

SOAH DOCKET NO. 473-11-0945
P.U.C. DOCKET NO. 38743

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PUBLIC UTILITY COMMISSION
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APPLICATION OF ELECTRIC §
TRANSMISSION TEXAS, LLC TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
FOR THE TESLA TO EDITH §
CLARKE TO CLEAR CROSSING TO §
WEST SHACKELFORD 345-KV CREZ §
TRANSMISSION LINE IN §
CHILDRESS, COTTLE, HARDEMAN, §
FOARD, KNOX, HASKELL, JONES, §
AND SHACKELFORD COUNTIES §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**CITY OF ABILENE'S
RESPONSE TO ELECTRIC TRANSMISSION TEXAS, LLC'S
FIRST SET OF REQUESTS FOR ADMISSION**

To: Electric Transmission Texas, LLC, by and through its attorneys of record, Jerry N. Huerta, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and Kerry McGrath and Evan D. Johnson, Clark, Thomas & Winters, 300 West 6th Street, 15th Floor, Austin, Texas 78701.

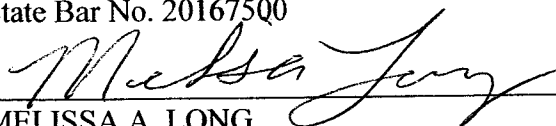
City of Abilene ("City") files this response to Electric Transmission Texas, LLC's ("ETT") First Set of Requests for Admission ("RFA"). ETT propounded their First RFAs on the City on December 28, 2010. Therefore, this response is timely filed. This response may be treated by all parties as if it were filed under oath.

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Respectfully submitted,

LLOYD, GOSSELINK,
ROCHELLE & TOWNSEND, P.C.
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Austin, Texas 78701
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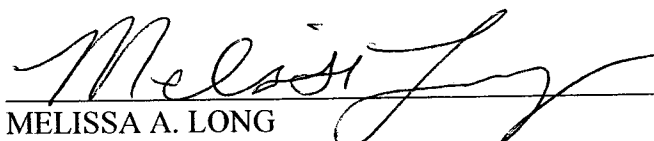
LAMBETH TOWNSEND
State Bar No. 20167500


MELISSA A. LONG
State Bar No. 24063949

ATTORNEYS FOR CITY OF ABILENE

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served on counsel for the ETT this 7th day of January, 2011, in the following manner: sent via facsimile, hand delivered, emailed or mailed by U.S. First Class Mail.


MELISSA A. LONG

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ETT RFA 1-1

Admit or deny that the Cedar Ridge Reservoir project is a prospective water supply construction project planned for a proposed site in Shackelford and Throckmorton Counties, specifically on the Hendricks River Ranch.

RESPONSE:

Cannot admit or deny. While the Cedar Ridge Reservoir project is primarily in Shackelford and Throckmorton Counties, the Cedar Ridge Reservoir project is not confined merely to those two counties or the Hendrick Ranch property.

Prepared by: Tommy O'Brien
Sponsored by: Tommy O'Brien

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ETT RFA 1-2

Admit or deny that the Cedar Ridge Reservoir project is being planned in order to meet projected water needs for the City of Abilene and surrounding area up to and through the year 2060.

RESPONSE:

Admit.

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ETT RFA 1-3 Admit or deny that the current proposed site of the project has not been designated by the Texas Water Development Board as a site of unique value for constructing a reservoir.

RESPONSE: Cannot admit or deny. The Texas Water Development Board ("TWDB") does not designate sites of "unique value for constructing a reservoir." The TWDB recommends designations to the Texas legislature, which then designates sites as "unique."

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ETT RFA 1-4

Admit or deny that the current proposed site of the project has not been designated by the State Legislature as a site of unique value for constructing a reservoir.

RESPONSE:

Deny.

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ETT RFA 1-5 Admit or deny that the City of Abilene has not acquired the necessary land rights for the proposed site of the project.

RESPONSE: Admit.

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ETT RFA 1-6

Admit or deny that the City of Abilene has not yet applied for a water rights permit from the Texas Commission on Environmental Quality or any other state agency for the construction of the project at the proposed site.

RESPONSE:

Admit.

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ETT RFA 1-7

Admit or deny that the City of Abilene has not yet received a water rights permit from the Texas Commission on Environmental Quality or any other state agency for the construction of the project at the proposed site.

RESPONSE:

Admit.

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ETT RFA 1-8

Admit or deny that the U.S. Army Corp of Engineers has not yet performed a feasibility study regarding the planned construction of the proposed Cedar Ridge Reservoir at the proposed site.

RESPONSE:

Cannot admit or deny. The City of Abilene is unaware whether the U.S. Army Corp of Engineers has performed a "feasibility study."

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ETT RFA 1-9 Admit or deny that the City of Abilene has not yet applied for a Section
404 permit from the Environmental Protection Agency.

RESPONSE: Admit.

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ETT RFA 1-10 Admit or deny that the City of Abilene has not yet received a Section 404 permit from the Environmental Protection Agency.

RESPONSE: Admit.

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ETT RFA 1-11 Admit or deny that the City of Abilene has not yet developed a mitigation plan to address impacts of constructing the project at the proposed site.

RESPONSE: Admit.

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ETT RFA 1-12

Admit or deny that the City of Abilene has not yet approved any construction activities for the project.

RESPONSE:

Admit.

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ETT RFA 1-13

Admit or deny that the City of Abilene has not yet decided on a date on which construction will commence.

RESPONSE:

Cannot admit or deny. The City of Abilene is not yet the arbiter of when construction will commence. The City must first obtain permits from state and federal regulatory agencies before construction can commence.

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ETT RFA 1-14

Admit or deny that actual construction of the project is not planned to commence before the year 2020.

RESPONSE:

Cannot admit or deny. If the City of Abilene receives all of the necessary state and federal authorizations before 2020, it is possible that construction could commence before the year 2020.

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ETT RFA 1-15

Admit or deny that, depending on the outcome of any necessary state and federal permitting requests as well as any studies or assessments that will be conducted to determine the feasibility and/or viability of the project at the proposed site, it is possible the project ultimately be constructed at a site different from the proposed site or not at all.

RESPONSE:

Cannot admit or deny. This is a multipart question based on speculation.

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ETT RFA 1-16

Admit or deny that, depending on any changes in the City of Abilene's need for the project or the availability of other alternative projects that might sufficiently serve such need, it is possible the project ultimately will be constructed at a site different from the proposed site or not at all.

RESPONSE:

Cannot admit or deny. This is a multipart question based on speculation.

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ETT RFA 1-17

Admit or deny that the City of Abilene has not yet received approval for any loans, loan guarantees or any other funding from any government agency, public fund, private entity, or other funding source to construct the project.

RESPONSE:

Admit.

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