



Control Number: 38140



Item Number: 1121

Addendum StartPage: 0

APPLICATION OF ONCOR
ELECTRIC DELIVERY COMPANY,
LLC TO AMEND A CERTIFICATE
OF CONVENIENCE AND
NECESSITY (CCN) FOR A
PROPOSED CREZ 345-kV
TRANSMISSION LINE WITHIN
ARCHER, CLAY, COOKE, DENTON,
JACK, MONTAGUE, WICHITA,
WILBARGER AND WISE COUNTIES,
TEXAS (RILEY – KRUM WEST CCN)

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

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**RESPONSE OF (1) ROBERT T. GOWAN, TRUSTEE OF THE GOWAN
CHILDREN'S TRUST, (2) GRACE W. GOWAN, TRUSTEE OF THE GRACE
W. GOWAN LIFETIME TRUST, AND (3) WILLIAM CROZIER GOWAN,
TO ONCOR ELECTRIC DELIVERY COMPANY LLC'S
FIRST SET OF REQUESTS FOR INFORMATION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE AND TO ALL PARTIES:

COME NOW (1) Robert T. Gowan, Trustee of the Gowan Children's Trust, (2) Grace W. Gowan, Trustee of the Grace W. Gowan Lifetime Trust, and (3) William Crozier Gowan, Jr. (the "Gowan Intervenors"), through counsel, and respectfully submit this response to "Oncor Electric Delivery [sic] First Requests for Information from Robert T. Gowan/Rosalynn L. Biggers Trust [sic]" (the "Oncor Requests"). Robert T. Gowan is the sponsoring witness for all of the following responses.

OBJECTIONS TO THE ONCOR REQUEST

The Gowan Intervenors object to the Oncor Requests on the ground that they were untimely served. The deadline for *completion* of discovery on Intervenors' direct cases was

July 23, 2010. SOAH Order No. 5 (Docket Item 737, p. 2) (providing that “[d]iscovery on Intervenor’s and Staff’s direct cases ends” on July 23, 2010). The Oncor Requests were not filed until July 21, 2010 (Docket Item 1006), although a copy of the Oncor Requests was emailed to the undersigned on July 20, 2010. The Oncor Requests were served far too late to be within the discovery period applicable to Intervenor’s direct cases. And all of the requests for information included in the Oncor Requests relate to the direct case of some Intervenor – although it is unclear *which* Intervenor is being asked to respond.

The Oncor Requests are not properly addressed to any particular Intervenor. The title states that information is sought from “Robert T. Gowan/Rosalynn L. Biggers Trust [sic].” This is not the correct name of any Intervenor in this case. The undersigned attorney represents the following Intervenor:

- (1) Robert T. Gowan, Trustee of the Gowan Children’s Trust,
- (2) Grace W. Gowan, Trustee of the Grace W. Gowan Lifetime Trust,
- (3) William Crozier Gowan, Jr., and
- (4) John C. Biggers, Trustee of the Rosalynn L. Biggers Trust.

Robert T. Gowan is not the Trustee of the Rosalyn L. Biggers Trust, so the Oncor Requests are ambiguous with regard to the person who is being asked to respond.

Despite their untimeliness and ambiguity, the Gowan Intervenor will voluntarily respond to the Oncor Requests to the best of their ability, given the current time constraints as the hearing in this docket approaches. All of the following responses are, however, submitted subject to and without waiving the foregoing objections.

RFI 1-1: Please list each Route or Link that you contest in this proceeding.

Response: We oppose construction of the proposed transmission line along Link K3 and, therefore, oppose any route including Link K3. We also oppose any route using Link F3c, Link K1b, or Link J1, as none of those links can be used without also using Link K3.

RFI 1-2: Please provide the general factual bases for why you contest each Route and Link that you contest.

Response: We contest any route using Link K3 for the reasons set forth in the direct testimony of Robert T. Gowan (Docket Item 864), as well as the reasons set forth in the direct testimony of Richard M. Bonyata (Docket Item 863), Ronald D. Simmons (Docket Item 862), Marvin W. Tyson (Docket Item 867), Cheryl Klein (Docket Item 868), B.A. Tim Hall (Docket Item 921), and Tom Van Zandt (Docket Item 920). In addition, we cite the direct testimony of Mark Sullivan (except his testimony with regard to the newly devised Route 1025), showing that there are other routes, most notably Route 123, which do not include Link K3 and for which the applicable selection criteria militate more strongly than any route which includes Link K3.

RFI 1-3: Please list and describe all Structures that exist on any property that you won that will be crossed by one of Oncor's proposed transmission line routes and provide the date the structures were installed or constructed and the height of each structure and describe where each structure is located, where each structure is located in relation to the proposed transmission line and its distance from the proposed transmission line.

Response: There is an old, stone house which is approximately 20 feet tall. It is on the south side of Gowan Road and is approximately 690 feet northeast from the centerline of the proposed transmission-line right-of-way. I understand that the house was built in the early 1930s. Near the house is a stone well-house which was built at about the same time and which is about ten feet tall.

RFI 1-4: Please provide a copy of any documents concerning communications or correspondence you have had with any other Intervenor related to this docket or the issues arising in this docket.

Response: We object to this request on the ground that it seeks production of items subject to the attorney-client privilege, the work-product privilege, and/or the joint-defense (or common interest) privilege. Subject to this objection, and without waiving it, we state that our attorneys have sent non-privileged emails and faxes to attorneys of record, always including at least one attorney for Oncor Electric Delivery Company LLC ("Oncor"), and these emails have merely transmitted documents filed in the record of this proceeding. There are no other documents which are both responsive and non-privileged.

RFI 1-5: Is any witness on your behalf testifying as an expert in this docket? If so, please provide the following:

- a. the expert's name, address and telephone number;
- b. the subject matter on which the witness will testify;
- c. the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this docket regardless of which and how the factual information was acquired;
- d. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them;
- e. all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the expert in anticipation of a testifying expert's testimony;
- f. the expert's current resume and bibliography;
- g. a listing of cases in which the expert has submitted testimony. Further, provide the docket number, jurisdiction, the company for whom testimony was submitted and the topics addressed in his testimony;
- h. a complete list of all prior testimonies submitted by the expert relating to the topic the expert will address in this docket. This should include all exhibits and rebuttal testimony; and
- i. all articles, speeches, published materials and peer-reviewed material written by the expert.

Response: Please refer to the Direct Testimony of Richard M. Bonyata (Docket Item 863) and the Direct Testimony of Ronald D. Simmons (Docket Item 862). We object to subparts g, h, and i of this Request for Information on the ground that compliance with those subparts would be unduly burdensome, particularly in light of how late the Oncor Requests were served. Mr. Bonyata and Mr. Simmons have written literally hundreds of reports which were reviewed by their peers, and many other articles, reports, speeches, and published materials. Many of these contain confidential or proprietary information and cannot be disseminated without the permission of the persons who retained the authors.

RFI 1-6: If in response to RFI 1-6 above, you identified a testifying expert witness in this docket, please provide the following for any consulting expert in this docket employed by you whose mental impressions or opinions have been reviewed by a testifying expert:

- a. the expert's name, address and telephone number;
- b. the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this docket regardless of which and how the factual information was acquired;
- c. the expert's mental impressions and opinions formed or made in connection with this docket and any methods used to derive them;
- d. All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the consulting expert in anticipation of a testifying expert's testimony;
- e. the consulting expert's current resume and bibliography

Response: Richard M. Bonyata and Ronald D. Simmons consulted with each other, but both are expected to testify. Please refer to the Direct Testimony of Richard M. Bonyata (Docket Item 863) and the Direct Testimony of Ronald D. Simmons (Docket Item 862).

RFI 1-7: For any non-expert witness testifying on your behalf in this docket, please provide the following:

- a. the witness' name, address and telephone number;

- b. the witness' resume and work history;
- c. the subject matter on which the witness will testify;
- d. copies of all articles, speeches, published materials [sic] created by or attributed to the witness;
- e. A list of all dockets in which the witness has submitted testimony and/or testified.


Response: We do not plan to call a non-expert witness to testify on our behalf except Robert T. Gowan. Please refer to the Direct Testimony of Robert T. Gowan (Docket Item 864). He has never testified in any case before the Public Utility Commission of Texas. In 1963, he became licensed to practice law in the State of Texas and he practiced law for a living until he retired in 1997. The primary focus of his law practice was real estate. In addition to practicing law, he has been actively engaged in cattle ranching for 50 years.

RFI 1-8: If you are not the only owner of your property affected by Oncor's proposed transmission line, please identify the other owner(s).

Response: We are the only owners of the property.

DATED: July 30, 2010.

Respectfully submitted,



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BIGGERS, TRUSTEE OF THE ROSALYN
L. BIGGERS TRUST

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2010, a true and correct copy of the foregoing document was served on all parties of record in compliance with P.U.C. PROC. R. 22.74 as modified by SOAH Order No. 6 in this docket.



James A. Fisher