



Control Number: 38290



Item Number: 104

Addendum StartPage: 0

**SOAH DOCKET NO. 473-10-4790  
PUC DOCKET NO. 38290**

<b>APPLICATION OF SHARYLAND UTILITIES, L.P., TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE HEREFORD TO WHITE DEER 345-KV CREZ TRANSMISSION LINE (FORMERLY PANHANDLE AB TO PANHANDLE BA) IN ARMSTRONG, CARSON, DEAF SMITH, OLDHAM, POTTER AND RANDALL COUNTIES</b>	<b>§ § § § § § § § § §</b>	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**CURRIE FAMILY INTERESTS'  
SECOND REQUEST FOR INFORMATION  
TO SHARYLAND UTILITIES, L.P.**

To: Sharyland Utilities, L.P., by and through its attorney of record, Mr. James E. Guy, Sutherland Asbill & Brennan, L.L.P., 701 Brazos Street, Suite 970, 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, Currie Family Interests propounds to Sharyland Utilities, L.P. (“Sharyland” or “Company”) the requests for information (“RFI”) set forth in the attached Exhibit “A.”

2. On or before 10 calendar days after receipt of these requests, Sharyland 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 Currie Family Interests, 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

State Office of Administrative Hearings (“SOAH”) and all applicable orders issued herein shall apply to these discovery requests. Specific definitions and instructions are set forth below.

4. Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are fully and completely understood.

5. If the items requested to be produced herein have already been provided in other discovery answers to another party, it shall not be necessary to duplicate such production. It shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely answer this discovery request shall be provided in your answer.

6. If the answer to any request consists of a document(s) obtained by the answering party from Currie Family Interests, it shall not be necessary to produce the document. It shall only be necessary to describe the document, its date, subject matter, and when/how it was obtained from Currie Family Interests. If the requested document is found in the public records of the PUC or other governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.

### DEFINITIONS

The following definitions apply to all of the requests for information in their entirety, including the instructions noted below:

1. “Application” means the application by Sharyland to amend its certificate of convenience and necessity for a proposed transmission line in Armstrong, Carson, Deaf Smith, Oldham, Potter and Randall Counties, Texas, docketed as SOAH Docket No. 473-10-4790, PUC Docket No. 38290.
2. “Communication” means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which Sharyland has knowledge, information, or belief.

3. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
4. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
5. "Describe" or "identify," when used in reference to a **document**, means you must state, to the fullest extent possible, the following:
  - (a) The nature (*e.g.*, letter, handwritten note) of the document;
  - (b) The title or heading that appears on the document;
  - (c) The date of the document and the date of each addendum, supplement, or other addition or change;
  - (d) The identity of: the author of the document; any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - (e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
6. "Describe" or "identify," when used in reference to an **entity**, means you must state, to the fullest extent possible, the following:
  - (a) The entity's full and correct legal name;
  - (b) The nature of the entity's structure and/or organization;
  - (c) The address, telephone and fax number of the entity's principal offices;
  - (d) The principal line(s) of the entity's business or activity; and
  - (e) The officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
7. "Describe" or "identify," when used in reference to a **person or individual**, means you must state, to the fullest extent possible, the following:
  - (a) The individual's full name;
  - (b) The individual's present or last known residential address, including zip code;
  - (c) The individual's present or last known occupation, job title, employer, employer's address, including zip code, and employer's telephone and facsimile number(s);

- (d) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request for information; and
  - (e) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
8. "Document(s)" or "documentation" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of Sharyland.
  9. "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
  10. "Sharyland" means Sharyland Utilities, L.P. and its employees, representatives, consultants, and attorneys.
  11. "Person(s)" or "Individual(s)" means any natural person.
  12. "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item.
  13. "Proposed line" means the proposed 345 kilovolt transmission line in Armstrong, Carson, Deaf Smith, Oldham, Potter and Randall Counties, Texas, for the Hereford to White Deer 345-kV CREZ Transmission Line (formerly Panhandle AB to Panhandle BA), all as described in further detail in the Application.
  14. The word "and" means "and/or."
  15. The word "or" means "or/and."

16. "You," and "your," means Sharyland, its members, officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Sharyland.
17. The words "link" and "segment" reference the individually numbered portions of the preferred and alternative routes described in the Application.

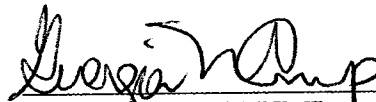
### INSTRUCTIONS

1. As to any request for information to which you are unable to respond to in whole or in part, for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular request for information or part thereof is not possible, please answer each request for information to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
2. For each document or other requested information that you assert is privileged, please comply with the requirements of Rule 193.3 of the Texas Rules of Civil Procedure and P.U.C. PROC. R. 22.144.
3. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
4. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish all requested documents available to you and known by you, or in your possession, custody, or control or that of your agents and attorneys.
6. In those instances where you choose to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit Currie Family Interests to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can Sharyland.
7. In those instances when requested information or documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.

8. Please respond to each request for information and indicate clearly the request for information to which each response is responsive. When requests for information contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.
9. You are under a duty to supplement your responses to these requests for information that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any request for information between the time of the original responses and the conclusion of this proceeding.

Respectfully submitted,

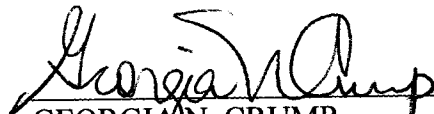
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GEORGIA N. CRUMP  
State Bar No. 05185500

ATTORNEYS FOR CURRIE FAMILY INTERESTS

### CERTIFICATE OF SERVICE

I, Georgia N. Crump, hereby certify that a true and correct copy of the foregoing document was served on Counsel for Sharyland Utilities, L.P., on this 21st day of July 2010, via facsimile, email and/or First Class Mail.

  
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GEORGIA N. CRUMP

**SOAH DOCKET NO. 473-10-4790  
PUC DOCKET NO. 38290**

**CURRIE FAMILY INTERESTS' SECOND  
RFI TO SHARYLAND**

CFI 2-1: Sharyland has considered alternate routes that include line segments AA and V which cross the Palo Duro Canyon. In this request, "crossing" the Palo Duro Canyon means spanning the distance between the rims, or between terrain of flat elevation on either side of the canyon. For each of these two segments please provide the following information:

- a.) What is the distance of the crossing?
- b.) How many towers will used in the crossing?
- c.) What Structure Types will used in the crossing?
- d.) What will be the disturbance to the land during the construction of the crossing?
- e.) Will a road be constructed under the line in the crossing?
- f.) During normal inspection and maintenance of the line in the crossing, will travel underneath the line by motorized vehicle be performed at any time?
- g.) At what point in time will Sharyland be able to determine the additional design, material, construction and ROW costs of crossing the Palo Duro Canyon as compared with a line segment of the same length across flat land (i.e., not crossing a canyon)?

CFI 2-2: In its response to CFI-SU 1-6, Sharyland explained the assumptions upon which the "Right-of-Way and Land Acquisition" costs were based. In part, Sharyland stated that its assumption as to the cost of Right-of-Way per acre was "based on Sharyland's general knowledge of land costs in the area."

- a.) Please provide a detailed description of the "general knowledge" possessed by Sharyland of the land costs in the area.
- b.) How was this general knowledge acquired?
- c.) When was this general knowledge acquired?
- d.) Provide the names and job descriptions of Sharyland's employees, agents, or contractors who acquired or possess this knowledge.
- e.) Describe the "area" mentioned in Sharyland's response.



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- f.) Provide all documents that support this general knowledge or that were reviewed in formulating this general knowledge.

CFI 2-3: In its response to CFI-SU 1-5, Sharyland stated: "Sharyland does not calculate costs for the specific circumstances of individual route segments, and therefore there are no documents that relate to such costs."

In response to CFI-SU 1-7.d., Sharyland stated: "In developing estimated route costs, Sharyland applied a 20 percent construction cost premium to the estimated span of both Links AA and U within the general vicinity of the canyon."

- a.) Please reconcile these two statements. What is the basis for the 20% construction cost premium if Sharyland does not calculate costs for specific circumstances of individual route segments?
- b.) What were the circumstances of Segments AA and U that formed the basis for the 20% premium? Please describe in detail.
- c.) What is meant by the "general vicinity of the canyon"? Please be specific.
- d.) Please describe in detail the "estimated span of both Links AA and U," and include a statement regarding the lengths of the spans.

CFI 2-4: In its response to CFI-SU 1-5.f., Sharyland referred to the possibility of placing towers on a secondary level of the Palo Duro Canyon, below the cap rock.

- a.) What does Sharyland understand the elevation of the cap rock to be at the proposed crossings of Palo Duro Canyon? Please describe in detail the basis for such understanding.
- b.) What does Sharyland understand the elevation of the "secondary level" to be at the proposed crossings of the Palo Duro Canyon? Please describe in detail the basis for such understanding.
- c.) What does Sharyland understand about the ground conditions (i.e., type and condition of rocks, soil, and vegetation) on the canyon rim and at the "secondary level" at the location of the proposed crossings? Please describe in detail the basis for such understanding.

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- c.) Describe Sharyland's prior experience in constructing transmission lines across terrain similar to the Palo Duro Canyon at the location of the proposed crossings.

CFI 2-5: In its response to CFI-SU 1-10, Sharyland stated that it identified "property boundaries based on survey abstract data." Sharyland noted that "[s]urvey abstracts do not necessarily reflect the actual limits of property ownership. . ."

- a.) Describe Sharyland's efforts, if any, to identify actual limits of property ownership.
- b.) With regard to the information contained in Sharyland's response to Seewald-SU 1-1 (RFI), Exhibit Seewald-SU 1-1, that purports to state the length of each segment that parallels apparent property lines, please describe the process used by Sharyland to determine "apparent property lines."
- c.) Does Sharyland equate "actual limits of property ownership" with "apparent property lines"? Please explain your response.

CFI 2-6: In its response to CFI-SU 1-11, Sharyland stated that "[l]ength of ROW paralleling apparent property lines are measured along a route when no other existing transmission line right-of-way or other compatible right-of-way (roads, highways, pipelines, etc.) is paralleled."

- a.) Does this statement mean that if a route parallels both an existing transmission line right-of-way or other compatible right-of-way AND an apparent property line, Sharyland counts and reports the length that the route parallels the compatible right-of-way, but not the length of the route that parallels apparent property lines?
- b.) If the answer to 2-6.a.) is "yes," please provide the justification for disregarding apparent property lines.
- c.) If the answer to 2-6.a.) is "yes," please explain how this process enables the Commission to determine the extent to which the route parallels apparent property lines.
- d.) If the answer to 2-6.a.) is "no," please explain the correct meaning of the quoted statement.

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**CURRIE FAMILY INTERESTS' SECOND  
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- CFI 2-7: In its response to CFI-SU 1-11, Sharyland was asked to provide, and did provide, a map indicating where Sharyland contends that any of Segments T, U, V, W, or AA parallel apparent property lines.
- a.) On Exhibit Currie-SU 1-11, the map is marked with "Possible Fence Line" in several places. What is the basis for Sharyland's assumption that these are possible fence lines?
  - b.) What investigation did Sharyland undertake to determine whether the possible fence lines are also property lines?
- CFI 2-8: Please provide a copy of all documents to which Sharyland refers in preparing its responses to these Requests for Information.