



Control Number: 40728



Item Number: 188

Addendum StartPage: 0

APPLICATION OF ELECTRIC  
TRANSMISSION OF TEXAS, LLC TO  
AMEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY FOR  
THE PROPOSED LOBO TO RIO BRAVO  
TO NORTH EDINBURG DOUBLE-  
CIRCUIT 345-KV TRANSMISSION LINE  
IN WEBB, ZAPATA, JIM HOGG,  
BROOKS, STARR, AND HIDALGO  
COUNTIES TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

2013 JAN -9 AM 9:38  
FILED CLERK

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EDWIN H. FRANK'S  
SECOND REQUEST FOR INFORMATION  
TO ELECTRIC TRANSMISSION TEXAS, L.L.C.

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To: Electric Transmission Texas, L.L.C., by and through its representative, Mr. Mel Eckhoff, 400 West 15<sup>th</sup> Street, Suite 1520, Austin, Texas 78701.

Pursuant to 16 TEX. ADMIN. CODE § 22.144, **Edwin H. Frank** ("Ed Frank"), propounds the requests for information, set forth in the attached Exhibit "A," to Electric Transmission Texas, L.L.C. ("E.T.T").

On or before ten (10) calendar days after service of these requests, E.T.T. must answer each request separately, fully, in writing, under oath and must serve a signed copy of its responses to Ed Frank's representative and attorney, Rodolfo "Rudy" Santos Jr. at: PERSON, WHITWORTH, BORCHERS & MORALES, L.L.P., 602 East Calton Road, Laredo, Texas 78041.

All definitions and instructions governing discovery in the Texas Rules of Civil Procedure, the procedural rules of the Public Utility Commission of Texas ("PUC"), and the State Office of

Administrative Hearings (“SOAH”) and all applicable orders issued herein shall apply to these discovery requests. Specific definitions and instructions are as follows:

Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are completely understood.

If the items requested to be produced herein have already been provided in other discovery answers to another party, it shall not be necessary to duplicate such production. It shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely respond to the discovery request shall be provided in the response.

If the response to any request consists of document(s) obtained by the responding party from Ed Frank, it shall not be necessary to produce such document. It shall only be necessary to describe the document, its date, subject matter, and when and how it was obtained from Ed Frank. If the requested document is found in the public records of the PUC or other governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.

#### Definitions

The following definitions apply to all of the requests for information in their entirety, including the instructions noted below:

1. “Application” means the application by E.T.T. to amend its certificate of convenience and necessity for a proposed transmission line for the proposed Lobo to Rio Bravo to North Edinburg 345-kV double-circuit transmission line in Webb, Zapata, Jim Hogg, Brooks, Starr and Hidalgo Counties, Texas, docketed as SOAH Docket No. 473-13-0846, PUC Docket No. 40728.
2. “Communication” means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which E.T.T. has knowledge, information or belief.
3. “Concerning” means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.

4. "Date" means the exact day, month, and year, if known or reasonably ascertainable, or if not, the best approximation.
5. "Describe" or "identify," when used in reference to a **document**, means you must state, to the fullest extent possible, the following:
- a) The nature (*e.g.*, letter, handwritten note) of the document;
  - b) The title or heading that appears on the document;
  - c) The date of the document and the date of each addendum, supplement, or other addition, modification or change;
  - d) The identity of: the preparer or author of the document, any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - e) The present location of the document, and the name, address, position or title, and telephone number(s) of persons having custody of the document.
6. "Describe" or "identify," when used in reference to an **entity**, means you must state, to the fullest extent possible, the following:
- a) The entity's full and correct legal name;
  - b) The nature of the entity's structure and/or organization;
  - c) The address, telephone and fax number of the entity's principal offices;
  - d) The principal line(s) of the entity's business or activity; and
  - e) The officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
7. "Describe" or "identify," when used in reference to a **person or individual**, means you must state, to the fullest extent possible, the following:
- a) The individual's full name;
  - b) The individual's present or last known residential address, including, zip code;
  - c) The individual's present or last known occupation, job title, employer, employer's address, including zip code, and employer's telephone and facsimile number(s);
  - d) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request for information; and
  - e) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
8. "Document(s)" or "documentation" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations, of telephone or in-person conversations, conferences, inter-office communications, email, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and worksheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data

from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of E.T.T.

9. "Environmental Assessment" means the document entitled "Environmental Assessment and Alternative Route Analysis for the Proposed Electric Transmission Texas, LLC Lobo-Rio Bravo-North Edinburg 345 kV Transmission Line Project Brooks, Hidalgo, Jim Hogg, Starr, Webb, and Zapata Counties, Texas" prepared by POWER Engineers, Inc. that can be found attached to the Application.

10. "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.

11. "E.T.T." means Electric Transmission Texas, L.L.C. and its agents, employees, representatives, consultants, and attorneys.

12. "Person(s)" or "individual(s)" means any natural person.

13. "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item.

14. "Proposed Line" means the proposed Laredo to Edinburg 345-kV Transmission Line in Webb, Zapata, Jim Hogg, Brooks, Starr, and Hidalgo Counties, Texas as described in further detail in the Application.

15. The word "and" means "and/or."

16. The word "or" means "or/and."

17. "You," and "your" means E.T.T., its members, officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of E.T.T.

18. The words "link(s)" and "segment(s)" reference the individually numbered portions of the routes described in the Application.

#### Instructions

1. As to any request for information to which you are unable to respond in whole or in part, for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular request for information or part thereof is not possible, please answer each request for information to the extent possible and furnish a statement explaining: (i) the reason for

the inability to respond; and (ii) whatever information or knowledge you have concerning the non-responsive portion.

2. For Each document or other requested information that you assert a privilege, please comply with the requirements of Rule 193.3 of the Texas Rules of Civil Procedure and P.U.C. PROC. R. 22.144.
3. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and stat the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located;
4. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish al requested documents available to you and known by you, or in your possession, custody or control or that of your agents or attorneys.
6. In those instances where you choose to answer a request for information by referring to a specific document or record, it is requested that the specification be sufficient in detail to permit Ed Frank to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as E.T.T.
7. In those instance when requested information or documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs translating in into usable form, or produce the information or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each request for information and indicate clearly the request for information to which each response is made. When requests for information contain subparts, indicate your answer the subpart to which each particular part of your response is in response.
9. You are under a duty to supplement your responses to these requests for information that incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any request for information between the time of the original responses and the conclusion of this proceeding.

Respectfully Submitted,

PERSON, WHITWORTH,  
BORCHERS & MORALES, L.L.P.  
602 East Calton Road, 2<sup>nd</sup> Floor  
P.O. Box 6668  
Laredo, Texas 78042-6668  
Telephone: 956.727.4441  
Facsimile: 956.727.2696

By: 

Mark D. Willett  
State Bar No. 21509775  
Martha Cigarroa de Llano  
State Bar No. 04250800  
Rodolfo "Rudy" Santos, Jr.  
State Bar No. 24076668  
*Attorneys for Edwin H. Frank*

CERTIFICATE OF SERVICE

I, Rodolfo "Rudy" Santos Jr., attorney for Edwin H. Frank, certify that a copy of this document was served on Electric Transmission of Texas, L.L.C. on January 8<sup>th</sup>, 2013, in the following manner: *via* email.

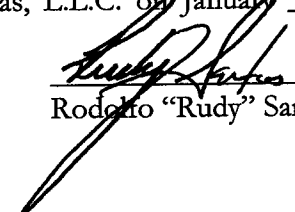
  
Rodolfo "Rudy" Santos Jr.

EXHIBIT A:  
ED FRANK'S SECOND  
REQUEST FOR INFORMATION TO E.T.T.

- EF 2-1. Please identify and describe all known habitable structures, as defined by P.U.C. SUBST. R. 25.101(a)(3), on Tract Z16a and estimate the distance of each habitable structure in relation to the nearest link.
- EF 2-2. Please identify and describe all known habitable structures, as defined by P.U.C. SUBST. R. 25.101(a)(3), along Link B13 and estimate the distance of each habitable from that link.
- EF 2-3. Ed Frank provided E.T.T. with written comments after E.T.T.'s open house in Laredo, Texas. Please provide any and all documents that relate to Ed Frank's written comments, including all documents that relate to responsive measures that E.T.T. implemented or employed to address the concerns raised by Ed Frank's written comments.
- EF 2-4. Please explain whether the Proposed Line will impact or impede wildlife management practices, including the use of helicopters to conduct wildlife surveys, wildlife captures, and management and control of invasive non-native species. Excluding landowner responses to open house questionnaires, did E.T.T. make any effort to identify affected landowners that employ the above listed wildlife management practices?
- EF 2-5. Please provide all photographs and videos, including aerial or helicopter reconnaissance photographs and videos, specifically depicting Tract Z16a<sup>1</sup> taken by E.T.T. employees, consultants or agents including Power Engineers, Inc. For any responsive document, please identify the subject, the date the photograph or video was taken, and the person who made the recording.
- EF 2-6. Please describe how E.T.T. estimates its right-of way acquisition costs and provide by segment any documents related to E.T.T.'s estimates for its acquisition cost for the proposed routes.
- EF 2-7. Please provide all notes, calculations, analyses, comparable sales, or easement acquisition figures and other inputs used to determine the estimated costs per segment.
- EF 2-8. Please explain whether E.T.T. intends to compensate landowners for the impact that the Proposed Line and related right-of-way will have on the remainder of their property.
- EF 2-9. Please identify and describe any existing easement or right-of-way that runs parallel to Link B13.

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<sup>1</sup> See E.T.T.'s detailed landowner map provided in response to JACALON 2-1, which identifies Ed Frank's property as "Z16a."



EF 2-10. Please provide all documents that relate to length of right-of-way across the following features that are located on or near Link B13:

- a. 100 year flood plain
- b. stream crossings
- c. open water.

EF 2-11. Please identify and describe all locations of high archaeological site potential that you have identified on or near Link B13.

EF 2-12. Please identify and describe all locations of high archaeological site potential that you have identified on Tract Z16a.

EF 2-13. Please provide an aerial map that clearly identifies (1) the boundaries of Tract Z16a and (2) the exact location of Link B13 in relation to that tract.