

Information should be served on Electric Delivery and filed with the Public Utility Commission of Texas **within twenty (20) days** of your receipt of said request. Service on Electric Delivery should be made as follows:

Kirk D. Rasmussen
HUNTON & WILLIAMS LLP
1601 Bryan Street, 30th Floor
Dallas, Texas 75201
Fax (214) 880-0011

Such Answers should be served upon Mr. Rasmussen by Federal Express and, for **this** purpose, you are authorized to use the following Federal Express Number: 1325-4990-7.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: 


E. Allen Nye, Jr.
State Bar No. 00788134
Kirk D. Rasmussen
State Bar No. 24013374

Energy Plaza
1601 Bryan Street, 30th Floor
Dallas, Texas 75201-3402
(214) 979-3000
(214) 880-0011 (fax)

**ATTORNEYS FOR TXU
ELECTRIC DELIVERY COMPANY**

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing has either been faxed, hand delivered, sent first class U.S. mail, or sent via Federal Express overnight mail, to the Staff of the Public Utility Commission of Texas and to all other parties of record on this the 5th day of April, 2005.


Kirk D. Rasmussen

ADDITIONAL DEFINITIONS

1. The words “the Rector Property” as used herein means the property you contend will be affected by the construction of the Proposed Transmission Line in your Request to Intervene filed in this docket on November 16, 2004.
2. The words “you”, “your” and “Rector” mean Sam Rector and any agents or representatives of Sam Rector.
3. “Concerning” means constituting, arising out of, incident to, referring to, mentioning, bearing upon, reflecting, evidencing, affecting, concerning or relating in any manner to the transaction, communication, document, individual, entry, act, object, conference, activity or thing identified.
4. “Electric Delivery’s Application” or “Application” means the Application of TXU Electric Delivery Company to Amend A Certificate Of Convenience And Necessity (CCN) For A Proposed Transmission Line Within Jack, Wise, and Denton Counties, Texas.
5. “Proposed Transmission Line” means the project proposed in Electric Delivery’s Application.
6. “Preferred Route” or “Proposed Route” means the route proposed for construction in Electric Delivery’s Application and the direct testimony filed by Electric Delivery in this docket.
7. “Habitable Structure” means the definition of habitable structure contained in PUC Substantive Rule 25.101(a)(3).
8. “Electric Delivery” means TXU Electric Delivery Company.

QUESTIONS

- 1-1. For any testifying expert testifying on your behalf in this docket, please provide the following:
 - a. the expert’s name, address and telephone number;
 - b. the subject matter on which the expert will testify;
 - c. the facts known by the expert that relate to or from the basis of the expert’s mental impressions and opinions formed or made in connection with this docket regardless of which and how the factual information was acquired;

- d. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them;
 - e. all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the expert in anticipation of a testifying expert's testimony;
 - f. the expert's current resume and bibliography;
 - g. a listing of cases in which the expert has submitted testimony. Further, provide the docket number, jurisdiction, the company for whom testimony was submitted and the topics addressed in his testimony. Further, provide a list of those dockets where expert has submitted testimony advocating an increase in the requesting utility's rates;
 - h. a complete copy of all prior testimonies submitted by the expert relating to the topic the expert will address in this docket. This should include all exhibits and rebuttal testimony;
 - i. copies of all articles, speeches, published materials and peer-reviewed material written by the expert; and
 - j. the expert's billing rate.
- 1-2. For any consulting expert in this docket employed by you whose mental impressions or opinions have been reviewed by a testifying expert, please provide the following:
- a. the expert's name, address and telephone number;
 - b. the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this docket regardless of when and how the factual information was acquired;
 - c. the expert's mental impressions and opinions formed or made in connection with this docket and any methods used to derive them;
 - d. all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the consulting expert in anticipation of a testifying expert's testimony;
 - e. the consulting expert's current resume and bibliography; and
 - f. the consultant's billing rate.
- 1-3. For any non-expert witness testifying on your behalf in this docket, please provide the following:

- a. the witness's name, address and telephone number; and
 - b. the subject matter on which the witness will testify.
- 1-4. Please:
- a. identify any and all impact[s] you allege will result to the Rector Property as a result of the construction of the Proposed Transmission Line.
 - b. state the general factual basis for any and all impact[s] identified; and
 - c. provide any and all documents that support your contention that such impact[s] will occur as a result of the construction of the Proposed Transmission Line.
- 1-5. Please provide any and all documents concerning any meetings or communications you have had with any agent, representative, or employee of Electric Delivery (other than electric bills) or PBS&J, since January 1, 2002.
- 1-6. Please identify any and all meetings or communications you have had with any agent, representative, or employee of Electric Delivery or PBS&J, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-7. Please identify any and all meetings or communications you have had with any employee, staff member, or other person associated with the Public Utility Commission of Texas since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-8. Please provide any and all documents concerning any meetings or communications you have had with any employee, staff member, or other person associated with the Public Utility Commission of Texas since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-9. Please identify any and all meetings or communications you have had with any person or entity, including but not limited to other intervenors or protestants in this docket, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-10. Please provide any and all documents concerning any and all meetings or communications you have had with any person or entity, including but not limited to other intervenors or protestants in this docket, since January 1, 2002, concerning Electric Delivery, Electric

Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.

- 1-11. Please provide any and all reports, memoranda, workpapers, or other documents (including without limitation all maps, diagrams, charts, graphs, computer analyses, models, and data compilations) that have been prepared by or for any witness testifying in this Docket on behalf of Rector in anticipation of his or her testimony or that have been prepared by an expert used for consultation and have been or will be reviewed, or relied upon, in whole or in part, by any witness testifying in this Docket on behalf of Rector.
- 1-12. Please provide any and all maps, diagrams, photographs, or other visual representations of the following that the you intend to introduce or rely on at hearing in this docket:
 - a. Electric Delivery personnel, facilities, or equipment;
 - b. existing transmission lines;
 - c. existing switching stations and/or substations;
 - d. the Proposed Transmission Line;
 - e. Habitable Structures; or
 - f. the Rector Property.
- 1-13. Please provide any and all documents you received at the Electric Delivery open house held on July 17, July 22, and/or July 24, 2003.
- 1-14. Please provide any and all documents you provided to Electric Delivery at the open house held on July 17, July 22, and/or July 24, 2003.
- 1-15. Please identify any and all meetings or communications you have had with persons, employees, representatives, or agents of any Texas state agency, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-16. Please provide any and all documents concerning any and all meetings or communications you have had with persons, employees, representatives, or agents of any Texas state agency, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-17. Please identify any and all meetings or communications you have had with persons, employees, representatives, or agents of any Federal agency, since January 1, 2002,

concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.

- 1-18. Please provide any and all documents concerning any and all meetings or communications you have had with persons, employees, representatives, or agents of any Federal agency, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-19. Please provide any and all documents concerning surveys, site inspections, visits, reviews, or any evaluation of the Rector Property performed by any Texas state or federal agency.
- 1-20. Please identify any and all meetings or communications you have had with any and all state government officials, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-21. Please produce any and all documents concerning any and all meetings or communications you have had with any and all state government officials, since January 1, 2002, concerning Electric Delivery, Electric Delivery's Application, the Proposed Transmission Line, any alternatives to the Proposed Transmission Line, or any issue in this docket.
- 1-22. Admit or deny that the Proposed Transmission Line is necessary for the service, accommodation, convenience, or safety of the public. To the extent your answer is anything other than an unqualified "admitted," please:
 - a. state the general factual basis for such contention; and
 - b. produce any and all documents that you contend support such contention.
- 1-23. Please produce any and all documents that address in any way whether the Proposed Transmission Line is necessary for the service, accommodation, convenience, or safety of the public.