



Control Number: 37448



Item Number: 755

Addendum StartPage: 0

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

APPLICATION OF LCRA TRANSMIS- SION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CON- VENIENCE AND NECESSITY FOR THE GILLESPIE TO NEWTON 345-KV CREZ TRANSMISSION LINE IN GILLESPIE, LLANO, SAN SABA, BURNET, AND LAMPASAS COUNTIES	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**LCRA TRANSMISSION SERVICES CORPORATION'S
MOTION TO COMPEL RESPONSE BY KANE-GLENSPRINGS RANCH**

TO THE HONORABLE WENDY K.L. HARVEL:

Applicant, LCRA Transmission Services Corporation (LCRA TSC) hereby files this Motion to Compel Response by Kane-Glensprings Ranch, Ltd (KG Ranch) to LCRA TSC's First RFI to All Parties Listed in Attachment A (Motion to Compel), and in support thereof would respectfully show the following:

I. Introduction

On January 15, 2010, LCRA TSC filed its First Request for Information to Intervenors to All Parties Listed in Attachment A (LCRA TSC RFI). Under Order No. 4, discovery on the direct cases of intervenors shall continue until January 26. On January 19 KG Ranch filed its Objections and Responses to LCRA TSC's First RFI (Objections). Under Order No. 1, motions to compel shall be filed within two business days of receipt. This Motion to Compel is timely filed.

II. LCRA TSC has a right to conduct discovery on intervenors

LCRA TSC, as applicant and as a party to this case, has a right to seek discovery on intervenors. LCRA TSC must be able to conduct discovery in order to properly respond to issues raised by the intervenors. Your Honor recognized this fact and allowed discovery on intervenors to continue through January 26 in Order No. 1.

LCRA TSC has responded to well over 800 questions in discovery from intervenors, and before January 15 had asked only one set of RFIs to one single intervenor. LCRA TSC has not asked a single question of KG Ranch prior to this set. LCRA TSC has a right to seek informa-

tion, and should not be forced to fight through a flurry of boilerplate objections (38 such objections in this case) to pursue this right.

Further, in order to address the more than 50 landowners who intervened in this case, LCRA TSC is required to ask fairly general questions. KG Ranch attempts to use the generalized nature of such questions to manufacture controversy, even claiming that LCRA TSC is seeking “tax returns.”¹ This claim is, of course, entirely absurd, and KG Ranch could have easily cured its confusion by simply calling counsel for LCRA TSC.

III. KG Ranch did not confer with LCRA TSC.

As a threshold matter, it should be noted that counsel for KG Ranch never attempted to confer with counsel for LCRA TSC or to work through any of the issues it appears to have with this RFI. KG Ranch did not plead extenuating circumstances for failing to do so. Counsel for LCRA TSC would have been happy to clear up any confusion, and counsels for several other intervenors have had no problem in calling LCRA TSC and discussing any questions or concerns. The appropriate sanction to defer such behavior is the summary overruling of the objections.

IV. KG Ranch’s Objections are boilerplate and do not address the questions asked.

KG Ranch has filed an extensive series of objections to ten out of the eleven questions in LCRA TSC’s RFI.² These objections amount to simple boilerplate lines which do not substantively address the questions asked. KG Ranch attempts to raise every issue imaginable through the use of six boilerplate paragraphs, claiming that (1) the “burden and expense” of the questions outweighs the “likely benefit,” that (2) the questions are “unreasonably cumulative or burdensome”, (3) cause “undue burden, unnecessary expense, harassment, and annoyance,” (4) are “overbroad”, (5) seek documents “protected by the work product privilege” or “attorney client privilege”, and (6) “exceed the permissible scope of discovery” and are not relevant.

It is LCRA TSC’s belief that the ALJ will see after review of these objections, that they consist of “boilerplate” objections provided by counsel who is attempting to preserve objections as in some civil litigation context. Neither the PUC’s rules nor SOAH’s practices condone these

¹ Objections at 10.

² See Exhibit 1, which includes pages 3-10 of KG Ranch’s Objections (PUC Interchange Item No. 698). This Exhibit shows both the questions asked and the objections raised.

types of objections, made without basis and for reasons of expediency. These types of objections add nothing to the process and simply create further litigation.

LCRA TSC has summarized KG Ranch's boilerplate objections by question objected to in the following table:

Objection	1-1	1-2	1-3	1-5	1-6	1-7	1-8	1-9	1-10	1-11
Burden outweighs benefit	X	X	X		X	X	X	X	X	X
Unreasonably cumulative	X	X					X	X	X	X
Undue burden, unnecessary expense, harassment and annoyance	X	X	X	X	X	X	X	X	X	X
Overbroad			X		X	X	X			X
Work product privileged/Attorney client privileged			X		X	X	X			X
Exceeds the permissible scope of discovery					X	X				X

Thus, through creative use of the same six paragraphs, KG Ranch has managed to raise 38 objections to ten questions. Rather than attempting to address each boilerplate objection for each question, a process that would lead to 38 separate responses, LCRA TSC will address each standard objection across all of the questions to which it relates.

A. The burden outweighs the benefits.

In various but quite similar forms, KG Ranch has argued that "the burden and expense of the discovery sought outweighs its likely benefit."³ KG Ranch makes this argument for questions 1-1, 1-2, 1-3, 1-6, 1-7, 1-8, 1-9, 1-10, and 1-11. From KG Ranch's perspective, it is undoubtedly true that some effort will be required to respond to LCRA TSC's questions. However, the balance between the benefits and burdens should be looked at from the perspective of all parties needing information to make their case, not only from KG Ranch's perspective, and KG Ranch cannot purport to speak for the "benefit" which the responses may provide to LCRA TSC (or the other parties), particularly since LCRA TSC is the only party in this proceeding with a burden of proof. KG Ranch does not dispute that there *is some* benefit to producing discovery, nor does it attempt to quantify in any way what the burden of such production would be. Further, KG Ranch appears to have overlooked the fact that LCRA TSC attempted to avoid causing undue burden by including the following instruction: "If material in your testimony or position

³ See e.g. Objections at 3.

fully presents relevant facts and presents the information called for in a question, you may respond, "See Testimony" or "See Statement.""⁴

Because KG Ranch has failed to provide any information that would allow a comparison of the benefits and burdens for these questions, LCRA TSC respectfully requests that this objection be overruled.

B. Unreasonably cumulative questions.

For questions 1-1, 1-2, 1-8, 1-9, 1-10 and 1-11, KG Ranch argues that "the discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive."⁵

KG Ranch does not explain *how* these questions are unreasonable cumulative or duplicative, it merely states the proposition as a fact. Further, KG Ranch ignores the fact that many questions are crafted *precisely to avoid causing duplication*. For instance, Question 1-1 begins "to the extent not explained in response to PUC Staff's 1st or 2nd RFI..."⁶ Likewise, as discussed above, LCRA TSC invited intervenors to respond by saying "See Testimony" or "See Statement" if answers to the questions had already been provided. Also, KG Ranch never explains what other sources this discovery is obtainable from.

Because KG Ranch has failed to explain how these questions are cumulative, it has ignored LCRA TSC's language designed to avoid duplication, and has failed to offer another source for such discovery, LCRA TSC respectfully requests that this objection be overruled.

C. Undue burden, unnecessary expense, harassment, and annoyance.

For questions 1-1, 1-2, 1-3, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10 and 1-11, KG Ranch argues that The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.⁷

KG Ranch again fails to explain *how* these 10 questions create "undue burden, unnecessary expense, harassment, and annoyance," again simply stating its position as though this were an undisputable fact. The only claim made by KG Ranch to support this statement is the curious position that because intervenors have "already filed their direct testimony," such discovery re-

⁴ LCRA TSC RFI at 1.

⁵ See e.g. Objections at 3.

⁶ LCRA TSC RFI at 6.

⁷ See e.g. Objections at 3.

quests must inherently amount to “an attempt to harass.” This is a remarkable claim that shows a misunderstanding of the nature of discovery.

One of the key purposes behind discovery is to allow parties to understand the claims another party is making and to determine what information or documentation a party possesses which strengthens or weakens such a claim. Obviously, it is easier to ask questions about a claim *after* the claim has been made in testimony. If your Honor had considered discovery on intervenors to be mooted by the filing of testimony, then the end of discovery on intervenors would logically have been set at January 7, not January 26.

Because KG Ranch’s claim that these requests create undue burden, unnecessary expense, harassment, and annoyance is unsupported except by the bafflingly wrong-headed logic that discovery must end before the filing of testimony, LCRA TSC respectfully requests that this objection be overruled.

D. Overbroad.

For questions 1-3, 1-6, 1-7 1-8, and 1-11, KG Ranch argues that:

The discovery request is “overbroad” because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.⁸

Again, KG Ranch fails to explain how such requests are overbroad. Question 1-3 asks for documents relevant to an intervenor’s claim.⁹ While LCRA TSC does not explicitly state a time period, activity or product covered, this limitation is supplied by the claims that the intervenors themselves make. Likewise Question 1-6, which references meetings “regarding the proposed transmission line”¹⁰; Question 1-7, covering documents dealing with the “proposed project”¹¹; Question 1-8, requesting a map of the intervenor’s property and structures¹²; and Question 1-11, concerning documents provided to or from governmental agencies¹³; are all limited by the case itself. Since this proposed project has only existed since October 7, 2008,¹⁴ all such questions are inherently limited as to time, as well as containing their own internal limits on sub-

⁸ See e.g. Objections at 4.

⁹ LCRA TSC RFI at 6.

¹⁰ *Id.*

¹¹ *Id.*, at 7.

¹² *Id.*

¹³ *Id.*

¹⁴ See Docket No. 35665.

ject matter. LCRA TSC acknowledges that Question 1-11 could have been better-phrased to more clearly apply to documents related to the current case, but if KG Ranch was truly confused by this question, it could have easily called counsel for LCRA TSC to clarify that LCRA TSC did not seek any documents not relevant to the proposed project or to a claim being made.¹⁵

Because KG Ranch has not supported its claim that these questions are overbroad, and because KG Ranch made no attempt to confer with LCRA TSC to narrow any requests it believed could be construed broadly, LCRA TSC respectfully requests that this objection be overruled.

E. Work product privilege and attorney client privilege.

KG Ranch argues that the responses to questions 1-3, 1-6, 1-7, 1-8, and 1-11 are covered by the work-product and attorney client privileges.¹⁶ This claim may well be true, and LCRA TSC does not seek documents that are privileged under the Texas Rules of Civil Procedure or the Texas Rules of Evidence.¹⁷ However, KG Ranch yet again fails to explain its claims, and some of the questions it objects to lead to frankly baffling conclusions.

The work-product privilege protects materials prepared in anticipation of litigation.¹⁸ The attorney-client privilege protects communications made between a party and its counsel.¹⁹ However, there is an exception to the work-product privilege for images of “underlying facts” in Tex. R. Civ. Pro. 192.5(c)(4).²⁰ Additionally, while certain documents might be covered by various privileges, the very existence of events such as meetings with other landowners or with governmental entities would surely not be covered by such a privilege. Hence, Question 1-6a asks the intervenor to:

Please identify each meeting you, your client, group, entity you represent, or person(s) representing you or speaking on your behalf has had with each person or group of persons, including landowners, other intervenors, expert witnesses, community leaders, LCRA or LCRA TSC representatives, or governmental officials regarding the proposed transmission line.

¹⁵ It is worth noting that counsels for other intervenors have been perfectly able to call and clarify a confusion such as this.

¹⁶ See e.g. Objections at 4.

¹⁷ As KG Ranch could have discovered with a single phone call.

¹⁸ Tex. R. Civ. Pro. 192.5(a).

¹⁹ Tex. R. Evid. 503.

²⁰ Please note that Question 1-3 specifically included “photographs” in the documents sought.

Any attorney mental impressions or notes of such a meeting would obviously be considered attorney work-product, but basic facts about the very existence of such a meeting could not be considered work product. Likewise, any documents shared with other landowners or with governmental entities (as requested in questions 1-6 and 1-11) would obviously lose any privilege by virtue of being shared with a third party.

KG Ranch's most baffling claim of privilege comes in response to Question 1-8, which asks for a map "depicting your property...[and] locations of houses, barns, or other improvements."²¹ Unless counsel for the intervenor has personally been on the land constructing barns as part of his legal representation, it is impossible to understand how the locations of such structures could fit within a privilege. The fact that KG Ranch blithely makes such an absurd claim highlights the bad faith inherent in these boilerplate objections.

Because KG Ranch has not supported its claim that these questions seek privileged documents, or made any attempt to sort out what documents might be privileged, LCRA TSC respectfully requests that this objection be overruled.

F. Exceeds the permissible scope of discovery.

For questions 1-6, 1-7, and 1-11, KG Ranch argues that:

The discovery sought exceeds the permissible scope of discovery because it seeks discovery of information or concerning material that is not relevant to the subject matter of this proceeding, and that is not reasonably calculated to lead to the discovery of admissible evidence.²²

For questions 1-6 and 1-7, KG Ranch again fails to explain how these questions go beyond the permissible bounds of discovery. Question 1-6 refers to meetings "regarding the proposed transmission line." Question 1-7 refers to documents dealing with "the proposed transmission line." In each case, these questions go to the issue that is currently before the court.

For Question 1-11, KG Ranch finally offers some explanation of its fears, stating that: In the absence of objection, Intervenor would have to produce its income tax returns and any other documents customarily filed with the government, regardless of their lack of relevance to this case.

This would indeed be a terrifying prospect for any reasonable intervenor. However, as LCRA TSC has already explained above, if KG Ranch was truly worried that LCRA TSC sought

²¹ LCRA TSC RFI at 7.

²² See Objections at 6.

tax returns, it could have contacted counsel and learned in a moment that LCRA TSC sought no such thing. This problem could have been solved by a simple conference as required by Order No. 1.

If KG Ranch remains fearful that tax returns are sought by this question, LCRA TSC then happily proposes that KG Ranch be compelled to answer these questions, and be ordered to provide copies of all documents that are a) responsive, and b) *relevant*. KG Ranch's attempt to raise fears that LCRA TSC seeks irrelevant documents amounts to nothing more than obfuscation.

Because KG Ranch has failed to support its claim that these questions seek irrelevant documents, or made any attempt to confer with LCRA TSC to clear up its confusion, LCRA TSC respectfully requests that this objection be overruled and that KG Ranch be ordered to produce all documents that are responsive to this set of RFIs and relevant to the case at hand.

G. Failure to produce documents.

Beyond the 38 boilerplate objections it raised, KG Ranch has stated in its very brief responses that it possesses documents responsive to questions 1-3 and 1-7. However, KG Ranch has failed to provide such documents to LCRA TSC, stating "the Intervenor will reach agreement for inspection of unobjectionable documents at any mutually agreeable time at the offices of the Intervenor's attorney."²³ KG Ranch has also failed to file these documents with the Commission as required in Order No. 10. KG Ranch has not stated that such responsive documents are voluminous, or given any reason for failing to provide such documents. LCRA TSC therefore respectfully requests that KG Ranch be ordered to provide copies of such documents to LCRA TSC and the Commission.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, LCRA TSC respectfully requests that the Judge overrule KG Ranch's objections, grant this motion to compel in all aspects, and order KG Ranch to respond to all questions in LCRA TSC's RFI and provide LCRA TSC and the Commission with copies of all responsive documents. LCRA TSC also requests that it be granted any other relief to which it may show itself entitled.

²³ *Id.* at 5, 7.

Respectfully submitted,

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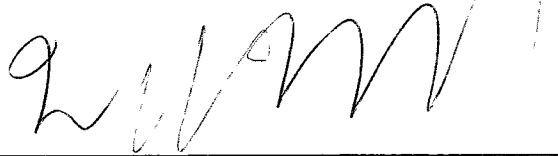
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ATTORNEYS FOR LCRA TRANSMISSION
SERVICES CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding on this the 21st day of January 2010, by e-mail, facsimile, First-Class U.S. mail, or by hand delivery.

A handwritten signature in black ink, appearing to read 'W Medaille', written over a horizontal line.

William Medaille

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

**OBJECTIONS AND RESPONSES OF KANE-GLENSPRINGS RANCH, LTD. TO
LCRA TSC'S FIRST REQUEST FOR INFORMATION TO ALL PARTIES
LISTED IN ATTACHMENT A**

QUESTION No. 1-1:

To the extent not explained in response to PUC Staff's 1st or 2nd RFI, questions BA 1-4, 1-7, or 1-9, if your objection to any route proposed by LCRA TSC in this CCN application is based on an allegation that there is an adverse effect on your property, please list and describe in detail what you believe those adverse effects may be, and how your particular interest in the property may be affected. Please provide any documents that supports your objections and allegations.

RESPONSE No. 1-1:

Objection to Request for Information No. 1-1:

The burden and expense of the discovery sought outweighs its likely benefit.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

This information has been provided in Respondent's Prefiled Direct Testimony.

QUESTION No. 1-2:

If your objection to any route proposed by LCRA TSC in this application is not based on an allegation that there is an adverse effect on your property, but to the community in general, please list and describe in detail what you believe those adverse effects may be, and how your particular interest in the property may be effected. Please provide any documents that support your objection and allegations.

RESPONSE No. 1-2:

Objection to Request for Information No. 1-2

The burden and expense of the discovery sought outweighs its likely benefit.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

Response: Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.

This information has been provided in Respondent's Prefiled Direct Testimony.

QUESTION No. 1-3:

Please list and produce all documents (including photographs) in your possession relevant to any claim that a route proposed by LCRA TSC in this docket may adversely affect your property or the community in general. To the extent that photographs are included in this response, please include a written indication of the location of the photo, time and date it was taken, person who took it, and what you believe the photo is intended to illustrate.

RESPONSE No. 1-3:

Objection to Request for Information No. 1-3

The discovery request is "overbroad" because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.

The burden and expense of the discovery sought outweighs its likely benefit, given the fact that the Intervenor has already filed its Direct Testimony.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

The Intervenor seeks protection regarding the time or place of discovery.

To the extent not objectionable, documents and tangible things will be reproduced as they are kept in the usual course of business.

The Intervenor has withheld information responsive to this Request for Information because the information is protected by the work product privilege prescribed by Civil Procedure Rule 192.5.

The Intervenor has withheld information responsive to this Request for Information because the information is protected by the attorney client privilege prescribed by Civil Procedure Rule 192.5.

The Intervenor seeks protection regarding the time or place of discovery.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

The Intervenor will reach agreement for inspection of unobjectionable documents at any mutually agreeable time at the offices of the Intervenor's attorney.

QUESTION No. 1-4:

Have you recorded any telephone conversations, conversations of any sort, or meetings with LCRA TSC representatives or other individuals involved with this project (e.g. contractors working for LCRA or LCRA TSC, other landowners, elected officials, etc.) without their knowledge? If so, please produce a copy of such recorded conversations or meetings.

RESPONSE No. 1-4: No.

QUESTION No. 1-5:

Please list the names of any witnesses, expert or factual, who will testify on your behalf in this docket. For each such witness please provide the name and address of the witness, the subject matter of the testimony, any particular expertise the witness may have on any subject matter on which the witness will testify, and a brief summary of the subject matter the witness will address. If the witness is an expert witness, please provide in addition to the information sought above, a current resume and any associated bibliographies, as well as a list of cases or dockets in which the witness has previously testified.

RESPONSE No. 1-5:

Objection to Request for Information No. 1-5

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

This information has been provided in Respondent's Prefiled Direct Testimony.

QUESTION No. 1-6:

Please answer the following:

- a. Please identify each meeting you, your client, group, entity you represent, or person(s) representing you or speaking on your behalf has had with each person or group of persons, including landowners, other intervenors, expert witnesses, community leaders, LCRA or LCRA TSC representatives, or governmental officials regarding the proposed transmission line.
- b. For each of the above meetings, please identify to the best of your knowledge and recollection the date of each meeting, person(s) involved, identification of the involvement of each person, group/company/agency/governmental organization/subject of the discussions, and location of each meeting.
- c. Please provide all documents, including notes and e-mail correspondence (see definition of "document" above) related in any way to such meetings.

RESPONSE No. 1-6:

Objection to Request for Information No. 1-6

The discovery sought exceeds the permissible scope of discovery because it seeks discovery of information or concerning material that is not relevant to the subject matter of this proceeding, and that is not reasonably calculated to lead to the discovery of admissible evidence.

The discovery request is "overbroad" because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.

The burden and expense of the discovery sought outweighs its likely benefit, given the fact that Intervenor has already filed its Direct Testimony.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

The items requested are protected by the work product privilege prescribed by Civil Procedure Rule 192.5.

The items requested are protected by the attorney client privilege prescribed by Civil Procedure Rule 192.5.

QUESTION No. 1-7:

Please provide a copy of any document that you may have had in your possession dealing in any way with the proposed project. Documents include, but may not be limited to the following: e-mail, presentations, letters, reports, memos, notes (including notes from meetings with LCRA personnel, telephone conferences with LCRA personnel or notes taken at LCRA TSC Open Houses), maps, photographs, studies. It is not necessary for you to provide copies of documents that have been provided to you by LCRA TSC.

RESPONSE No. 1-7:

Objection to Request for Information No. 1-7

The discovery sought exceeds the permissible scope of discovery because it seeks discovery of information or concerning material that is not relevant to the subject matter of this proceeding, and that is not reasonably calculated to lead to the discovery of admissible evidence.

The discovery request is "overbroad" because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.

The burden and expense of the discovery sought is outweighs its likely benefit, given the fact that Intervenor has already filed its Direct Testimony.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

The Intervenor seeks protection regarding the time or place of discovery.

The items requested are protected by the work product privilege prescribed by Civil Procedure Rule 192.5.

The items requested are protected by the attorney client privilege prescribed by Civil Procedure Rule 192.5.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

The Intervenor will reach agreement for inspection of unobjectionable documents at any mutually agreeable time at the offices of the Intervenor's attorney.

QUESTION No. 1-8:

To the extent not provided in response to a previous LCRA TSC RFI or PUC Staff's 1st or 2nd RFI, Questions BA 1-1, BA 1-4, BA 1-6, BA 1-7, or BA 1-9, please provide a map clearly depicting your property that may be potentially affected by the proposed project. Include on the map locations of **houses, barns, and any other improvements.**

RESPONSE No. 1-8:

Objection to Request for Information No. 1-8

The discovery request is "overbroad" because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.

The burden and expense of the discovery sought is outweighs its likely benefit, given the fact that Intervenor has already filed its Direct Testimony.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

The items requested are protected by the work product privilege prescribed by Civil Procedure Rule 192.5.

The items requested are protected by the attorney client privilege prescribed by Civil Procedure Rule 192.5.

QUESTION No. 1-9:

To the extent an alternate route or routes you indicated that you "prefer" in response to Kane-Glensprings Ranch, Ltd.'s 1st RFI Question 1-1 does not represent a satisfactory solution to any concerns you have in this document, what do you propose as a solution to your concerns in this docket? In other words, what end result in this docket would be satisfactory to you, your client, group, business, or other associated interest?

RESPONSE No. 1-9:

Objection to Request for Information No. 1-9

The burden and expense of the discovery sought is outweighs its likely benefit.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

This information has been provided in Respondent's Prefiled Direct Testimony.

QUESTION No. 1-10:

To the extent not previously identified in response to Staff's 1st or 2nd RFI to intervenors in this docket or in response to previous RFIs in this set of Questions (LCRA TSC's 1st RFI to Intervenor), please explain any legal or factual impediments you contend will limit the use or paralleling by LCRA TSC of any existing transmission line easements on your property. (If you have no existing transmission line easements on your property, please indicate "Not Applicable").

RESPONSE No. 1-10:

Objection to Request for Information No. 1-10

The burden and expense of the discovery sought is outweighs its likely benefit.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The Intervenor further object because the request subjects The Intervenor to undue burden, unnecessary expense, harassment, annoyance, or invasion of personal, constitutional or property rights.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

Response: *Subject to and without waiving those Objections, the following response to the otherwise unobjectionable portion of the request is provided.*

This information has been provided in Respondent's Prefiled Direct Testimony.

QUESTION No. 1-11:

To the extent not previously provided in response to Staff's 1st or 2nd RFI or previously in response to this LCRA TSC's 1st RFI, please provide:

- a. Copies of any document provided by you or persons acting on your behalf to any federal, state, or local government entity or agency.
- b. Copies of any document provided to you or persons acting on your behalf to any federal, state, or local government entity or agency.

RESPONSE No. 1-11:

Objection to Request for Information No. 1-11

The discovery sought exceeds the permissible scope of discovery because it seeks discovery of information or concerning material that is not relevant to the subject matter of this proceeding, and that is not reasonably calculated to lead to the discovery of admissible evidence. In the absence of objection, Intervenor would have to produce its income tax returns and any other documents customarily filed with the government, regardless of their lack of relevance to this case.

The discovery request is "overbroad" because it encompasses time periods, activities or products that are not relevant to the case in issue. The request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.

The burden and expense of the discovery sought is outweighs its likely benefit, given the fact that Intervenor has already filed its Direct Testimony.

The discovery sought is unreasonably cumulative or duplicative, and is obtainable from some other source that is more convenient, less burdensome, or less expensive.

The request subjects the Intervenor to undue burden, unnecessary expense, harassment, and annoyance, particularly considering the fact that the LCRA and the Intervenor have already filed their direct testimony so it is difficult to see any reason for these requests except an attempt to harass the Intervenor.

The Intervenor seeks protection regarding the time or place of discovery.

The items requested are protected by the work product privilege prescribed by Civil Procedure Rule 192.5.

The items requested are protected by the attorney client privilege prescribed by Civil Procedure Rule 192.5.