

Control Number: 38290



Item Number: 217

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>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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*FILED IN SHARYLAND UTILITIES, L.P. CASE NO. 473-10-4790 P11 2:15*

**CURRIE FAMILY INTERESTS'  
THIRD 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 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,

LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.

P.O. Box 1725

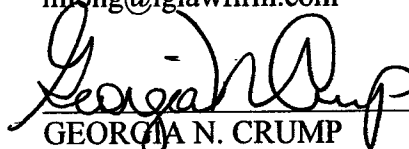
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GEORGIA N. CRUMP

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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 20th day of August 2010, via facsimile, email and/or First Class Mail.



GEORGIA N. CRUMP

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

- CFI 3-1. Please refer to Sharyland's response to CFI-SU 2-1. With regard to the map attached thereto as Exhibit CFI-SU 2-1(a) Page 2 of 2, Sharyland has marked certain reference points on Links V and AA.
- (a) Are the reference points marked as V2 and V3 the estimated locations of the towers on the canyon rims?
  - (b) Are the reference points marked as AA1 and AA2 the estimated locations of the towers on the canyon rim?
  - (c) Has Sharyland determined the elevation at each of the reference points shown on this map?
- CFI 3-2. Please refer to Sharyland's response to CFI 2-2(a).
- (a) Please identify the "local residents and other individuals" to whom Sharyland talked about land values in the area. Please also identify the approximate dates that these talks took place, and the land whose value was discussed by each identified person.
  - (b) Please provide the range of land values in the area of the proposed transmission project that Sharyland has within its general knowledge, as referred to in Sharyland's response. In your response, please describe the land to which this range of values applies.
- CFI 3-3. Please refer to Sharyland's response to CFI 2-3(a). Please state the dollar amount that represents the "20 percent construction cost premium" for the "estimated span of the portion of the route within the general vicinity of the canyon." Please provide all documents that relate in any way to this dollar amount.
- CFI 3-4. Please refer to the Environmental Assessment at page 3-39 and the following statement: "Occurrence of the bald eagle within the Study Area is highly unlikely due to the lack of large trees to provide nesting habitat and the lack of a large persistent waterbody to provide foraging habitat."
- (a) Please provide all documentation that was reviewed in the preparation of this statement .
  - (b) What investigation was undertaken to determine the presence or non-presence of bald eagles in the Study Area? Include the names of individuals who participated in the investigation, the date of such investigation(s) and all



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documents that were prepared in anticipation of such investigation or after such investigation.

(c) Why was the existence of Lake Tanglewood not mentioned in the EA as a "large persistent waterbody"?

(d) Does Sharyland contend that bald eagles do not migrate to and winter in the North Palo Duro Canyon? Please explain the basis for this contention, along with all documents supporting same.

CFI 3-5. The areas where proposed Links V and AA cross the Palo Duro Canyon do not have roads out to the points of the proposed crossings. Does Sharyland intend to build towers close to the edge of the points, or does Sharyland intend to build towers only in locations accessible by existing ranch roads? If the latter, what are the estimated span length from the roads across the canyon?

CFI 3-6. If Sharyland intends to build towers close to the edges of the points on the secondary canyon levels on Links V and AA, does Sharyland also intend to build roads out to these points?

(a) If so, will these roads be built along the proposed easement, or will Sharyland build roads outside of the easement areas?

(b) If Sharyland does not intend to build roads to the areas where the towers will actually be placed, how does Sharyland intend to build the towers?

(c) If no road access to the towers is planned, how will Sharyland and emergency personnel access these lines and towers?

CFI 3-7. Along Links T, U, V, and AA, does Sharyland intend to acquire additional easements across the ranch roads to access the towers and lines at various points along the lines, or will Sharyland access the towers and lines along the proposed easement only?

CFI 3-8. On page 275 of the Environmental Assessment, PBS&J states that the lines will require clearing of all vegetation beneath the lines, which will include clearing all trees and brush within the right-of-way. Does Sharyland intend to clear all trees and brush beneath the right-of-way on Links T, U, V, and AA? If not, please explain the nature and extent of the clearing that will be done by Sharyland in and along the North Palo Duro Canyon.

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- CFI 3-9. On page 355-356 of the Environmental Assessment, PBS&J states that the Palo Duro Canyon is a valued community resource but is largely out of view and inaccessible to the general public.
- (a) Do PBS&J and Sharyland contend that the scenic and aesthetic value of a property such as the North Palo Duro Canyon should be discounted or ignored in selecting a route for a transmission line on the basis that the property is private property?
- (b) Describe Sharyland's and PBS&J's knowledge of the extent of use or visitation of the North Palo Duro Canyon by the public, and provide the basis for such knowledge, as well as any documents that form the basis for such knowledge.
- CFI 3-10. What are the angles of the conductors on proposed Links V and AA as the lines drop themselves into the canyon and then rise back up to the caprock on the opposite side of the canyon? Please include in your response the estimated minimum vertical clearance above the ground for all areas traversed by these proposed links as they drop into the canyon.
- CFI 3-11. For proposed Links V and AA that cross the North Palo Duro Canyon, does Sharyland intend to acquire rights-of-way within the canyon? If "yes," what type of maintenance of the right-of-way will Sharyland perform? If "no," how does Sharyland intend to address maintenance and construction issues within the canyon?
- CFI 3-12. Has Sharyland investigated the impact of the proposed Links V and AA on low-flying aircraft in the Palo Duro Canyon? Please describe such investigation and provide all documents that were reviewed during such investigation.
- CFI 3-13. Has Sharyland investigated the risks associated with fires caused by aircraft collisions with the transmission lines along Links V and AA, or with fires caused by malfunction of the transmission lines or natural disasters? How does Sharyland propose to address the risk of such fires? Please describe such investigation and provide all documents that were reviewed during such investigation.
- CFI 3-14. Please refer to Sharyland's response to CFI 2-4(c) and (d). Sharyland admits to lack of experience "regarding design or construction-related work" and that "Sharyland itself has not previously constructed transmission lines across terrain similar to Palo Duro Canyon at the location of the proposed crossings"; however,

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Sharyland sites the experience of Black & Veatch (B&V) in the “design and construction of transmission lines across difficult or irregular terrain.” Sharyland further lists four specific projects designed and constructed by B&V.

(a) Please provide the following information related to each of those projects by B&V:

- (i) cost;
- (ii) length of the transmission line;
- (iii) type of terrain;
- (iv) resulting temporary and lasting impacts on the environment; and
- (v) any pictures of the project.

(b) Please describe how each of these four specific projects are similar to, or differ from, the proposed line and the proposed crossings of Palo Duro Canyon.

CFI 3-15. In its estimated right-of-way acquisition costs for the different routes, has Sharyland included any amount that it may be required to pay in a condemnation action, or through negotiation, for damages to the remainder? If so, please provide any and all documentation relating to such amounts.

CFI 3-16. Please provide any and all documents, including notes and emails, which relate to the estimated cost of acquisition of easements or right-of-way from landowners.