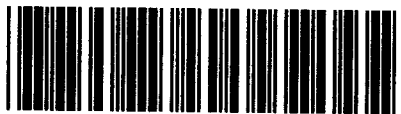




Control Number: 37448



Item Number: 272

Addendum StartPage: 0

**SOAH DOCKET NO. 473-10-1097
PUC DOCKET NO. 37448**

**APPLICATION OF LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
GILLESPIE TO NEWTON 345-KV
CREZ TRANSMISSION LINE IN
GILLEPIE, LLANO, SAN SABA,
BURNET AND LAMPASAS
COUNTIES, TEXAS**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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PUC PUBLIC UTILITIES DIVISION
FILING CLERK

**LANDOWNERS' PRESERVATION GROUP'S
FIRST SET OF REQUESTS FOR INFORMATION
TO THE LCRA TSC**

The Landowners' Preservation Group's¹ First Set of Requests for Information ("RFIs") to the LCRA Transmission Services Corporation (LCRA TSC) are hereby filed in this docket. Responses to the RFIs set forth on Exhibit A should be served on Jim Boyle, Herrera & Boyle, PLLC at 816 Congress Avenue, Suite 1250, Austin, Texas 78701, within ten (10) days of service hereof or no later than November 30, 2009, in conformance with the requirements of PUC Procedural Rule 22.144(c)(16 T.A.C. §22.144(c)). Exhibit A is attached hereto and incorporated herein for all purposes.

Definitions

1. "LCRA," refers to the Lower Colorado River Authority.
2. "TSC" refers to the Transmission Services Corporation.
3. "Applicant" refers to LCRA TSC.

¹ The Landowners Preservation Group includes intervenors: William R. Hinckley, Garrett Marital Trust, Ronald Shroyer, Roy Shroyer, Kaye Fischer-Hales, Catherine Rainwater, Richard & Ann Moore Johnson, Ed and Jacqueline Harrell, Jeffrey & Carolin Harrell, Jack Clark, Cynthia Clark, Jerry Hobbs, Terry Lowe, Janice Perry, Jana Perry, Ronald Griffin, Jane Moore Gamel, Doris, Moore Faubion, Jack Goodman, Jack Haby, Early Hamby, Sr., Gordon Griffin, Al & Susann Friedrichs, and Mike Atkinson.

4. "You," "yours," and "your" refer to LCRA TSC (as defined above), including its directors, officers, employees, consultants, agents and attorneys.
5. "Document" and "documents" mean any written, recorded, filmed, or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device of any other media, including, but not limited to, memoranda, notes, analyses, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, contracts, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, observations, commercial practice manuals, reports and summaries of interviews, reports of consultants, appraisals, forecasts, tape recordings, or any form of recording that is capable of being transcribed into written form.
6. The term "communication" includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided and to the extent it is within the knowledge of LCRA TSC.
5. "Identification" of a document includes stating (a) the nature of the document (e.g., letter, memorandum, corporate minutes), (b) the date, 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 signed or initialed the document, (h) the identity of each person to whom the document was addressed, (i) the identity of each person who received the document or reviewed it, (j) the location of the document, and (k) the identity of each person having custody of, or control over, the document. Identification of a document includes identifying all documents known or believed to exist, whether or not in the custody of LCRA TSC or in the custody of its attorneys or other representatives or agents.
6. "Identification" of a person includes stating his or her full name, his or her 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.
7. "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, unit operation, cooperative, municipality, commission, governmental body or agency.

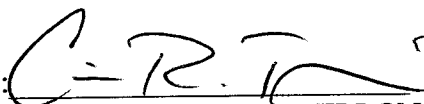
Instructions

1. If any RFI appears confusing, please request clarification from the undersigned counsel.
2. In providing your responses, please start each response on a separate page and type, at the top of the page, the RFI that is being answered.
3. As part of the response to each RFI, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparing of the answer. If the RFI has sub-parts, please identify the person or persons by sub-part. Please also state the name of the witness in this docket who will sponsor the answer to the RFI and who can vouch for the truth of the answer. If the RFI has sub-parts, please identify the witness or witnesses by sub-part.
4. Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available.
5. If LCRA TSC considers any RFI to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please call the undersigned counsel as soon as possible in order to discuss the situation and to try to resolve the problem. Likewise, if LCRA TSC objects to any of the RFIs on the grounds that the RFI seeks proprietary information, or on any other grounds, please call the undersigned counsel as soon as possible.
6. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
7. These requests shall be deemed continuing so as to require further and supplemental responses if LCRA TSC receives or generates additional information within the scope of these requests between the time of the original response and the time of the hearings.

Respectfully submitted,

HERRERA & BOYLE, PLLC
816 Congress Avenue, Suite 1120
Austin, Texas 78701
(512) 474-1492 (voice)
(512) 474-2507 (fax)

BY:


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**ATTORNEYS FOR
LANDOWNERS' PRESERVATION GROUP**

CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of December 2009, a true and correct copy of the foregoing document was served upon LCRA TSC by electronic mail, facsimile and/or First-class mail United States mail, postage paid.

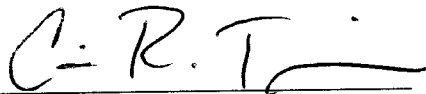
By: 
Carrie R. Tournillon

EXHIBIT A

SOAH DOCKET NO. 473-10-1097

PUC DOCKET NO. 37448

LANDOWNERS' PRESERVATION GROUP'S FIRST SET OF REQUESTS FOR INFORMATION TO THE LCRA TSC

- 1-1 In LCRA TSC's response to Hinckley's RFI 1-4, LCRA TSC stated that estimated costs included in Attachment 1, regarding estimated cost of acquisition of easements or right-of-ways from landowners for all routes in the Gillespie to Newton project, are NOT based on appraisals of actual properties crossed by the line. On what are the estimated costs based that are included in Attachment 1 of LCRA TSC's response to Hinckley RFI 1-4?
- 1-2 How close to a habitable structure does LCRA TSC believe is permissible for a transmission line to run?
- 1-3 How many habitable structures come within the distance stated in response to LPG RFI 1-2 on each of the proposed routes? Please list the response for each route separately.
- 1-4 If different than the response to LPG RFI 1-3, how many habitable structures come within 50 feet of a proposed route? Please list the response for each route separately.
- 1-5 What are the dates of the aerial photographs used by PBS&J in preparing its environmental assessment study?
- 1-6 What are the dates of the aerial photographs used by LCRA TSC to determine the habitable structures located within 500 feet of a transmission line on any of the proposed routes?
- 1-7 What are the dates of the aerial photographs or land records to determine the tracts of land and associated owner for the land crossed or near a transmission line on any of the proposed routes?
- 1-8 Please provide the number of feet and number of acres of line per link that have a moderate to high potential of disturbing the Golden-cheeked Warbler habitat. For example:

<u>Link</u>	<u>Feet</u>	<u>Acres</u>
C1	XX	XX
C2	XX	XX

- 1-9 Please provide the number of feet and acres of line per link that have a moderate to high potential of disturbing the Black-capped Vireo habitat. For example:

<u>Link</u>	<u>Feet</u>	<u>Acres</u>
C1	XX	XX
C2	XX	XX

- 1-10 Please provide a copy of all communications between LCRA TSC and Jacob Lewis of Oncor Electric Delivery Company (Oncor) regarding the Gillespie to Newton transmission line and/or the Newton substation in relation to CREZ projects.
- 1-11 Please provide a copy of all communications between LCRA TSC and John Brooks of Oncor regarding the Gillespie to Newton transmission line and/or the Newton substation in relation to CREZ projects.
- 1-12 Please provide a copy of all communications between LCRA TSC and Collin Martin of Oncor regarding the Gillespie to Newton transmission line and/or the Newton substation in relation to CREZ projects.
- 1-13 Please provide a copy of all communications between LCRA TSC and Ellen Buck of Oncor regarding the Gillespie to Newton transmission line and/or the Newton substation in relation to CREZ projects.
- 1-14 Please provide a copy of any notes taken by an employee of LCRA TSC during the Burnet Open House.
- 1-15 Please provide a copy of any notes taken by an employee of PBS&J during the Burnet Open House.
- 1-16 Please describe the solution engineered by Oncor to issues associated with locating of the Newton substation in a floodplain.
- 1-17 Please provide any studies or other documents in LCRA TSC's possession that support Oncor's solution to issues associated with locating the Newton substation in a floodplain, including but not limited to the engineering study performed by Oncor to be presented to the County judge for approval, as discussed in Attachment 1 to LCRA TSC's response to Hinckley's RFI 3-10, page 2 of 4.
- 1-18 In LCRA TSC's First Errata (p. 3 of 5) and in response to Hinckley's RFI 5-10, LCRA TSC states that it modified C29 at the suggestion of Ed and Jackie Harrell to have the line "simply cut across their property." Please answer the following pertaining to LCRA TSC's assertion:
- At which open house was this suggestion made by Ed and Jackie Harrell?
 - To whom did Ed and Jackie Harrell make the suggestion?
 - By whom is the person employed who is named in subpart "b" to this question?

- d. Where on their property did Ed and Jackie Harrell suggest that the line should cross? For example, did they suggest the line should cross the back of their property, front, etc?
 - e. Were any notes taken by the employee named in subpart “b” to this question?
 - f. Were any marks made on a map by Ed or Jacki Harrell or by the employee named in response to subpart “b” of this question? Please describe these in detail and identify them by providing a photo of the marked map.
- 1-19 Please mark on a map the area of C31 that parallels the segment used in Oncor’s routes to Newton.
 - 1-20 Other than what was provided in response to Hinckley’s RFI 702, please provide copies of any cultural resource surveys performed for the area around Link C17.
 - 1-21 Other than what was provided in response to Hinckley’s RFI 702, please provide copies of any cultural resource surveys performed for the area around Link C18.
 - 1-22 Other than what was provided in response to Hinckley’s RFI 702, please provide copies of any cultural resource surveys performed for the area around Link C19.
 - 1-23 Will any of the proposed 345 kV lines be over any habitable structures of which the LCRA is aware? If yes, please identify the structure by number and link and identify the affected landowner owning the structure.
 - 1-24 What is the shortest distance between any habitable structure of which the LCRA is aware, and the centerline of a proposed 345 kV transmission line?
 - 1-25 What would be the shortest distance between any habitable structure of which the LCRA is aware, and the outside edge of an easement for a proposed 345 kV transmission line?
 - 1-26 If a proposed 345 kV line parallels an existing line, what is the distance – centerline to centerline – between the two lines?
 - 1-27 Does the LCRA intend to construct a 345 kV transmission line over any habitable structures?
 - 1-28 Does the LCRA intend to construct a transmission line nearer than 500 and/or 1000 feet to an historically significant site?
 - 1-29 Will the LCRA modify the existing route, or segments of a route, to avoid going over existing homes/businesses/historically significant buildings?
 - 1-30 Does the LCRA believe the existing easements for any existing transmission lines provide the LCRA with the right to use a landowner’s land for the new 345 KV line(s)?

- 1-31 Do the existing easements that the LCRA holds for any existing lines give the LCRA the right to:
- a. Change the structures;
 - b. Widen the ROW?
- 1-32 Do the existing easements that the LCRA holds for its existing transmission lines contain specifications regarding:
- a. the width of the easement;
 - b. the size of the structures to be placed in the easement;
 - c. the type of structures to be placed in the easement;
 - d. the specific voltage level of the line; and/or
 - e. the location of the easement (described in metes and bounds or by other means)?
- 1-33 Do the existing easements the LCRA holds for its existing transmission lines expressly provide that it may:
- a. install facilities in the easement;
 - b. replace existing facilities;
 - c. maintain existing facilities;
 - d. repair existing facilities;
 - e. add facilities to the existing easement;
 - f. construct new lines in the easement;
 - g. construct new structures in the easement; and/or
 - h. remove existing facilities from the easement.