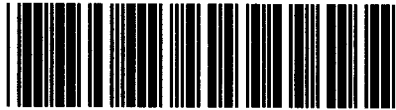


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**DOCKET NO. 35665**

<b>COMMISSION STAFF'S PETITION</b>	<b>§</b>	<b>BEFORE THE</b>
<b>FOR THE SELECTION OF ENTITIES</b>	<b>§</b>	
<b>RESPONSIBLE FOR TRANSMISSION</b>	<b>§</b>	
<b>IMPROVEMENTS NECESSARY TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DELIVER RENEWABLE ENERGY</b>	<b>§</b>	
<b>FROM COMPETITIVE RENEWABLE</b>	<b>§</b>	
<b>ENERGY ZONES</b>	<b>§</b>	<b>OF TEXAS</b>

**ONCOR ELECTRIC DELIVERY'S FIRST REQUESTS FOR INFORMATION FROM  
CROSS TEXAS TRANSMISSION**

COMES NOW Oncor Electric Delivery Company LLC ("Oncor"), by and through its respective 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 PUCT Docket No. 35665. 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 reproduced copy, however produced or reproduced, 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 reproduced 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, email, 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:

- (5) its date, time and place

- (6) the name, address and telephone number of each person with knowledge of the fact;
- (7) whether the act is supported by an oral communication, a document, or other event; and
- (8) any other evidence which supports such fact.

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

- (9) its date;
- (10) its author;
- (11) its addressee;
- (12) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegram, chart, photograph, etc.); and
- (13) 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 produced 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:

- (14) to state the substance of each such oral communication;
- (15) to state the exact words used by each person participating in the oral communication;
- (16) to identify each speaker;
- (17) to identify each person present at the making or reception of such oral communication;
- (18) to specify the date, time and place of each oral communication;
- (19) to identify each person repeating such oral communication;
- (20) to identify every document which records, memorializes, or relates to all or part of such communication; and
- (21) 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 producer, qualifying facility, or any other entity which generates electricity.

The words "regarding," "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 the undersigned.

Respectfully submitted,

Allen Nye w/permission

Allen Nye

State Bar No. 00788134

Brian Robison

State Bar No. 00794547

VINSON & ELKINS LLP

3700 Trammell Crow Center

2001 Ross Avenue

Dallas, TX 75201

214-220-7700 – Telephone

214-999-7770 – Facsimile

**ATTORNEYS FOR ONCOR ELECTRIC  
DELIVERY COMPANY LLC**

Certificate of Service

I certify that a true and correct copy of the foregoing document was served on all parties of record on this 12<sup>th</sup> day of November, 2008.

Allen Nye w/permission

Allen Nye

### **ADDITIONAL DEFINITIONS**

1. The words "you," "your" and "Cross Texas" mean Cross Texas Transmission and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
2. "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.
3. "CTP Facilities" means any CREZ transmission facility that could be awarded in Docket 35665.



### **REQUESTS FOR INFORMATION**

- ON-CT-1-1. Please provide all documents concerning your ability to finance debt related to CREZ Facilities for 6.51% or lower.
- ON-CT-1-2. Please provide all communication regarding your ability to finance CREZ facilities with a cost of debt of under 7%.
- ON-CT-1-3. Please provide any basis you may have for contending that you can finance CREZ Facilities with a cost of debt of under 7% including but not limited to
- a. all documents and communications regarding possible means of financing CREZ Facilities,
  - b. the coupon rates and amounts of any financing completed in the last 18 months, and
  - c. a list of all attempted but unsuccessful financings in the last 18 months.
- ON-CT-1-4. Please provide all communications or documents regarding your willingness or commitment to accept a 9.96% or lower return on equity.
- ON-CT-1-5. Please explain and provide all commitments you have made that you will not seek a return on equity higher than 9.96% if you are awarded CREZ Facilities.
- ON-CT-1-6. Please provide any and all documents and communications regarding any plans, discussions, or agreements to operate or maintain CREZ Facilities jointly with any entity.