



Control Number: 32707



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**SOAH DOCKET NO. 473-07-0218
PUC DOCKET NO. 32707**

APPLICATION OF RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR A PROPOSED TRANSMISSION LINE IN HENDERSON AND VAN ZANDT COUNTIES, TEXAS	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**EXPLORER PIPELINE COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
TO RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC.**

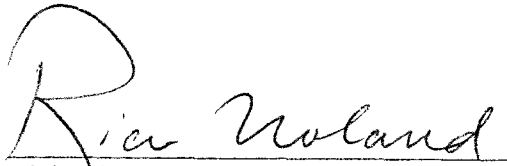
Pursuant to P.U.C. PROC. R. 22.144, Explorer Pipeline Company (EPC or "Explorer Pipeline") requests that Rayburn Country Electric Cooperative, Inc. ("RCEC") fully respond to the requests for information (RFI), attached as Exhibit A to this pleading, within twenty (20) days of receipt, pursuant to P.U.C. PROC. R. 22.144(c) and Order No. 10.

Responses to the attached requests shall conform in all respects to the Commission's rules, including the requirement in P.U.C. PROC. R. 22.144(c)(2)(F) that they be made under oath. Responses shall identify the preparer or person under whose direct supervision each response was prepared, and the sponsoring witness, if any. Each request shall be answered separately; responses shall be preceded by the request to which the answer pertains.

Any questions regarding these requests should be directed to the undersigned.

2006 OCT 19 PM 1:07
PUC PUBLIC UTILITY
COMMISSION

Respectfully submitted,



Richard P. Noland
State Bar No. 15063500
James Guy
State Bar No. 24027061

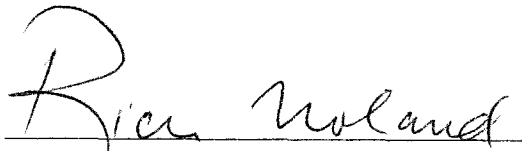
SUTHERLAND ASBILL & BRENNAN LLP

Austin Centre
701 Brazos Street, Suite 1040
512/478-1665
512/478-1664 (FAX)
richard.noland@sablax.com
james.guy@sablax.com

October 19, 2006

CERTIFICATE OF SERVICE

I, Richard P. Noland, certify that a copy of this document was served on all parties of record in this proceeding on October 19, 2006, by regular mail, facsimile transmission or hand-delivery.



Richard P. Noland

**EXPLORER PIPELINE COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
TO RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC.**

General Instructions

1. In responding to each request for information (RFI), please provide information available from all corporate and individual files, as well as from all past and present employees, officers, and board members and all predecessors and affiliates, as defined below.
2. This RFI is continuing in nature, and requires supplemental responses in accordance with P.U.C. PROC. R. 22.144(i).
3. If any information is not available in the exact form requested, provide whatever information or documents that best respond to the information request.
4. If the requested information or data are available for only part of the period requested or are otherwise incomplete, please provide such data as are available.
5. If any RFI appears ambiguous, please contact counsel for Explorer Pipeline as soon as possible to obtain clarification.
6. Each document of more than one page should be stapled or otherwise bound, and the individual pages numbered consecutively.
7. If, in the case of any RFI seeking documents, there are no responsive documents, so state and provide a narrative answer to the request.
8. The terms "and" and "or" should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each RFI information or documents which might otherwise be considered to be beyond its scope.
9. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular, whenever appropriate, in order to bring within the scope of each data request information or documents which might otherwise be considered to be beyond its scope.
10. When the recipient of the information request is requested to provide a study, schedule, or analysis, it should also provide the workpapers, underlying facts, inferences, suppositions, estimates, and conclusions necessary to support each study, schedule, or analysis.
11. If the actual data are unavailable, but estimates or approximations are available, provide the estimates or approximations that are the best available information and explain the procedure for developing the information supplied.

**EXPLORER PIPELINE COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
TO RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC.**

Definitions

1. "Rayburn Country Electric Cooperative, Inc.," "Company" or "you" refers to, for purposes of these RFIs, Rayburn Country Electric Cooperative, Inc., and any merged, consolidated, or acquired predecessors or predecessor in interest, its affiliates, past or present, its subsidiaries, past or present, and its employees, officers, directors, agents, consultants, attorneys, and all persons acting under contractual arrangements with, or purporting to act on its behalf.
2. "Applicant" means Rayburn Country Electric Cooperative, Inc.
3. "Explorer Pipeline" or "EPC" means Explorer Pipeline Company.
4. "Identification" of, or to "identify," a document includes stating (a) the type or nature of the document (*e.g.*, letter, memorandum, corporate minutes), (b) the data, if any, appearing thereon, (c) the date, if known, on which the document was prepared, (d) the title of the document, (e) the general subject matter of the document, (f) the number of pages comprising the document, (g) the identity of each person who wrote, dictated, or otherwise participated in the writing of the document, (h) the identity of each person who signed or initialed the document, (i) the identity of each person to whom the document was addressed, (j) the present location of the document; and (k) the identity of each person having custody of, or control over, the document. Identification of the document includes identifying all documents known or believed to exist, whether or not in the custody of its attorneys or other representatives. The final version and each draft of each document should be identified and produced separately. If a document is no longer in your possession or control, state what disposition was made of it. A document need not be identified if it is produced.
5. "Identification" of, or to "identify," a person includes stating his or her full name, the corporate, partnership, or proprietorship name or names, the most recent known business address and telephone number, his or her present position, and his or her prior connection or association with any party to this proceeding.
6. "Person" refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association (whether formally organized or *ad hoc*), joint venture, cooperative, municipality, commission, or governmental body or agency.
7. "Relating to" or "relates to" means comprising, embodying, addressing, presenting, discussing, concerning, referring to, pertaining to, regarding, containing, reflecting, evidencing, describing, showing, identifying, providing, disproving, consisting of, supporting, contradicting, commenting upon, analyzing, or mentioning in any way.

**EXPLORER PIPELINE COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
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8. "Document" or "documents" should be interpreted broadly to include, but not limited to, the original or any copy, of any kind, regardless of origin or location, of any written or graphic matter of every kind and description whether printed, produced or reproduced by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, or whether or not in your actual or constructive possession, custody, or control. These terms include, by way of example, writings, correspondence, studies, analyses, books, pamphlets, periodicals, publications, letters, exhibits, pleadings, scrapbooks, diaries, calendars, canceled checks, photographs, forms, memoranda, schedules, telegrams, telex, reports, records, orders or notices of the Commission or other governmental action of any kind, study, handwriting or typed notes, draft working papers, charts, maps, minutes, logs, graphs, indices, tapes, discs, internal operating manuals, data sheets or data proceeding cards, computerized or mechanical recordings of discussions, conversations, negotiations, statements or meetings, or any other written or retrievable matter or data of any kind, however produced or reproduced, to which you have or have had access. Any document that is not exactly identical to another document for any reason, including, but not limited to, marginal notations or deletions, should be considered to be a separate document. As to any document related to the matters addressed herein that is not in your possession but that you know or believe to exist, you are requested to identify and indicate to the best of your ability its present or last known location or custodian.
9. "Correspondence" should be interpreted to include, but not limited to, all letters, telexes, telegrams, telecopies, notices, messages, memorandum, electronic mail, and other written communications. Correspondence includes internal company communications.
10. "Communications" should be interpreted to include, but not limited to, all forms of communication, whether written, printed, oral, pictorial or otherwise, including testimony or sworn statement, or any means or type of whatsoever.

**EXPLORER PIPELINE COMPANY'S
FIRST SET OF REQUESTS FOR INFORMATION
TO RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC.**

Requests for Information

Reference Item 14, "Alternatives to Proposed Project," beginning on page 19 of RCEC's Application in this proceeding. With respect to the alternative of "Load Transfers to ERCOT," discussed at page 22, please answer the following questions.

- EPC 1-1. At page 22 of the Application, RCEC states that "[o]ne or more of the substations served from the RCEC Loop could be disconnected from the RCEC Loop and reconnected to the ERCOT transmission system," but that "new transmission facilities would still be required in ERCOT to accommodate the transferred load." Please provide copies of all documents, studies, analyses, correspondence, and communications that relate to the foregoing statement, and identify with specificity the following:
- a. Which substations the foregoing statement refers to.
 - b. What "new transmission facilities" would be required to accommodate the transferred load.
- EPC 1-2. RCEC states (on page 22) that "RCEC has separate power supply agreements for its load in ERCOT and SPP, and neither agreement permits the service changes that would be required." Please provide copies of the referenced ERCOT and SPP power supply agreements and explain the basis for your statement that "neither agreement permits the service changes that would be required." If your basis for said statement is a specific provision or provisions in the agreements, please identify such provision or provisions. If your basis for the statement is something other than a specific provision or provisions in the agreement, please describe such basis in detail.
- EPC 1-3. With respect to each of the agreements identified in EPC 1-2, please identify:
- a. The counter-party to RCEC (*i.e.*, the seller of wholesale power to RCEC).
 - b. The date on which the contract was executed.
 - c. The termination date of said contract.
- EPC 1-4. RCEC states (on page 22) that "[t]he cost of RCEC's purchases for its SPP load is considerably lower than for its ERCOT load, so a transfer of load from SPP to ERCOT would also result in a significant increase in RCEC's purchased power costs." Please provide copies of all documents, studies, analyses, correspondence, and communications that relate to the difference in cost between RCEC's purchases for RCEC's load in SPP and RCEC's load in ERCOT.

**EXPLORER PIPELINE COMPANY'S
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- EPC 1-5. RCEC states (on page 22) that “a transfer of load from SPP to ERCOT would also result in a significant increase in RCEC’s purchased power costs.” Please explain in detail the basis for this assertion. Also, please provide copies of all documents, studies, analyses, correspondence, and communications that relate to the potential increase in RCEC’s purchased power costs if load is transferred from SPP to ERCOT.
- EPC 1-6. Concerning RCEC’s statement (on page 22) that “the transfer of load from the RCEC Loop to ERCOT is not a viable alternative,” please provide the following:
- a. A detailed explanation of the basis for the foregoing statement.
 - b. Your understanding of the meaning of “viable alternative” as used in the statement.
 - c. Copies of all documents, studies, analyses, correspondence, and communications that relate to the transfer of load from the RCEC Loop to ERCOT and/or its viability.
- EPC 1-7. Please provide copies of all documents, studies, analyses, correspondence, and communications between RCEC and a third party or parties, including but not limited to RCEC’s member cooperatives, that relate to the possible transfer of RCEC’s load from SPP to ERCOT or from ERCOT to SPP.