



Control Number: 41606



Item Number: 906

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SOAH DOCKET NO. 473-13-5207  
PUC DOCKET NO. 41606

2013 AUG 29 AM 11:05

PUBLIC UTILITY DIVISION  
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JOINT APPLICATION OF ELECTRIC §  
TRANSMISSION TEXAS LLC AND § BEFORE THE STATE OFFICE  
SHARYLAND UTILITIES LP TO AMEND §  
THEIR CERTIFICATES OF CONVENIENCE §  
AND NECESSITY FOR THE PROPOSED § OF  
NORTH EDINBURG TO LOMA ALTA §  
DOUBLE-CIRCUIT 345-KV TRANSMISSION § ADMINISTRATIVE HEARINGS  
LINE IN HIDALGO AND CAMERON §  
COUNTIES, TEXAS §

**MIL ENCINOS DEVELOPMENT LTD. AND G. E. BELL PROPERTIES LTD'S**  
**REQUEST FOR INFORMATION**  
**TO ELECTRIC TRANSMISSION TEXAS LLC AND SHARYLAND UTILITIES LP**

Pursuant to Sections 22.141 and 22.144 of the Commission's Procedural Rules, Intervenor Mil Encinos Development Ltd. (Mil Encinos) and G. E. Bell Properties Ltd. (Bell), request that Electric Transmission Texas LLC (ETT) and Sharyland Utilities LP (Sharyland) provide responses to the following Requests for Information (RFI) and stipulate in writing that all the responses can be treated exactly as though they were filed under oath. The response is requested within 10 calendar days as specified in SOAH Order No. 1 of this docket.

Pursuant to P.U.C. PROC. R. §22.144(c), each response must identify the preparer or person under whose direct supervision the response was prepared, and the sponsoring witnesses, if any. In addition, each request must be answered separately and be preceded with the appropriate question.

Pursuant to P.U.C. PROC. R. §22.144(i), ETT/Sharyland is under a duty to supplement any response that, in light of newly discovered information, modifies or makes incomplete an answer already supplied to Mil Encinos/Bell within five days of the discovery of the new information.

The answers must have sufficient detail to fully present all the relevant facts. Mil Encinos/Bell request that ETT/Sharyland provide the answers in the order in which they are listed in this request for information. If responses to all the requests cannot be

provided quickly, Mil Encinos/Bell request that each item of information be provided as it is available or completed.

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

If the items requested to be produced herein have already been provided in other discovery answers to any 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 answer this discovery request shall be provided in your answer.

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**

1. "Applicant", "you", "the utility", "ETT" or "Sharyland" refers to Electric Transmission Texas and Sharyland Utilities and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

2. "Application" means the application by ETT/Sharyland to amend its certificate of convenience and necessity for the North Edinburg to Loma Alta Double-Circuit 345kV Transmission Line in Hidalgo and Cameron Counties Texas, docketed as SOAH Docket NO. 473-13-5207, PUC Docket No. 41606.

3. "Communication" means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which ETT/Sharyland has knowledge, information or belief.

4. "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.

5. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.

6. "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 or change;

- d. The identity of the 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 the person(s) having custody of the document.

7. The terms "document" or "documents" are used in their broadest sense to include, but not be limited to, all written or graphic matter of every kind and description whether printed, produced, or reproduced, by any process whether visually, magnetically, mechanically, electronically, or by hand, whether final or draft, original or reproduction, whether privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody or control. These shall also be construed to include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

8. The words "link" and "segment" reference the individually numbered/lettered portions of the preferred and alternative routes described in the Application.

9. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

10. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

11. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each".

12. The term "including" means "including, but not limited to."

13. The term "EA" or "Environmental Assessment" shall mean the document entitled *North Edinburg-Loma Alta 345 kV Transmission Line Project – Environmental Assessment and Alternative Route Analysis*.

### **INSTRUCTIONS**

1. As to any request for information to which you are unable to respond to 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: (a) the reason for your inability to respond further; and (b) whatever information or knowledge you have concerning the non-responsive portion.
2. For each document or other requested information that you assert is privileged, 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 state 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 the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish all requested documents available to you and known by you, or in your possession, custody or control or that of your agents and 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 in sufficient detail to permit the requestor to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can you.
7. In those instances 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 for translating it 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 responsive. When requests for information contain subparts, indicate in 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 are 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.
10. Unless otherwise indicated, the discovery requested in these requests for information related to the time period from January 2010 through and including the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that related to this time period are to be produced.

Respectfully submitted,



Rene Ruiz  
State Bar No. 24013431

W. Roger Wilson  
State Bar No. 21733500

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### CERTIFICATE OF SERVICE

I hereby certify that, as required by SOAH Order No. 1, I have served a true and correct copy of the foregoing pleading on the parties in this proceeding to whom the request is directed by either electronic mail, First Class U.S. Mail or by facsimile transmission on this 28<sup>th</sup> day of August, 2013.

  
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Rene Ruiz

## **REQUESTS FOR INFORMATION**

**Mil Encinos/Bell RFI No. 1-1.** Please refer to Application, Attachment 9a, Sheet No. 11 of 56 ("Sheet 11").

(a) Confirm that link 344 as shown on Sheet 11 is mislabeled and should be labeled as link 55, or explain the basis of any discrepancy in the numbering of these links.

(b) Confirm that link 346 as shown on Sheet 11 is mislabeled and should be labeled as link 344 or explain the basis of any discrepancy in the numbering of these links.

(c) Confirm that relabeling the links as stated in (a) and (b) above does not in any way effect or change the Link Combinations or Link Descriptions provided in Attachment 10c.

(d) If links 344 and/or 346 as shown on Sheet 11 are mislabeled, please provide a revised Sheet 11 with corrections.

**Mil Encinos/Bell RFI No. 1-2.** Refer to Sheet 11. Please provide a full explanation as to why link 56 jumps to the west side of Water Canal Road entering the tract of land identified on Sheet 11 as Property ID No. 710795, instead of continuing to run along and parallel to the east side of Water Canal Road to the intersecting point with link 347.

**Mil Encinos/Bell RFI No. 1-3.** Please refer to links 56, 346 and 60 as shown on Sheet 11. In siting links 56, 346 and 60 as shown on Sheet 11, please explain the extent to which Applicants considered the existence of the Tax Increment Reinvestment Zone #1 ("Zone") and related Project Plan and Financing Plan established in 2004 by ordinance of the City of Penitas, Texas, and provide a full explanation of (a) the factors and considerations that led Applicants to nevertheless site links 56, 346 and 60 within the Zone and (b) how the inherent purposes of the Zone are addressed or advanced by the specific locations of these links.

**Mil Encinos/Bell RFI No. 1-4.** Please refer to link 56 on Sheet 11. From a strictly environmental and land use standpoint and based on the criteria listed in Table 4-1 of the EA and PURA § 37.056(c) and P.U.C. SUBST. R. 25.101(b)(3)(B), please state any and all reasons why link 56 could not continue along and parallel to the east side of Water Canal Street.

**Mil Encinos/Bell RFI No. 1-5.** Please refer to link 56 on Sheet 11 and Pages 18-19 of the Direct Testimony of Rob Reid, dated July 3, 2013. If link 56 is rerouted entirely on the east side of and parallel to Water Canal Street, what changes would be required to the ten "advantages" and "seven other factors" listed on Pages 18 and 19.

**Mil Encinos/Bell RFI No. 1-6.** Please refer to link 56 on Sheet 11 and Page 27, lines 15-22, of the Direct Testimony of Mark Caskey, dated July 3, 2013. If link 56 is rerouted entirely on the east side of and parallel to Water Canal Street, please state what the impact would be on estimated engineering and construction constraints, costs, grid reliability, security issues, public input, community values, design and constructability, delays, and Route 32 as the preferred route.

**Mil Encinos/Bell RFI No. 1-7.** Please refer to links 56 and 60 on Sheet 11. Please state (a) the extent to which consideration was given to existing oil and gas wells/operations and designated drill zones located under or in the immediate vicinity of links 56 and 60, and (b) how

ongoing oil and gas operations under or in the immediate vicinity of links 56 and 60 are or would be addressed.

**Mil Encinos/Bell RFI No. 1-8.** Please refer to link 346 as shown on Sheet 11. Please state (a) the extent to which consideration was given to operation and maintenance activities relating to the water canal adjacent and parallel to link 346 and (b) how canal operation and maintenance concerns are or would be addressed by siting link 346 along and parallel to the canal.

**Mil Encinos/Bell RFI No. 1-9.** Please provide a full explanation for changing the route of link 56 as shown on Figure 3-1, Preliminary Alternative Links.

**Mil Encinos/Bell RFI No. 1-10.** Please refer to link 60 on Sheet 11. From a strictly environmental and land use standpoint and based on the criteria listed in Table 4-1 of the EA and PURA § 37.056(c) and P.U.C. SUBST. R. 25.101(b)(3)(B), please describe any and all reasons why link 60 cannot be routed within and parallel to the north and east property boundary lines for Property ID No. 101856 instead of directly affecting Property ID Nos. 194455, 194456, 194465, 194466, 194475.

**Mil Encinos/Bell RFI No. 1-11.** Please refer to link 60 on Sheet 11. If link 60 were routed within and parallel to the north and east property boundary lines for Property ID No. 101856 (instead of directly affecting Property ID Nos. 194455, 194456, 194465, 194466, 194475), please describe the impact on estimated engineering and construction constraints, costs, grid reliability, security issues, public input, community values, design and constructability, delay, and Route 32 as the primary preferred route.

**Mil Encinos/Bell RFI No. 1-12.** Please refer to Sheet 11. Provide a full explanation as to why link 56 does not or cannot parallel the existing transmission ROW for the 138 kV line that is east of and parallel to link 56 (see link 61 to locate the 138 kV line).