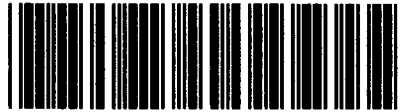




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**SOAH DOCKET NO. 473-10-1097**  
**PUC DOCKET NO. 37448**

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 GILLESPIE, LLANO, SAN SABA, BURNET, AND LAMPASAS COUNTIES

Robert T. Payne's RFI Pleading regarding  
LCRA subsequent motion to compel on 1<sup>st</sup> RFI questions 1-3, 1-6, 1-7, 1-11.

To the Honorable Judge Harvel: When I pledge to something or sign to something, it has meaning. Others can look at open ended nonsense, like question 1-11, and have no problem attesting that they have no and sent no documents. But of course they do and did. They somehow can rationalize that the LCRA didn't mean IRS returns, or they only meant pertaining to this docket, etc. I can't do that. The words mean what they mean. The question asks exactly what it asks. And I do not believe I have the duty to fix or interpret what the questioner might have meant to ask. And I allow for the probability that LCRA knew exactly what it was doing.

Also I am what title companies call "a reader". That means I have to read every word on every page before I can put my signature to a paper. Just as words mean things, when the text says I have read all the document, I can't sign unless I have read all the document.

These two things lead to issues where there is no middle ground for me. I can't compromise. And this is where people might make comparison claims. I make no comparison claims. This is obviously a burden and liability to me in this case as shown in this situation.

Finally, I am a family document keeper, I have documents saved from numerous family members. For personal reasons I don't believe I should have to elaborate.

Were this family property not so important to me, I would not have spent the time or subjected myself to these offenses.

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The LCRA's method seems to be, let's write a bunch of invasive and poorly worded questions in our RFI and if any intervener has a problem with them, maybe we can get them kicked out. The LCRA might also reason that with time at this late date being a premium, all the time interveners spend on these questions is time on something the LCRA prefers. Lawyers probably have a term for this kind of forced distraction ploy. To me, it's repugnant. And as an individual, I was and am extremely furious to be faced with this attempt from a "public utility". I object and maintain that the LCRA should not be rewarded for this behavior. The tired line that X & Y managed to do it carries no weight with me, for I am not X & Y. Much like the story about jumping off a cliff.

The LCRA claims in it's #879, page 8 section E, specifically about me:

*"Mr. Payne has not bothered to object to any questions in LCRA TSC's RFI. Rather, when not describing LCRA TSC as "slimy and disgusting" or accusing it of "repugnant behavior", Mr. Payne has simply stated "I have no intention in complying with this request [Questions 1-3, 1-6, 1-7, and 1-11] for many of the same reasons others objected to this question.""*

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Yet in my reply to 1-3, my opening is line is:

*As the majority replying to this question, this is voluminous and invasive coming from a "public utility".*

Does that not qualify in legal terms as an objection? If it does, what does that say about the LCRA when looking at the quote above from section E? I call it more "slimy and disgusting" behavior. (And no, I would never make it as a lawyer. Nor would I want to.) And I saw no need to repeat this in my answers in subsequent questions 6, 7 and 11, (I was trying to hold to three pages with the graphic on the fourth.) However on 11, I did clearly point out the issue with the question.

Curiously, on page 4 section A, the LCRA wants to make hay out of "**they had never tried to communicate any concerns to LCRA TSC...**" My reply would be the LCRA, the ones that wrote the incompetently written or deviously worded questions in the first place, who saw people with complaints about the questions and the **LCRA who never tried to communicate with those** who had problems... that it is clear the LCRA cannot be any less guilty of not trying to communicate than those it cites. Nor did the LCRA file an amended RFI with proper questions. When I am abused, I don't make groveling calls to my abuser. When I am treated rudely, I can respond in kind.

Judge Harvel, I have squandered my time and provided the effort and a way to answer questions 1-6 and 1-11. But I cannot agree to questions that require me to provide "all" documents like questions 1-3 and 1-7. And I do truly believe that asking for "all" documents in those two questions is slimy and repugnant behavior. In light of my answer to question 1-11, I can't imagine why any of the documents I have would be important for the LCRA to have.

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*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.*

As the majority replying to this question, this is voluminous and invasive coming from a "public utility". I might have 100's, perhaps 1000's of such photos that could be broadly considered relevant to a claim. The photos are nobody's business but mine and my families. I don't plan on introducing any of them in my testimony. A so called "public utility" may be called on to produce similar documents related to their studies and investigations, but to even ask for "*all documents (including photographs) in your possession relevant to any claim*" and ask for that stated description of all the photos from an individual is repugnant behavior to me.

My family photos and my family property is private. Requiring me to provide all photos is repugnant. Perhaps if LCRA TSC was told to provide all photos they had including those showing their children they might get a glimpse of just one way I feel this is an intrusion.

And to provide all documents I have is just not feasible. Even if I was so inclined, it would take me unknown number of days and untold number of printed pages. I see no justification for this request.

*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 the 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.*

If by meeting you meant that did I go someplace or did someone come to me for the purposes of discussing the proposed transmission line, I don't believe I had any meeting like that. I did go to lunch with some others after the first pre prehearing but don't see why that is relevant.

*1-7. Please provide a copy of any document that you may have in your possession dealing in any way with the proposed project. Documents include, but may not be limited to the following: email, 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.*

As with 1-3, this request is simply insane to me. "Any document" dealing in "any way". As this question would include everything provided in 1-3, I could refer to that days worth of material and be part done. But even then I could probably spend another week trying to comply.

*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 governmental entity or agency.*

*b. Copies of any document provided to you or persons acting on your behalf to any federal, state or local governmental entity or agency.*

*As in response to Question No. 1-7 above, it is not necessary for you to provide copies of documents that have been provided to you by LCRA TSC.*

I have no intention of turning over all documents that fall within the scope of this question as written, including but not limited to federal income tax (IRS), FSA, FCC, etc all the way down to county property tax documents. At least with this question I can help the incompetent/devious question writer and say that to the best of my knowledge that except for what I may have sent to or received from LCRA and except for what I may have received from federal, state or local government entities or agencies as part of this docket notification process, I can't think of anything else related to the proposed CREZ transmission line that I would have sent or received to any federal, state or local entity. Except that there might have been a letter of complaint to Rick Perry and there might have been a letter to Chairman Smitherman last summer. I don't know if I still have either one.

### **CERTIFICATE OF SERVICE**

I certify that on 1/28/2010, 5 copies of this RFI reply was served by hand delivery to PUC Central Records and email notice was given to this docket's email address, and LCRA TSC's email address.

Signed



Robert T Payne