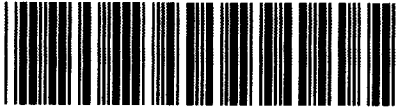




Control Number: 38354



Item Number: 2865

Addendum StartPage: 0

CLEAR VIEW ALLIANCE, INC.
OCTOBER 18, 2010

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

RECEIVED
OCT 18 PM 12:06
FILING CLERK

APPLICATION OF LCRA	§	
TRANSMISSION SERVICES	§	
CORPORATION TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	BEFORE THE STATE OFFICE
AND NECESSITY FOR THE	§	
PROPOSED McCAMEY D TO	§	OF
KENDALL TO GILLESPIE 345-Kv	§	
CREZ TRANSMISSION LINE IN	§	ADMINISTRATIVE HEARINGS
SCHLEICHER, SUTTON, MENARD,	§	
KIMBLE, MASON, GILLESPIE, KERR	§	
AND KENDALL COUNTIES		

**CLEAR VIEW ALLIANCE, INC.'S FIRST REQUESTS FOR INFORMATION TO
CECIL ATKISSON**

COMES NOW, Clear View Alliance, Inc. ("Clear View") to submit the following First Requests for Information ("RFI") pursuant to P.U.C. PROC. R. 22.141 and 22.144 to Mr. Cecil R. Atkission ("Atkission") by and through his counsel of record:

Georgia N. Crump
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Ste. 1900
Austin, TX 78703

Pursuant to Order No. 1 in this proceeding, Atkission must fully respond to these Requests within ten calendar (10) days of receipt. If any RFI appears ambiguous, please contact counsel for Clear View as soon as possible to obtain clarification.

I. Instructions

1. These RFIs are continuing in nature, and, should there be a change or modification necessary in your answers, a supplement to your original answer should be filed in accordance with P.U.C. PROC. R. 22.144(i). Please identify at the end of each answer the person or persons most knowledgeable about such response, the person or persons responsible for the preparation of such response, and the sponsoring witness of the response, if any.

2. Atkission must stipulate in writing that his RFI responses can be treated exactly as if the responses were filed under oath.

3. In producing documents pursuant to these RFIs, Atkission should number each document and indicate the specific question(s) or request(s) in response to which the document is being produced. To the extent that any document falls within the scope of multiple requests, multiple productions are not contemplated; one production referencing the multiple requests will be sufficient.

4. When a request asks for the production of a study, report, or supporting inputs for assumptions, such data should be provided in useable PC-based electronic format when available.

5. With respect to any document that you deem privileged, please provide a statement, setting forth as to each:

- (a) The type of document involved;
- (b) The date appearing on the document, or if no date appears, the date on which the document was prepared;
- (c) The name of the person(s) to whom the document was addressed;
- (d) The name of the person(s) who signed the document or, if not signed, the name of the person(s) who prepared it; and
- (e) The specific ground(s) upon which the claim of privilege rests.

6. For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the request precisely as it is stated, provide any information that is available that would respond to the request at a level of detail different from that specified herein.

7. A request for "all documents" or "any documents" contemplates a complete production of materials relating to the referenced subject matter but is not intended to seek a duplicative or cumulative production of documents. To the extent that the production of one set of documents is fully responsive to the information requested, Clear View does not seek (and Atkission need not produce) duplicate sets of hard-copy documents that also address the same matters. This instruction does not excuse Atkission of his obligation to produce documents in both written and electronic format where available, pursuant to Instruction # 4.

8. When the RFI requests a study, report, schedule, or analysis, the response should also provide the work papers, underlying facts, inferences, suppositions, estimates, and conclusions necessary to support each study, report, schedule, or analysis.

9. Please produce the requested documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business, and organize and label them to correspond to the categories in this request. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification or addition to a document, including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts or revisions, each such alteration, modification or addition is to be considered as a separate document and it must be produced.

10. These requests are directed to all documents and information in your custody or control. A document is deemed to be in your custody or control if you have possession of the document or have the right to secure such document from another person having possession thereof. If you are unable to produce a document or information based on a claim that the document is not in your custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

11. In responding to each Request, please provide information available from all of your corporate and individual files, as well as from past and present employees, officers, and board members.

12. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate.

13. The past tense of a word shall be interpreted to include the present tense and vice versa.

14. Service on Clear View should be made electronically or in person to:

Bradford W. Bayliff
CASEY, GENTZ & BAYLIFF, L.L.P.
98 San Jacinto Blvd., Suite 1400
Austin, Texas 78701
bbayliff@reglawfirm.com

II. Definitions

For purposes of these discovery requests, the terms set forth below shall have the following meanings:

1. The terms "Atkission," or "you" means the intervenor in this proceeding, and Cecil Atkission Automotive Group, L.P., and any merged, consolidated, or acquired predecessors or predecessor in interest, its affiliates, past or present, its subsidiaries, past or present, if any, and all officers and owners thereof.

2. The terms "and" and "or" as used herein shall be construed as both conjunctive and disjunctive.

3. The term "any" shall be construed to include "all," and "all" shall be construed to include "any."

4. The term "communication" includes, but is not limited to, all forms of communication, whether written, printed, oral, pictorial, or otherwise, including, but not limited to, testimony or sworn statements, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, and symposia. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio or computer.

5. The terms "document" or "documents" are used herein in their broadest sense as set forth in Tex. R. Civ. P. 192.3(b) and specifically include electronic or magnetic data as described in Rule 196.4. These words mean and include any written, printed, typed, recorded or graphic matter of every kind or description, both original and copies, and all attachments and appendices. Without limiting the foregoing, the terms "Document" and "Documents" shall include all analyses, agreements, contracts, communications, correspondence, letters, opinion letters, telegrams, faxes, messages, e-mails, memoranda, records, reports, books, studies, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries or other records of meetings or conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, analytical records,

consultants' and expert reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, magnetically stored, optically-stored, or electronically stored matter, however produced, prepared, reproduced, disseminated, or made, on any medium of any description in your actual or constructive possession, custody or control, or of which you have knowledge, upon which intelligence or information is recorded from or from which intelligence or information can be retrieved; and every copy of such writing or record where the original is not in your possession, custody, or control. The words "Document" and Documents" also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any markings, additions, or deletions that are different from the original do not have to be separately produced.

6. "Identify," when used in connection with an act, shall mean to state a description of the act, including the place, date, and time of its occurrence, and the identity of the person, persons, or entities that engaged in and/or witnessed the act.

7. "Identify," when used with reference to a "document," shall mean to state the type of document (e.g., book, magazine, article, circular, ledger, letter, memoranda, chart, computer run information, microfilm, etc.), its present location and custodian, a description of its form, title, author/addresser (including all persons who participated in the writing of the document), addressee, indicated or blind copies, subject matter, volume and page number or other means of general identification, approximate size and number of pages, any attachments or appendices, and the date on which it was made or prepared. 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.

8. "Identify," when used with reference to a natural person shall mean to state the person's first and last names, title, employer and business address.

9. "Person" means any natural person, firm, corporation, association, partnership, or other organization or form of legal entity.

10. "PUC" and "Commission" refer to the Public Utility Commission of Texas.

11. "Relate, mention or pertain" means documents containing, showing, relating, mentioning, referring or pertaining in any way, directly, or indirectly to, or in legal, logical or factual way or connection with, a document request, and includes documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by such request.

Respectfully submitted,

CASEY, GENTZ & BAYLIFF, L.L.P.
98 San Jacinto Blvd., Suite 1400
Austin, Texas 78701
512-480-9900
512-480-9200 (FAX)



By: Bradford W. Bayliff
State Bar No. 24012260
bbayliff@reglawfirm.com

Susan C. Gentz
State Bar No. 07803500
sgentz@reglawfirm.com

ATTORNEYS FOR
CLEAR VIEW ALLIANCE

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2010, a copy of Clear View Alliance's First Requests for Information to Cecil Atkission was served via electronic mail, facsimile, or U.S. Mail on Cecil Atkission.



Susan C. Gentz

Request No. 1-1

Looking at Mr. Atkission's Direct Testimony at page 3, lines 6-8, please provide the following information for each automobile dealership owned by you in Kerrville, Orange, Hondo, Uvalde and Burnet, Texas:

- a. the name of the dealership;
- b. street address;
- c. name of nearest major highway and approximate distance from same;
- d. date you acquired an ownership interest;
- e. brand(s) and types (e.g., trucks) of vehicles sold; and
- f. whether the dealership is primarily a new vehicle or a used vehicle dealership in terms of dollar volume sold.

Request No. 1-2

Looking at Mr. Atkission's Direct Testimony at page 3, lines 6-8, have you owned an automobile dealership in any other Texas city? If so, please provide the following information for each automobile dealership owned by you:

- a. the name of the dealership;
- b. street address;
- c. name of nearest major highway and approximate distance from same;
- d. date you acquired and date you ceased to have an ownership interest;
- e. brand(s) and types (e.g., trucks) of vehicles sold; and
- f. whether the dealership is primarily a new vehicle or a used vehicle dealership in terms of dollar volume sold.

Request No. 1-3

Are any of the dealerships identified in response to Request No. 1-1 or Request No. 1-2 located on a state highway or a state road that has 4 or more lanes (i.e., at least two lanes in each direction)? If so, please provide the name of each such dealership.

Request No. 1-4

Looking at Mr. Atkission's Direct Testimony at page 3, please state where Capitol Chevrolet was located in Austin during the time that Mr. Atkission worked for this dealership.

Request No. 1-5

Has Mr. Atkission worked for or had an ownership interest in any dealership other than Capitol Chevrolet and the dealerships identified in your responses to Request No. 1-1 and Request No. 1-2? If so, please provide the following information for each such dealership:

- a. the name of the dealership;
- b. street address, city and state;
- c. brand(s) and types (e.g., trucks) of vehicles sold;
- d. start date (year and month) and end date (year and month); and

- e. whether the dealership was primarily a new vehicle or a used vehicle dealership in terms of dollar volume sold.

Request No. 1-6

For each dealership identified in response to Request No. 1, please state whether the location was the site of a motor vehicle dealership prior to the date on which you became an owner of that location? If not, what was the use of the property at the location prior to the date on which you became an owner?

Request No. 1-7

Please provide the following information regarding new vehicle dealerships in Kerrville and its immediate vicinity (i.e., within 5 miles):

- a. the number of such dealerships; and
- b. the number of such dealerships located along I-10.

Request No. 1-8

Please identify by month for the past 3 years which of the dealerships you own

- a. sold the highest number of new cars;
- b. sold the highest number of used cars;
- c. had the highest gross revenues; and
- d. had the highest net revenues.

Request No. 1-9

When did you become aware of the City of Kerrville's resolution in 2009 supporting the location of the LCRA transmission line along I-10?

Request No. 1-10

When did you first contact the Mayor of Kerrville and/or any member of the City Council to inform them that you do not support the location of the LCRA transmission line along I-10?

Request No. 1-11

Please provide a copy of all written communications with or information you provided to the Mayor of Kerrville and/or any member of the City Council regarding the location of the proposed LCRA transmission line.

Request No. 1-12

Are all of the dealerships owned by you located on a hill? If not, please identify by location the ones that are not on a hill.

Request No. 1-13

Have you attended any conferences or meetings in which the subject of attracting prospective customers to an automobile dealership was among the topics discussed? If so, please state when you attended.

Request No. 1-14

Please list all the factors that attract a prospective customer to a particular dealership when shopping for a new car. E.g., models sold, television advertising, prior relationship.

Request No. 1-15

Which of the factors you listed in response to Request No. 1-14 would be affected in any way if the proposed transmission line is placed on I-10?

Request No. 1-16

Please identify the steps or actions you have taken to promote your dealership in Kerrville in the last two years. For purposes of this Request, "promote" means to make prospective customers aware of your dealership and to attract customers to coming to your dealership when considering the purchase of a new or used vehicle.

Request No. 1-17

Which of the steps or actions listed in response to Request No. 1-16 would be affected in any way if the proposed transmission line is placed on I-10?

Request No. 1-18

Is having a location on I-10 important to the success of your dealership in Kerrville? Please state all your reasons why or why not.

Request No. 1-19

Is having a location on a major highway important to the success of any of your other dealerships? Please state all your reasons why or why not.

Request No. 1-20

Are you aware of any automobile dealership(s) located anywhere in Texas that is in close proximity to a transmission line? If so, please identify the dealership(s) and its location.

Request No. 1-21

Please provide a copy of all written communications with or information you provided to any of the Commissions of Kerr County regarding the location of the proposed LCRA transmission line.

Request No. 1-22

Do you fly a large flag at all of your dealerships? If not, why not.