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Item Number: 162

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SOAH DOCKET NO. 473-11-2330
PUC DOCKET NO. 38929

APPLICATION OF ONCOR ELECTRIC § BEFORE THE STATE OFFICE OF
DELIVERY COMPANY LLC FOR §
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

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**STATE AGENCIES' FIFTH REQUESTS FOR INFORMATION TO
ONCOR ELECTRIC DELIVERY COMPANY, LLC**

The State of Texas' agencies and institutions of higher education ("State Agencies") request Oncor Electric Delivery Company, LLC ("Oncor" or "the Company") to provide the following information and answer the following questions under oath. Please answer the questions and sub-questions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to each question.

Definitions

As used in this introduction and in these questions,

- (1) "Oncor" or "the Company" refers to Oncor Electric Delivery Company, LLC.
- (2) "You," "yours," "your," and "Company's" refer collectively to Oncor, including its directors, officers, employees, consultants, agents and, unless privileged, their attorneys;
- (3) "Application" refers to the Application and supporting testimony, schedules and other documents submitted by Oncor and docketed as PUC Docket No. 38929;
- (4) "Document" and "documents" mean any written, recorded, filmed, or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, electronic mail (e-mail), computer storage device or any other media, including, but not limited to memoranda, notes, analyses, minutes, records, photographs, correspondence, telegrams, diaries, drafts, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, contracts, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, observations, commercial practice manuals, reports and summaries of interviews, reports of consultants, appraisals, forecasts, tape recordings, or any form of recording that is capable of being transcribed into written form;

- (5) "Commission" and "PUC" means the Public Utility Commission of Texas; and
- (6) "Staff" means the professional staff of the PUC.
- (7) "RFP" means rate filing package.

Instructions

In answering these questions, furnish all information that is available to you, including information in the possession of your agents, employees, and representatives, all others from whom you may obtain it, and your attorneys and their investigators.

Please answer each question based upon your knowledge, information, or belief, and any answer that is based upon information or belief should state that it is given on that basis.

If you or any of your attorneys have possession, custody, or control [as defined by Tex. R. Civ. P. 192.7(b)] of the originals of any documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineations, receipt stamp, or notation.

If you or any of your attorneys do not have possession, custody, or control of the originals of the documents requested, please produce copies of the documents, however made, that are in your possession, custody, or control. If any document requested is not in your possession or subject to your control, please explain why not, and give the present location and identify the custodian of any copy or summary of the documents.

Claim of Privilege

If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. Please also further support the privilege that you claim, with reference to applicable decisions and Attorney general Opinions.

Claim of Confidentiality

If you contend that a document is protected from disclosure under the protective order, you must specifically state the provision of the Government Code that applies to the particular documents sought, and explain why the exception applies. A contention that information is excepted from disclosure in accordance with Section 552.101 should specifically identify the law, statute, or judicial decision that makes the information confidential. A contention that a document is protected under Section 552.104 or Section 552.110(b) requires a showing of some actual or specific harm in a particular competitive situation; a generalized allegation that a competitor will gain an unfair advantage will not suffice. ORD 541 at 4 (1990); ORD 661 at 5-6 (1999). A contention that a document is confidential under Section 552.110(a) should show that the information meets the definitions of a trade secret. ORD 552 at 2 (1990); ORD 402 (1983);

Section 757, Restatement of Torts. as adopted by the Texas Supreme Court in *Hyde Corp. v. Huffines*, 314 S.W. 2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958). See also OR2002-3953 (2002).

Questions and Responses

The Definitions, Instructions, and Claim of Privilege set out in this Request for Information apply to these questions. If any question appears confusing, please request clarification from the undersigned counsel.

In providing your responses, please start each response on a separate page and identify, at the top of each page, the question being answered. As part of the response to each question, please state at the bottom of the answer the name and job position of each person who participated in any way, other than providing clerical assistance, in preparing the answer. If the question has sub-parts, please identify the person or persons who answered each sub-part. Please also state the name of the witness in this docket who will sponsor the answer to the question and who can vouch for the truth of the answer. If the question has sub-parts, please identify the witness or witnesses by sub-part.

Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available. These questions are continuing in nature. If there is a change in circumstances or facts or if you receive or generate additional information that changes your answer between the time of your original response and the time of the hearing, then you should submit, under oath, a supplemental response to your earlier answer as soon as the change in circumstances or facts are known to you.

If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please contact the undersigned counsel as soon as possible to discuss the situation and to try to resolve the problem. Likewise, if you object to any of the questions on the grounds that the question seeks proprietary information, or on any other grounds, please contact the undersigned counsel as soon as possible.

If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or in electronic format, please furnish specific references thereto, including Bates Stamped page citations and detailed cross-references.

REQUESTS FOR INFORMATION

Note: For all of your answers, please provide documents that support your answers to these RFIs. If documents have already been produced and provided to the State in answer to RFIs from other intervenors, or are publicly available, please provide a clear reference to those answers so that the documents also responsive to the State's RFIs may be located.

RFI 5-1: Please refer to the Company's response to Steering Committee of Cities' RFI LK 3-02a, where Oncor was asked to provide all support for its proposed cycle-based vegetation management program. Oncor's response contains a quotation from Dr. Brown in his study titled "Hazard Trees: Benchmark Survey and Best Practices, FINAL REPORT." In the first sentence of the quotation, Dr. Brown states: "Unless the hazard tree program for a utility is, for the most part, separate from cycle clearance, it is important to maintain the pruning cycle..." (Emphasis added)

Please explain Oncor's understanding of Dr. Brown's statement. In other words, does Oncor believe that Dr. Brown is referring to all utilities, or instead, is he referring to utilities that do not have separate schedules for their hazard tree programs and cycle clearance programs?

RFI 5-2. Please refer to Oncor's response to the benchmark survey for hazard trees that it completed and returned to Quanta Technology in PUC Project No. 36375 (Oncor's completed survey is PUC interchange Item No. 19). Question number 12 of the hazard tree survey asks: "Is it more difficult for you to address hazard trees when you are behind on your trimming cycle? Explain."

Oncor responded:

"Addressing hazard trees and our reliability based line clearance maintenance program have independent schedules." (Emphasis added)

Please answer the following questions:

- a. Admit or deny that Oncor's hazard tree program operates on a separate schedule from its line clearance program.
- b. If the response to (a) is "Denied," please explain what Oncor meant in its benchmark survey response when it stated that its hazard tree and line clearance maintenance programs were on independent schedules.

RFI 5-3. Please refer to the Company's confidential response to Cities' RFI LK 3-02a. Attachment 1, Item 3 of the response contains a vegetation management study conducted by Oncor to estimate what effect the proposed cycle-based vegetation management program will have on the Company's SAIDI. Please answer the following:

- a. Has Oncor conducted any similar studies to estimate what effect the proposed cycle-based vegetation management program will have on the Company's SAIFI?
- b. If the response to part (a) is yes, please provide a copy of any such study.

Dated: February 10, 2011

Respectfully submitted,

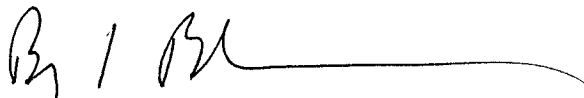
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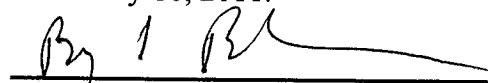


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **State Agencies' Fifth RFIs to Oncor** has been served upon Oncor and all parties of record in Docket No. 38929 by hand delivery, facsimile, or email, and/or First Class U.S. Mail on or before February 10, 2011.


Bryan L. Baker