



Control Number: 37448



Item Number: 388

Addendum StartPage: 0

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

APPLICATION OF LCRA TRANSMISSION §  
SERVICES CORPORATION TO AMEND A § PUBLIC UTILITY COMMISSION  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY FOR THE GILLESPIE TO §  
NEWTON 345-KV CREZ TRANSMISSION § OF TEXAS  
LINE IN GILLESPIE, LLANO, SAN SABA, §  
BURNET, AND LAMPASAS COUNTIES, §  
TEXAS §

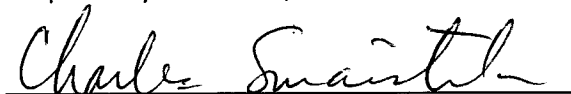
RECEIVED  
09 DEC 21 PM 12:28  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**SUSAN AND DAVID NANCE'S FIRST REQUEST FOR INFORMATION  
TO LCRA TRANSMISSION SERVICES CORPORATION**

Pursuant to P.U.C. PROC. R. 22.144, Susan and David Nance request that LCRA Transmission Services Corporation ("LCRA") fully respond to the attached requests for information ("RFIs") in accordance with the attached General Instructions and Definitions, to be read consistent with the Commission's Procedural Rules and the Texas Rules of Civil Procedure.

Responses to the RFIs must conform in all respects to the Commission's rules. Each response shall identify the sponsoring witness, if any, and the preparer or person under whose direct supervision the response was prepared. Each request shall be answered separately, and responses shall be preceded by the request to which the answer pertains. Any questions regarding these requests should be directed to the undersigned.

Respectfully submitted,



**Robert A. Rima** (Bar No. 16932500)

Law Offices of Robert A. Rima

**Charles Smaistrle** (Bar No. 18514575)

Law Offices of Charles Smaistrle

7200 N. MoPac Expy, Ste 160

Austin, TX 78731-2560

512-349-9449

512-343-9339 Fax

[bob.rima@rimalaw.com](mailto:bob.rima@rimalaw.com)

[CJS@LawEconomics.com](mailto:CJS@LawEconomics.com)

*Attorneys for Susan and David Nance*

December 21, 2009

### **General Instructions**

1. In responding to each request for information ("RFI"), provide information available from all entity and individual files, as well as from all past and current employees, officers, and board members of the affected entities and all predecessors and affiliates, as defined below.
2. If there is no information or documents in response to a RFI, so state.
3. This RFI is continuing in nature, and requires supplemental responses in accordance with Section 22.144(I) of the Commission's Procedural Rules.
4. If any information is not available in the exact form requested, provide whatever information or documents that best respond to the data request.
5. If the requested information or data is available for only part of the period requested or is otherwise incomplete, provide such data as is available.
6. If any RFI appears ambiguous, contact counsel for Lometa Landowners as soon as possible to obtain clarification.
7. Each document of more than one page should be stapled or otherwise bound, and the individual pages numbered consecutively.
8. If, in the case of any RFI seeking documents, there are no responsive documents, so state and provide a narrative answer to the request.
9. 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 that might otherwise be considered to be beyond its scope.
10. The singular form of a word includes the plural and the plural includes the singular as appropriate to bring within the scope of each data request information or documents that might otherwise be beyond its scope.
11. When requested to provide a study, schedule, or analysis, the recipient of a data request shall also provide any work papers, underlying facts, inferences, suppositions, estimates, and conclusions necessary to support each study, schedule, or analysis.
12. If the data are unavailable, provide any estimates or approximations that are the best available information and explain the procedure for developing the information supplied.

### **Definitions**

1. "LCRA TSC," "company," or "you" means, for purposes of these RFIs, LCRA Transmission Services Corporation, any merged, consolidated, or acquired predecessors or predecessor in interest; 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. "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 current 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 they are in the custody of attorneys or other agents. The final version and each draft of each document should be identified and produced separately. If a document is no longer in the possession or control of the recipient of a data request, the recipient shall state what disposition was made of it. A document need not be identified if it is produced.

3. "Identification of" or to "identify" a person includes stating the person's full name, corporate, partnership, proprietorship, or other business affiliation, current business address and telephone number, current job title, and current or prior association with any party to this proceeding.

4. "Person" means, without limitation, a natural person, corporate entity, partnership, association (whether formally organized or *ad hoc*), joint venture, cooperative, municipality, commission, or governmental body or agency.

5. "Relating to" or "relates to" means involving, referring to, having any relationship to, pertaining to, evidencing, or constituting evidence of.

6. "Document" is used broadly to include, without limitation, the original or any copy, of any kind, regardless of origin or location, of any book, pamphlet, periodical, publication, letter, exhibit, pleading, scrapbook, diary, calendar, canceled check, photograph, form, memorandum, schedule, telegram, telex, report, record, order or notice of the Commission or other governmental action of any kind, study, handwritten or typed notes, draft or other working paper, chart, map, minutes, logs, graph, index, tape, disc, internal operating manual, data sheet or data processing card, or any other written or retrievable matter or data of any kind, however produced or reproduced, to which the recipient of a request has or has had access. A document that is not exactly identical to another document for any reason, including 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 the recipient's possession but that the recipient knows or believes to exist, the recipient shall identify the document and state its current or last-known location and custodian.

7. "Correspondence" is used broadly to include, without limitation, letters, telecopies, telefaxes, notices, messages, memorandums, electronic mail, telexes, telegrams, and other written or electronic communications. Correspondence includes internal communications.

8. "Commission," "PUC," or "PUCT" means the Public Utility Commission of Texas; "Commission staff" refers to the employees of the Commission.

9. "Communications" is used broadly to include all forms of communication, whether written, printed, oral, pictorial or otherwise, including testimony or sworn statement, of any means or type whatsoever.

10. Computer readable data shall be provided on CD-ROMs usable in Windows-compatible computers.

11. Acronyms and terms defined in any RFI carry the same meaning when used in other RFIs.

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

<b>APPLICATION OF LCRA TRANSMISSION</b>	<b>§</b>	
<b>SERVICES CORPORATION TO AMEND A</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CERTIFICATE OF CONVENIENCE AND</b>	<b>§</b>	
<b>NECESSITY FOR THE GILLESPIE TO</b>	<b>§</b>	
<b>NEWTON 345-KV CREZ TRANSMISSION</b>	<b>§</b>	<b>OF TEXAS</b>
<b>LINE IN GILLESPIE, LLANO, SAN SABA,</b>	<b>§</b>	
<b>BURNET, AND LAMPASAS COUNTIES,</b>	<b>§</b>	
<b>TEXAS</b>	<b>§</b>	

**SUSAN AND DAVID NANCE'S FIRST REQUEST FOR INFORMATION  
TO LCRA TRANSMISSION SERVICES CORPORATION**

SDN 1-1 With respect to the Natural Resources Assessment ("NRA") and Cultural Resources Assessment ("CRA") referred to in the Environmental Assessment ("EA") at page 1-6, please provide the criteria in the NRA and CRA applicable to the significant geological features, fragile habitats, and sensitive environments along Segment C8.

SDN 1-2 Does LCRA TSC know of any reason to maintain that the significant geological features, fragile habitats, and sensitive environments along Segment C8 are significantly different from those in Enchanted Rock State Natural Area ("Enchanted Rock")?

SDN 1-3 With respect to discussions (EA at page 1-6) with the U.S. Fish and Wildlife Service ("FWS") regarding a regulatory mechanism under the Endangered Species Act, please provide copies of all communications, reports, and lists of criteria sent to or received from FWS.

SDN 1-4 Has LCRA TSC compiled a list of federal species of concern (*i.e.*, species that are declining or appear to be in need of concentrated conservation actions) along Segment C8?

a. If it has, please provide the list and identify what efforts LCRA TSC will take not to disturb the habitat and environment of such species.

b. If not, is it LCRA TSC's position that the Commission need not consider the potential effect of the proposed transmission line on federal species of concern in meeting the agency's obligation to consider the effect of the line on community values? On recreational and park areas? On aesthetic values?

SDN 1-5 Please provide any documents in which LCRA TSC discusses Enchanted Rock as a (a) significant cultural resource, (b) high visual sensitivity area, or (c) high quality terrestrial ecosystem.

SDN 1-6 Please identify any criteria developed by LCRA TSC regarding the preservation of views from Enchanted Rock of the surrounding area unobstructed by transmission lines.

SDN 1-7 Is LCRA TSC aware of any criteria developed by the Texas Historical Commission or any other state agency regarding the preservation of unobstructed views from Enchanted Rock of the surrounding area? If so, please provide.

SDN 1-8 Regarding the definition (EA at page 5-15) of "Foreground Visual Zone" ("FVZ"):

- a. Is "Foreground Visual Zone" a term of art? If so, in what field is it used?
- b. What is the origin of the term "Foreground Visual Zone"?
- c. Is 0.5 mile the generally accepted maximum distance that an FMZ extends for 345-kV transmission lines? If so, what is the basis for such a standard? If not, by what criteria does it vary?
- d. Please identify any cases known to LCRA TSC in which the Commission has accepted a 0.5 mile FVZ.
- e. What is the basis for defining the FVZ to extend no farther than 0.5 mile in this case?
- f. Did LCRA TSC consider enlarging the FVZ to take into account the extended scenic vista from Enchanted Rock, given that the dome rises some 425 feet above the surrounding terrain? If so, please provide any documents in LCRA TSC's possession that address enlarging the FVZ. If not, why not?
- g. Is it LCRA TSC's position that the FVZ need not be enlarged to take into account the extended scenic vista from Enchanted Rock, given that the dome provides clear views far beyond Segment 8C? If so, why?
- h. Is it LCRA TSC's position that considering a visual zone of only 0.5 mile in this case is adequate to meet the Commission's statutory obligation to consider the effect of the proposed transmission line on community values? On recreational and park areas? On aesthetic values?

SDN 1-9 Please provide any documents created by LCRA TSC addressing the preservation of unobstructed views of the surrounding Texas Hill Country from Enchanted Rock.

SDN 1-10 Is it LCRA TSC's position that routing the proposed transmission line along Segment 8C complies with the recommendation of Texas Parks and Wildlife Department (EA at page 6-23) to avoid adverse visual impacts on state parks?

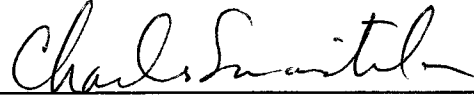
SDN 1-11 Please identify the location of any prime farmland located along Segment 8C.

SDN 1-12 Please provide any documents in LCRA TSC's possession written within the last 10 years addressing any dangers that ground fires and their attendant smoke pose to high-voltage transmission lines.

SDN 1-13 Please identify the restrictions that LCRA TSC places on landowners utilizing controlled burns as part of their land management programs along or near high-voltage transmission line easements?

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on the respondent on December 21, 2009, in the following manner: U.S. mail, facsimile, e-mail, or hand delivery.

A handwritten signature in cursive script, appearing to read "Charles Smaistrle", is written over a horizontal line.

Robert A. Rima  
Charles Smaistrle