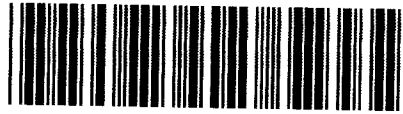


Control Number: 38825



Item Number: 378

Addendum StartPage: 0

APPLICATION OF WIND ENERGY TRANSMISSION TEXAS, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE LONG DRAW TO SAND BLUFF, SAND BLUFF TO DIVIDE, AND SAND BLUFF TO BEARKAT 345-KV CREZ TRANSMISSION LINES IN BORDEN, COKE, GLASSCOCK, HOWARD, MITCHELL, AND STERLING COUNTIES	§ § § § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**ROBERT MICHALEWICZ'S RESPONSE TO WETT'S OBJECTIONS AND
TO COMPEL WETT TO RESPOND TO RFI'S**

COMES NOW, **Robert Michalewicz** ("Michalewicz") and files this Response to the Objection and Motion to Compel Wind Energy Transmission Texas, LLC ("WETT") to respond to Michalewicz's First Set of Request for Information. Michalewicz would show the following:

On the 6th day of December, 2010, Michalewicz filed a Pro Se Request to Intervene. On the 25th day of January, 2011, the undersigned counsel filed its Notice of Representation for Michalewicz. Michalewicz's property is directly affected by Links AL-7 and AK-7. Without delay, counsel for Michalewicz began review of Responses to Request for Information in order to determine whether WETT had provided information to other Intervenors regarding the feasibility of locating the proposed transmission line near existing or proposed wind generators. In so doing, counsel for Michalewicz used diligence in developing Request for Information to serve upon WETT, and served Request for Information upon WETT on the 27th day of January, 2011. WETT has served upon Michalewicz its Objections to the Request for Information indicating that the Requests were untimely and that the Requests are irrelevant.

With regard to WETT's objection of timeliness, counsel for Michalewicz used diligence in serving WETT with the Request for Information. (Counsel filed its appearance on January 25, 2011, and served WETT with Request for Information on January 27, 2011.) Prior to appearance of counsel for Michalewicz, Michalewicz (Pro Se) relied in good faith that WETT would respond to similar questions propounded on it by Intervenor Driver Family et al ("Driver"). In this regard, Driver, on the 12th day of January, 2011, served its First Request for Information on WETT. Driver requested of WETT certain information for which the questions and responses are detailed below:

QUESTION D/P No. 1-6: Regarding the portion of Section AK-7 which runs generally in a north/south direction, please provide all documents relating to the feasibility of placing the line between two existing wind turbines, including any correspondence with the owner of the wind turbines.

RESPONSE: The feasibility of placing this line was based on the distance between the two wind turbines.

QUESTION D/P No. 1-7: Regarding the portion of Section AK-7 which generally runs in a north/south direction and which runs between two existing wind turbines, please provide any documents reflecting the distance between the two existing wind turbines which the proposed transmission line will bisect.

RESPONSE: The distance between the wind turbines is approximately 1,515 feet.

(See attached relevant portions of Driver's First Request for Information and WETT's Responses to Driver's First Request for Information.)

Certainly, Michalewicz (Pro Se) was entitled to rely upon Request for Information propounded upon WETT by Driver. Michalewicz (Pro Se) was also entitled to believe that WETT, in good faith, would provide responses to the specific questions propounded by Driver within a reasonable period.

Instead, WETT did not provide the requested documents and did not provide a response to

the request propounded.

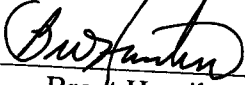
Thereafter, and as a result of WETT's responses, Michalewicz retained counsel in order to attempt to require WETT to provide the information. Counsel for Michalewicz acted with diligence to do so.

With regard to WETT's objections based on "relevancy", the information requested by Michalewicz is in fact relevant, or likely to lead to the discovery of admissible evidence. As is demonstrated in the Direct Testimony of Michalewicz, proposed routes AL-7 and AK-7 will bisect Michalewicz's property and will be located on or adjacent to existing wind generators or wind generators proposed for construction. The RFI's served on WETT are specifically tailored to address Michalewicz's concerns regarding the feasibility of the location of transmission lines adjacent, or on property where wind generators exist, or are planned to be constructed.

For the foregoing reasons, Michalewicz requests that the Order Compelling WETT to respond to Michalewicz's First Request for Information.

Respectfully submitted,

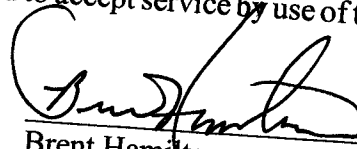
LaFONT, FORMBY, & HAMILTON, L.L.P.
P. O. Box 1510
Plainview, Texas 79073-1510
Telephone: (806) 293-5361
Facsimile: (806) 293-5366

By: 
Brent Hamilton
State Bar No. 00796696

ATTORNEYS FOR INTERVENOR
ROBERT MICHALEWICZ

CERTIFICATE OF SERVICE

On this the 10th day of February, 2011, this document has been uploaded to the PUC Interchange and mailed to the Filing Clerk of the PUC. Pursuant to the agreement between the parties no service is necessary as parties have agreed to accept service by use of the PUC Interchange.



Brent Hamilton

QUESTION D/P No. 1-6:

Regarding the portion of segment AK7 which runs generally in a north/south direction, please provide all documents relating to the feasibility of placing the line between two existing wind turbines, including any correspondence with the owner of the wind turbines.

RESPONSE:

The following response was prepared by or under the direct supervision of Stan Tessmer, the sponsoring witness for this response.

The feasibility of placing this line was based on the distance between the two wind turbines.

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**DRIVER FAMILY, ESTATE OF ALMA M. DRIVER, SKIPPER DRIVER,
EXECUTOR, ESTATE OF E. P. DRIVER, SKIPPER DRIVER, EXECUTOR,
AND WILLIAM DRIVER, AND JOHN B. PHILLIPS' FIRST SET OF REQUEST
FOR INFORMATION TO WIND ENERGY TRANSMISSION TEXAS, LLC**

- D/P No.1-1. Please identify by owner, address and type all habitable structures within (1) 500 feet and (2) 1,000 feet of the centerline of the alternative routes 10-7, 12-7, segment CC7 and segment BQ7.
- D/P No.1-2. Identify the estimated cost of acquisition of easements or rights-of-way from landowners located on segment BQ7.
- D/P No.1-3. Describe the method used to count the habitable structures, and state the data or source on which your method relies.
- D/P No.1-4. Please provide copies of all written comments and responses to the questionnaires from the public that you received in connection with your public meeting and open houses concerning the proposed transmission line project specifically relating to the transmission line from the Sand Bluff switching station to the Bearkat switching station, and all summaries and data compilation derived from such comments and responses.
- D/P No.1-5. Please provide an explanation of how the estimated cost was calculated regarding alternate routes 10-7 and 12-7, as well as the preferred route 14-7.

* D/P No.1-6. Regarding the portion of segment AK-7 which runs generally in a north/south direction, please provide all documents relating to the feasibility of placing the line between two existing wind turbines, including any correspondence with the owner of the wind turbines.

D/P No.1-7. Regarding the portion of section AK-7 which generally runs in a north/south direction and which runs between two existing wind turbines, please provide any documents reflecting the distance between the two existing wind turbines which the proposed transmission line will bisect.

D/P No.1-8. Please provide all documents which will support the allegation that the preferred route has the lowest number of stream crossings as compared to the alternate routes identified in table 1-C attached to direct testimony of Kenda Pollio.

D/P No.1-9. Please provide all documents which support the contention that the preferred route has the shortest length within 100 feet of rivers and streams as compared to the alternate routes identified in table 1-C attached to the direct testimony of Kenda Pollio.

QUESTION D/P No. 1-7:

Regarding the portion of section AK7 which generally runs in a north/south direction and which runs between two existing wind turbines, please provide any documents reflecting the distance between the two existing wind turbines which the proposed transmission line will bisect.

RESPONSE:

The following response was prepared by or under the direct supervision of Kenda Pollio, the sponsoring witness for this response.

The distance between the wind turbines is approximately 1,515 feet.

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SOAH DOCKET NO. 473-11-1266
PUC DOCKET NO. 38825

APPLICATION OF WIND ENERGY TRANSMISSION TEXAS, LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED LONG DRAW TO SAND BLUFF, SAND BLUFF TO DIVIDE, AND SAND BLUFF TO BEARKAT 345 KV CREZ TRANSMISSION LINES IN BORDEN, COKE, GLASSCOCK, HOWARD, MITCHELL & STERLING COUNTIES

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BEFORE THE STATE OFFICE

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DRIVER FAMILY, ESTATE OF ALMA M. DRIVER, SKIPPER DRIVER, EXECUTOR, ESTATE OF E. P. DRIVER, SKIPPER DRIVER, EXECUTOR, AND WILLIAM DRIVER, AND JOHN B. PHILLIPS' FIRST SET OF REQUEST FOR INFORMATION TO WIND ENERGY TRANSMISSION TEXAS, LLC

Pursuant to Rule 22.144 of the Procedural Rules of the Public Utility Regulatory Commission of Texas, Intervenor, requests that WETT furnish all items of information and answer all requests attached hereto. General instructions and definitions to be used in responding to these requests are attached.

Responses shall conform in all respects to the Commission's rules. Responses shall identify the preparer or persons 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 questions regarding these requests should be directed to the undersigned.