



Control Number: 44435



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SOAH DOCKET NO. 473-15-2740
PUC DOCKET NO. 44435

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2015 MAY 13 PM 2:04
BEFORE THE STATE OFFICE
PUBLIC UTILITY COMMISSION
FILING CLERK

APPEAL OF CENTERPOINT ENERGY §
HOUSTON ELECTRIC, LLC FROM AN §
ORDINANCE OF THE CITY OF §
PEARLAND §

ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S FIRST REQUESTS FOR ADMISSIONS
TO THE CITY OF PEARLAND (CITY)
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-6**

Pursuant to § 22.144 of the Commission's Procedural Rules, the Staff of the Public Utility Commission of Texas (Staff) requests that the City of Pearland (City) by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 10 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

Dated: May 13, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division

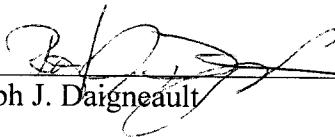
Karen S. Hubbard
Managing Attorney - Legal Division



Ralph J. Daigneault
Attorney-Legal Division
State Bar No. 24040755
(512) 936-7348
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 13, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Ralph J. Daigneault

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DEFINITIONS

- 1) **“The City of Pearland”** or **“City”** refers to City of Pearland and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- 2) **“Document”** includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of “documents” shall include the documents which do not exist and these documents will be provided.

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INSTRUCTIONS

- 1) Pursuant to P.U.C. PROC. R. 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) 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.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to P.U.C. PROC. R. 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.
- 9) **Pursuant to 16 Tex. Admin. Code § 26.417-.418, responses to requests for information shall be provided to the commission staff and the Office of Public Utility Counsel within ten days after receipt of the request by the applicant.**

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STAFF 1-1 Admit or deny that the City of City of Pearland's Unified Development Code states the following:

Section 2.4.5.1 COD, Corridors Overlay District

(a) Purpose.

(1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

(m) Utilities.

All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

STAFF 1-2 Admit or deny that one of the main purposes of the City of Pearland's COD Ordinance is to help the City exercise greater control over the aesthetic characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

STAFF 1-3 Admit or deny that certain costs, including but not limited to indirect costs, operation and maintenance costs, as well as expansion and reliability costs related to CenterPoint's service as a result of the required undergrounding of distribution lines by the City's COD Ordinance will be uplifted to ratepayers.

STAFF 1-4 Admit or deny that all costs uplifted to ratepayers related to CenterPoint's service and the required undergrounding of distribution lines by the City's COD Ordinance would be the result of an ordinance, the purpose of which is granting

the City greater control over the aesthetic characteristics of development aesthetic.

STAFF 1-5 Admit or deny that the City of Pearland intends to reimburse CenterPoint Energy, any customer or any ratepayer for any of the costs related to CenterPoint's service, including uplifted costs, as a result of the required undergrounding of distribution lines by the City's COD Ordinance.

STAFF 1-6 Admit or deny that the City of Pearland intends for ratepayers to pay for all uplifted costs related to CenterPoint's service and the required undergrounding of distribution lines by the City's COD Ordinance.