



Control Number: 37448



Item Number: 941

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

§
§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

RECEIVED
10 JAN 29 PM 4:26
PUBLIC UTILITY COMMISSION
FILED CLERK

KDCB GARRETT RANCH, LTD.'S
MOTION TO COMPEL RESPONSES
FROM PUBLIC UTILITY COMMISSION STAFF

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Intervenor KDCB Garrett Ranch, Ltd. ("KDCB Garrett Ranch") and files this Motion to Compel Responses from the Public Utility Commission Staff ("Staff").

KDCB Garrett Ranch filed Requests for Information ("RFIs") to Staff on January 26, 2010. These RFIs were served on Staff by facsimile at 14:04 p.m. (*i.e.*, 2:04 p.m.). A copy of the facsimile transmittal report is attached hereto as Attachment A. A file-stamped copy of the first page of the RFIs is attached hereto as Attachment B, which indicates the requests were filed at the Public Utility Commission ("PUC") with Central Records on January 26, 2010, at 2:18 p.m. Thus, these RFIs were timely filed and served on Staff. Staff alleges in its Objections that the requests for information were not received until January 28, 2010. KDCB Garrett Ranch is unable to ascertain from Staff's pleading what proof, if any, Staff has of the claimed receipt on that date.

Staff also alleges in its objections that the requests are unduly burdensome and "potentially voluminous" and that responding to these RFIs will interfere with Staff's ability to prepare for the upcoming hearing. Staff did not contact counsel for KDCB Garrett Ranch prior

to filing its objections, therefore KDCB Garrett Ranch has no information about which requests Staff considers to be "potentially voluminous." Regardless, the fact that a response may be voluminous is not grounds for avoiding responding.

KDCB Garrett Ranch is also preparing for the upcoming hearing, and is entitled to have discovery on the Staff's witness prior to the hearing. The fact that Staff's testimony was filed near to the time that the hearing is scheduled to start does not immunize the Staff from discovery. Staff witness Almon has recommended in his direct testimony that the Commission approve a route that will impact KDCB Garrett Ranch. If Staff refuses to submit to discovery on its testimony, then such testimony should not be admitted.


KDCB Garrett Ranch remains willing to discuss these requests with Staff, but believes that in the absence of any attempt by Staff to contact counsel for KDCB Garrett Ranch, Staff should be compelled to respond to the requests by the appointed date, which is February 5, 2010.

WHEREFORE, PREMISES CONSIDERED, KDCB Garrett Ranch respectfully requests that its Motion to Compel be granted, and that Staff be ordered to respond to the requests for information. KDCB Garrett Ranch also requests any other relief to which it may be entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
Fax: (512) 472-0532

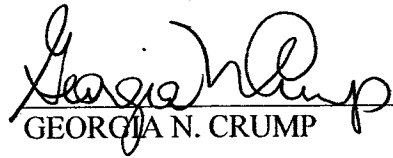

GEORGIA N. CRUMP
State Bar No. 05185500

PATRICK N. JACKSON
State Bar No. 24055724

ATTORNEYS FOR KDCB GARRETT RANCH, LTD.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties as provided by Orders No. 5 and 6, on this 29th day of January, 2010, via facsimile, email and/or First Class Mail.



GEORGIA N. CRUMP

Attachment A

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3267	
CONNECTION TEL		99367268
SUBADDRESS		
CONNECTION ID		
ST. TIME	01/26 14:04	
USAGE T	01'16	
PGS. SENT	9	
RESULT	OK	



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

www.lglawfirm.com

TELECOPIER COVER SHEET

January 26, 2010

PLEASE DELIVER THE FOLLOWING PAGES:

To: SCOTTIE APLIN, LEGAL & ENFORCEMENT DIVISION
PUBLIC UTILITY COMMISSION OF TEXAS

Telecopy No.: 512/936-7268

Verification No.: 512/936-7289

Client No.: 3030-0

From: Georgia Crump

No. of Pages: + cover sheet

Documents Transmitted: PUC Docket No. 37448

Garrett Ranch First RFI to Staff.

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

APPLICATION OF LCRA	§	
TRANSMISSION SERVICES	§	BEFORE THE STATE OFFICE
CORPORATION TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE	§	OF
GILLESPIE TO NEWTON 345-KV	§	
CREZ TRANSMISSION LINE IN	§	
GILLESPIE, LLANO, SAN SABA,	§	ADMINISTRATIVE HEARINGS
BURNET, AND LAMPASAS	§	
COUNTIES, TEXAS	§	

**KDCB GARRETT RANCH, LTD'S
FIRST REQUEST FOR INFORMATION TO THE
STAFF OF THE PUBLIC UTILITY COMMISSION OF TEXAS**

To: Public Utility Commission of Texas Staff, by and through its attorney of record, Scottie Aplin, 1701 North Congress Avenue, Austin, Texas 78701.

This document is directed to the named party of record by and through its above-named designated representative of record.

1. Pursuant to 16 TEX. ADMIN. CODE § 22.144 and the Texas Rules of Civil Procedure, KDCB Garrett Ranch, Ltd. ("KDCB Garrett Ranch") propounds to the Staff of Public Utility Commission of Texas ("Staff") the requests for information ("RFI") set forth in the attached Exhibit "A."

2. On or before 10 days after receipt of these requests, Staff must answer each of the requests for information separately, fully, in writing, and under oath and serve a signed copy of the answers to these requests upon counsel for KDCB Garrett Ranch, Georgia Crump, at the following address: Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

3. All definitions and instructions governing discovery in the Texas Rules of Civil Procedure, the procedural rules of the Public Utility Commission of Texas ("PUC"), and the