



Control Number: 38290



Item Number: 218

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

APPLICATION OF SHARYLAND § BEFORE THE STATE OFFICE
UTILITIES, L.P. TO AMEND ITS §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE §
PROPOSED HEREFORD TO WHITE § OF
DEER 345 KV CREZ TRANSMISSION §
LINE IN ARMSTRONG, CARSON, §
DEAF SMITH, OLDHAM, POTTER, §
AND RANDALL COUNTIES, TEXAS § ADMINISTRATIVE HEARINGS

SHARYLAND UTILITIES, L.P.'S
FIRST REQUEST FOR INFORMATION AND
FIRST REQUEST FOR ADMISSIONS TO BUSH/EMENY PROPERTIES

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CLERK

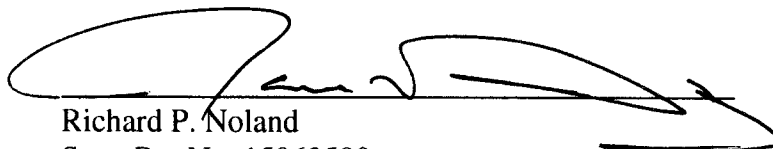
Sharyland Utilities, L.P. ("Sharyland") requests that Bush/Emeny Properties ("Bush/Emeny") fully respond to the requests for information ("RFI") and requests for admission ("RFA"), attached as Exhibit A to this pleading, within ten (10) days of receipt, pursuant to Pursuant to P.U.C. PROC. R. 22.144(c) and Order No. 1 in this proceeding.

Responses to the attached requests shall conform in all respects to the Commission's rules, including the requirement in P.U.C. PROC. R. 22.144(c)(2)(F) that they be made under oath. Responses shall identify the preparer or person under whose direct supervision each response was prepared, and the sponsoring witness, if any. Each request shall be answered separately; responses shall be preceded by the request to which the answer pertains.

Any information responsive to and any questions regarding these requests should be directed to the undersigned.

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Respectfully submitted,



Richard P. Noland
State Bar No. 15063500

James M. Bushee
State Bar No. 24015071

James E. Guy
State Bar No. 24027061

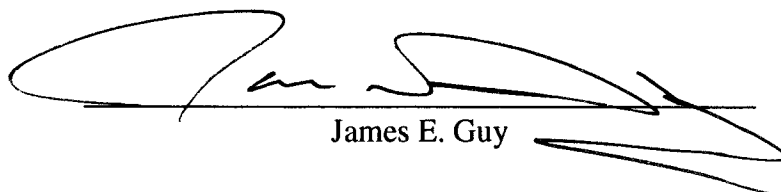
SUTHERLAND ASBILL & BRENNAN LLP
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Austin, Texas 78701-2559
(512) 721-2700 –Telephone
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Attorneys for Sharyland Utilities, L.P.

August 20, 2010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on all parties of record on this 20th day of August 2010.



James E. Guy

**SHARYLAND UTILITIES, L.P.'S FIRST REQUEST
FOR INFORMATION AND FIRST REQUEST
FOR ADMISSIONS TO BUSH/EMENY PROPERTIES**

General Instructions

1. In responding to each request, please provide information available from all corporate and individual files, as well as from all past and present employees, officers, and board members and all predecessors and affiliates, as defined below.
2. These requests are continuing in nature, and require supplemental responses in accordance with P.U.C. PROC. R. 22.144(i).
3. If any information is not available in the exact form requested, provide whatever information or documents that best respond to the request.
4. If the requested information or data are available for only part of the period requested or are otherwise incomplete, please provide such data as are available.
5. If any request appears ambiguous, please contact counsel for Sharyland as soon as possible to obtain clarification.
6. Each document of more than one page should be stapled or otherwise bound, and the individual pages numbered consecutively.
7. If, in the case of any request seeking documents, there are no responsive documents, so state and provide a narrative answer to the request.
8. The terms "and" and "or" should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each request information or documents which might otherwise be considered to be beyond its scope.
9. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular, whenever appropriate, in order to bring within the scope of each data request information or documents which might otherwise be considered to be beyond its scope.
10. When the recipient of the information request is requested to provide a study, schedule, or analysis, it should also provide the workpapers, underlying facts, inferences,

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suppositions, estimates, and conclusions necessary to support each study, schedule, or analysis.

11. If the actual data are unavailable, but estimates or approximations are available, provide the estimates or approximations that are the best available information and explain the procedure for developing the information supplied.

Definitions

1. "Bush/Emeny Properties" ("Bush/Emeny" or "BEP") refers to, for purposes of these RFIs, Bush/Emeny Properties, and any merged, consolidated, or acquired predecessors or predecessor in interest, its subsidiaries, past or present, and its employees, officers, directors, agents, consultants, and all persons acting under contractual arrangements with, or purporting to act on its behalf.
2. "Date" shall mean the exact day, month and year if ascertainable, or if not, the best approximation thereof in relation to other events.
3. To "describe," "detail," or "state" shall mean to relate as completely as possible each and every act, omission, incident, event, condition, circumstance, or thing relating directly or indirectly to the subject of the description, including all pertinent dates. These terms call for answers independent from any documents that are required in response to requests. Such answers should be in a form (e.g., narrative, tabular, etc.) appropriate to a complete response to the request.
4. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced or reproduced by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. "Document" or "documents" shall also

*PUC Docket No. 38290
Sharyland Utilities, L.P.'s First RFIs and RFAs to
Bush/Emeny Properties
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include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

5. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each."
6. To "explain" means to make known in detail, to make clear the cause or reason of and account for each act, omission, incident, event, condition, circumstance, decision, and/or thing relating directly or indirectly to the subject of the explanation including all pertinent dates. This term calls for answers independent from any documents that are required in response to requests. Such answers should be in a form (*e.g.*, narrative, tabular, etc.) appropriate to a complete response to the request.
7. To "identify" a person means to include his or her full name, including middle name or initial, his or her employer or other organizational affiliation at the date of the relevant transaction or event and at the present, his or her title and duties in the company or other organization with which he or she was then affiliated and is now affiliated, and his or her last known business address and telephone number or if not available last known residence address and telephone number.
8. "Identification" of, or to "identify," a document means to provide facts sufficient to establish the identity of the document or other thing(s) at issue, such as (a) the type or nature of the document (*e.g.*, letter, memorandum, corporate minutes), (b) the data, if any, appearing thereon, (c) the date, if known, on which the document was prepared, (d) the title of the document, (e) the general subject matter of the document, (f) the number of pages comprising the document, (g) the identity of each person who wrote, dictated, or otherwise participated in the writing of the document, (h) the identity of each person who signed or initialed the document, (i) the identity of each person to whom the document was addressed, (j) the present location of the document; and (k) the identity of each person having custody of, or control over, the document. Identification of the document includes identifying all documents known or believed to exist, whether or not in the custody of its attorneys or other representatives. The final version and each draft of each document should be identified and produced separately. If a document is no longer in your possession or control, state what disposition was made of it. A document need not be identified if it is produced.

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9. The term "including," or one of its inflections, means and refers to "including but not limited to."
10. "Person" refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association (whether formally organized or *ad hoc*), joint venture, cooperative, municipality, commission, or governmental body or agency.
11. "Relating to" or "relates to" means comprising, embodying, addressing, presenting, discussing, concerning, referring to, pertaining to, regarding, containing, reflecting, evidencing, describing, showing, identifying, providing, disproving, consisting of, supporting, contradicting, commenting upon, analyzing, or mentioning in any way.

**SHARYLAND UTILITIES, L.P.'S FIRST REQUEST
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Requests for Information

SU-BEP 1-1

For the purpose of this question, and regardless of whether you agree with this assumption, please assume that the Commission selects one of the alternative routes that would traverse any portion of your property.

- a. Please state whether there are any ways that Sharyland could moderate the impact of the proposed transmission line on your property by utilizing the factors set forth in P.U.C. SUBST. R. 25.101(b)(3)(B). Please describe with specificity any modifications to Sharyland's proposed alternative routes that you believe would be consistent with such factors.
- b. Are there existing rights-of-way located on or near your property, including but not limited to roads, power lines, pipelines, railroad tracks, or easements? If so, please describe all such rights-of-way currently existing on or near your property, including the location and type of each such right-of-way. Please identify any party that has an interest in the right-of-way such as utilities or neighboring landowners.
- c. Please state whether Sharyland's proposed routes parallel any natural or cultural features of your property. "Natural and cultural features" include existing roadways, waterways, edges of timber, or other natural divisions of property. If so, please identify such features and indicate what portion of the proposed route parallels the features.
- d. Please state whether there are any natural or cultural features other than the features identified in response to SU-BEP 1-1(c) that exist on your property and run in a direction generally parallel to Sharyland's proposed route or routes through the property. If so, identify all such features and describe their location.

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- e. Please state whether you would be willing to meet with representatives of Sharyland to discuss minor deviations in Sharyland's proposed route or routes across your property that would moderate the impact of the transmission line on your property.

SU-BEP 1-2

- a. Have you entered into any agreements with any wind developers for an option, contract, lease, or easement to place wind turbines or associated generation interconnection facilities (*e.g.*, transmission lines, gathering stations, etc.) on your property? If so, please identify the developer and provide a copy of the lease or option.
- b. Have you conducted any discussions with any wind developers for an option, contract, lease, or easement to place wind turbines or associated generation interconnection facilities (*e.g.*, transmission lines, gathering stations, etc.) on your property? If so, please identify the developer, state the status of such discussions, and provide any documents or communications that relate to such discussions.
- c. Do you currently have any generation interconnection facilities (*e.g.*, transmission lines, etc.) located on your property? Do those facilities serve existing wind farms? What was the basis of compensation for the right of way for those facilities?
- d. Please provide any documents or communications that discuss, address, or relate to the placement of wind turbines on your property.

SU-BEP 1-3

Please list and describe all Structures that exist on any property you own that will be crossed by one of Sharyland's proposed transmission line routes. In the description of each Structure, please provide the following detail: (1) the height of each Structure; (2) the material(s) the Structure is made of; (3) the location of each Structure in relation to the proposed transmission line; and (4) the distance from the Structure to the proposed

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transmission line. If available, please provide a plat map showing the location of any Structures.

SU-BEP 1-4

Please list and describe all Improvements that exist on any property you own that will be crossed by one of Sharyland's proposed transmission line routes. In the description of each Improvement, please provide the following detail: (1) the dimensions of each Improvement; (2) the material(s) the Improvement is made of; (3) the location of each Improvement in relation to the proposed transmission line; and (4) the distance from the Improvement to the proposed transmission line. If available, please provide a plat map showing the location of any Improvements.

SU-BEP 1-5

Please admit or deny. If the Commission approves one of Sharyland's alternative routes, including the Preferred Route, that traverses a portion of your property, there are no modifications to the routes proposed by Sharyland that would moderate the impact of the transmission line on your property. If your answer is deny, please describe in detail any such modifications.