



Control Number: 38290



Item Number: 180

Addendum StartPage: 0

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

APPLICATION OF SHARYLAND
UTILITIES, L.P. TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
PROPOSED HEREFORD TO WHITE
DEER 345 kV CREZ TRANSMISSION
LINE IN ARMSTRONG, CARSON,
DEAF SMITH, OLDHAM, POTTER,
AND RANDALL COUNTIES

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

FILED
AUG 12 PM 2:20
STATE OFFICE
FILING CLERK

**FREMANTLE ENERGY'S RESPONSE TO MASTERSON & STINNETT RANCH'S
FIRST REQUEST FOR INFORMATION AND FOR ADMISSIONS TO THE
IDENTIFIED WIND DEVELOPERS**

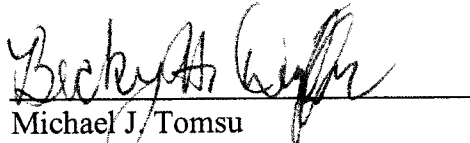
Fremantle Energy, LLC ("Fremantle") files the following Response to Masterson & Stinnett Ranch's First Request for Information ("RFIs") and for Admissions ("RFAs") to the Identified Wind Developers, including Fremantle. Fremantle received Masterson & Stinnett Ranch's RFIs and RFAs on August 2, 2010. Pursuant to SOAH Order No. 1, Fremantle's Response is, therefore, timely filed.

Fremantle stipulates that this Response may be treated by all parties as if the answers were filed under oath.

Date: August 12, 2010.

Respectfully submitted,

VINSON & ELKINS L.L.P.



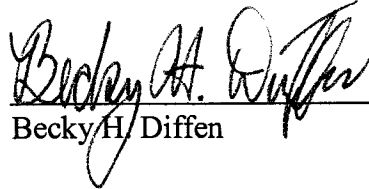
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ATTORNEYS FOR FREMANTLE ENERGY, LLC



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on Masterson & Stinnett Ranch, the requesting party, via hand-delivery, e-mail, facsimile, or regular mail on this 12th day of August, 2010.



Becky H. Duffen

Masterson & Stinnett Ranch 1-1:

Has Federal Aviation Administration ("FAA") Form 7460-1, Notice of Proposed Construction or Alteration, or FAA Form 7460-2, Supplemental Notice, has been submitted to the FAA for any of your existing or planned wind farms located in whole or in part within the study area for this case? If so, please state which wind farm and the date of the filing, and provide a copy of the filing submitted to the FAA for such wind farm.

Response:

The response to question 1-1 has been designated as "Highly Sensitive Protected Material" and is being provided pursuant to the Protective Order in Docket No. 38290.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-2:

Has the Federal Aviation Administration ("FAA") made a determination with respect to any FAA Form 7460-1 or FAA Form 7460-2 that has been submitted to the FAA for any of your existing or planned wind farms located in whole or in part within the study area for this case? If so, please state which wind farm and the date of the determination, and provide a copy of the FAA determination for such wind farm.

Response:

The response to question 1-2 has been designated as "Highly Sensitive Protected Material" and is being provided pursuant to the Protective Order in Docket No. 38290.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-3:

Has a generation interconnection request been made to ERCOT with respect to any of your planned wind farms located in whole or in part within the study area for this case? If so, please state which wind farm, the date of the request, and provide a copy of the request for such wind farm.

Response:

The response to question 1-3 has been designated as "Highly Sensitive Protected Material" and is being provided pursuant to the Protective Order in Docket No. 38290.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-4:

Has a generation interconnection request been made to the Southwest Power Pool ("SPP") with respect to any of your planned wind farms located in whole or in part within the study area for this case? If so, please state which wind farm, the date of the request, and provide a copy of the request for such wind farm.

Response:

The response to question 1-4 has been designated as "Highly Sensitive Protected Material" and is being provided pursuant to the Protective Order in Docket No. 38290.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-5:

Please provide a map showing the location of any of your existing or planned wind farms located in whole or in part within the study area for this case.

Response:

Please refer to the map previously identified as Confidential Attachment 1-3 in response to the Commission Staff's First Request for Information Question 1-3, which has been designated as "Highly Sensitive Protected Material" and was provided pursuant to the Protective Order in Docket No. 38290, showing the location of Fremantle's project area.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-6:

Admit or deny that power generation companies that own and operate transmission facilities are not subject to the requirement to seek a certificate of convenience and necessity or other approval from the Public Utility Commission of Texas ("PUC") for those transmission facilities.

Response:

Fremantle neither admits nor denies. Power generation companies generally cannot own transmission facilities. § 31.002(10)(B) of PURA states that a power generation company means a person that "does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of "electric utility" under this section."

Preparer: Counsel
Sponsor: N/A

Masterson & Stinnett Ranch 1-7:

Admit or deny that new transmission lines owned and operated by an electric utility are subject to the requirement to seek a certificate of convenience and necessity or other approval from the Public Utility Commission of Texas.

Response:

Fremantle neither admits nor denies. Chapter 37 of PURA governs when PUC approval is required for new transmission lines to be owned and operated by an electric utility. There are exceptions to the certification criteria set forth in P.U.C. SUBST. R. 25.101.

Preparer: Counsel
Sponsor: N/A

Masterson & Stinnett Ranch 1-8:

Admit or deny that new transmission lines owned and operated by an electric utility that would connect a power generation company's facilities at the point of interconnection specified in the interconnection agreement to the transmission facilities of the electric utility are eligible, subject to prudence review, for consideration for cost recovery from ratepayers by the electric utility.

Response:

Admit, subject to Chapter 36 of PURA which governs the eligibility of transmission facilities for cost recovery from rate payers by an electric utility.

Preparer: Counsel

Sponsor: N/A

Masterson & Stinnett Ranch 1-9:

Admit or deny that new Competitive Renewable Energy Zone ("CREZ") transmission lines authorized by the CREZ Transmission Plan adopted in the Order on Rehearing in PUC Docket No. 33672 are eligible, subject to prudence review, for consideration for cost recovery from ERCOT ratepayers.

Response:

Admit, subject to Chapter 36 of PURA which governs the eligibility of transmission facilities for cost recovery from rate payers by an electric utility.

Preparer: Counsel
Sponsor: N/A

Masterson & Stinnett Ranch 1-10:

Admit or deny that transmission lines owned and operated by an electric utility that would connect a power generation company's facilities at the point of interconnection specified in the interconnection agreement to the Competitive Renewable Energy Zone ("CREZ") transmission facilities authorized by the CREZ Transmission Plan adopted in the Order on Rehearing in PUC Docket No. 33672 are not subject to the CREZ certification process but instead to the standard ERCOT interconnection process and the non-CREZ certification process, and will be eligible for consideration for recovery as transmission facilities through the standard transmission cost of service process.

Response:

Fremantle neither admits nor denies. Certification requirements are set forth in the Final Order in Docket No. 33672, Chapter 37 of PURA, and P.U.C. SUBST. R. 25.174.

Preparer: Counsel
Sponsor: N/A

Masterson & Stinnett Ranch 1-11:

Admit or deny that the new, approximately 200 mile, 345-kilovolt transmission line built by NextEra Energy Resources (f/k/a FPL Energy) from its Horse Hollow and Callahan Divide wind farms in West Texas to a substation near San Antonio were built and placed into service in October 2009, and was not subject to the requirement to seek a certificate of convenience and necessity or other approval from the Public Utility Commission of Texas ("PUC").

Response:

Fremantle neither admits nor denies. Fremantle has no actual knowledge of the in-service date of NextEra's transmission line from the Horse Hollow and Callahan Divide wind farms or whether the cited line was subject to a requirement to seek a CCN or other approval from the PUC.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-12:

Admit or deny that the approximately 18 mile, 230-kilovolt transmission line of Wildorado Wind from its Wildorado wind farm in the Texas Panhandle referenced in the SU's Response to Cielo-SU 1-3 and the Southwestern Public Service Co. ("SPS") Response to Staff 1-10, and depicted in SPS's Exhibit Staff 1010, was not subject to the requirement to seek a certificate of convenience and necessity or other approval from the Public Utility Commission of Texas ("PUC").

Response:

Fremantle neither admits nor denies. Fremantle has no actual knowledge of whether Wildorado's transmission line from the Wildorado wind farm was subject to a requirement to seek a CCN or other approval from the PUC.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-13:

Admit or deny that sufficient financial commitment by renewable generators for the Panhandle A and Panhandle B CREZs was provided during May-June 2010 in PUC Docket No. 37567, Commission Staff's Petition for Determination of Financial Commitment for the Panhandle A and Panhandle B Competitive Renewable Energy Zones.

Response:

Fremantle admits that the Final Order issued in Docket No. 37567 on July 30, 2010, found sufficient financial commitment by renewable generators for the Panhandle A and B CREZs.

Preparer: Tom Houle

Masterson & Stinnett Ranch 1-14:

Admit or deny that the PUC chose not to adopt a dispatch priority mechanism at the time in the Order Adopting Amendment to §25.174 as Approved at the October 8, 2009 Open Meeting, PUC Project No. 34577 Proceeding to Establish Policy Relating to Excess Development in Competitive Renewable Energy Zones, and that there is presently no dispatch priority mechanism at this time.

Response:

Fremantle neither admits nor denies. The Order Adopting Amendments to §25.174 as Approved at the October 8, 2009 Open Meeting in PUC Project No. 34577 and the open meeting discussion related thereto describes the PUC's decision in regards to a dispatch priority mechanism for the CREZs.

Preparer: Counsel
Sponsor: N/A

Masterson & Stinnett Ranch 1-15:

Admit or deny that in PUC Docket No. 37567 Cielo Wind Services, Inc. provided financial commitment in the amount of \$500,000 for Panhandle A and \$500,000 for Panhandle B, that Fremantle Energy, LLC provided financial commitment in the amount of \$-0- for Panhandle A and \$-0- for Panhandle B, and that Pattern Renewables LP provided financial commitment in the amount of \$-0- for Panhandle A and \$3,190,000 for Panhandle B.

Response:

Fremantle admits that Fremantle did not provide financial commitment in Docket No. 37567.

Preparer: Tom Houle