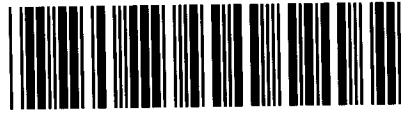


Control Number: 44649



Item Number: 646

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SOAH DOCKET NO. 473-15-3595 RECEIVED

DOCKET NO. 44547
(NEED PHASE)

2015 AUG -4 PM 2: 03

APPLICATION OF CENTERPOINT
ENERGY HOUSTON ELECTRIC, LLC
TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
A PROPOSED 345-KV TRANSMISSION
LINE WITHIN GRIMES, HARRIS, AND
WALLER COUNTIES

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PUBLIC UTILITY COMMISSION
BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 473-15-3596
DOCKET NO. 44649
(NEED PHASE)

APPLICATION OF CROSS TEXAS
TRANSMISSION, LLC TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR THE
PROPOSED LIMESTONE TO GIBBONS
CREEK 345-KV TRANSMISSION LINE
IN BRAZOS, FREESTONE, GRIMES,
LEON, LIMESTONE, MADISON AND
ROBERTSON COUNTIES, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**CALPINE CORPORATION AND NRG ENERGY, INC.'S
OBJECTIONS TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S
THIRD SET OF REQUESTS FOR INFORMATION**

Calpine Corporation ("Calpine") and NRG Energy, Inc. ("NRG") submit their Objections to CenterPoint Energy Houston Electric, LLC's ("CenterPoint") Third Request for Information to Calpine Corporation and NRG Energy, Inc., filed on July 28, 2015. These objections are filed within five days of receipt and are therefore timely under the applicable procedural schedule. Undersigned counsel for Calpine and NRG represents that they have attempted to discuss these objections with counsel for CenterPoint, but have not been able to reach an agreement.

Counsel for Calpine and NRG have reached an agreement with counsel for CenterPoint that no privilege log will be required with respect to documents or information withheld on the

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basis of attorney-client privilege or attorney work product privilege. Because they have objected on relevance grounds, Calpine and NRG also object to the requirement to file a privilege index listing all documents withheld on trade secret privilege grounds. PUC Proc. R. 22.144 (d)(3).

With respect to documents and information withheld on the basis of trade secret privilege, Calpine and NRG seek modification of Order No. 3, which requires a party to tender *all* of the withheld information for in-camera review to the presiding officer within ten (10) calendar days of the request. Because the information is voluminous and irrelevant, gathering all of the documents and information protected under the trade secret privilege for in camera review would itself be unduly burdensome, particularly if Calpine and NRG are ultimately not required to produce such documents and information, either because it is protected from disclosure or it is irrelevant. In lieu of this requirement, Calpine and NRG request an opportunity to tender, for in-camera review to the presiding officer, a representative sample of the documents and information withheld on trade secret privilege grounds.

Respectfully submitted,

By: 

Chris Reeder

State Bar No. 16692300

Elizabeth G. Bloch

State Bar No. 02495500

HUSCH BLACKWELL, LLP

111 Congress Avenue, Suite 1400

Austin, Texas 78701

Telephone: (512) 472-5456

Facsimile: (512) 479-1101

Email: chris.reeder@huschblackwell.com

**ATTORNEYS FOR CALPINE
CORPORATION AND NRG ENERGY,
INC.**

Diana Woodman Hammett
Calpine Corporation
717 Texas Avenue, Suite 1000
Houston, Texas 77002
Direct: (713) 820-4030
Email: diana.woodman@calpine.com

**ATTORNEY FOR CALPINE
CORPORATION**

Christopher O'Hara
NRG Energy, Inc.
1000 Main Street
Houston, Texas 77002
Phone: (832) 357-5745
Email: chris.ohara@nrgenergy.com

ATTORNEY FOR NRG ENERGY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading has been filed with the Commission, forwarded by electronic mail to counsel for CenterPoint, served on the party listed below via United States Mail, and served on all other parties via the PUC Interchange on this 4th day of August, 2015.

Barbara McCutcheon
5807 Sugar Hill Drive
Houston, Texas 77047


Chris Reeder

CALPINE CORPORATION AND NRG ENERGY, INC.'S
OBJECTIONS TO CENTERPOINT'S THIRD REQUESTS FOR INFORMATION

Calpine and NRG assert the following objections to the RFIs. Calpine and NRG intend to submit narrative answers to many of these RFIs subject to these objections.

3-12. Do NRG and Calpine have a financial interest in the outcome of the HIP analysis? Please explain.

Object as irrelevant. Any speculative financial impact in the outcome of the HIP analysis on Calpine or NRG is irrelevant to the issues to be decided in this case.

Object to the extent it calls for trade secret privileged information.

Subject to these objections, Calpine and NRG are willing to stipulate that they will be adversely impacted financially if the HIP is approved, although the extent of that impact is not known.

3-16 Has Dr. Baughman ever performed a power flow study to determine whether a transmission line is needed in ERCOT? Please identify each such study, and produce any documents, models, or reports reflecting such work.

Calpine and NRG object to production of the prior power flow studies as Dr. Baughman prepared those under contractual arrangements prohibiting him from disclosing those studies, and the contracts in question do not permit disclosure in these circumstances. As such, the studies are subject to trade secret protection.

Additionally, Calpine and NRG object on the basis that the requested studies are not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, particularly in consideration of the fact that Dr. Baughman did not conduct a power flow study in this case.

Object also that the request for the power flows is overly broad and unduly burdensome. Potentially hundreds of proprietary power flow studies over a span of several years are responsive to this request. Assembling all this voluminous electronic material is reasonably forecasted to require several days' of Dr. Baughman's time, as well as to properly identify and redact any customer-specific information or other highly sensitive protected materials.

Calpine and NRG will continue to discuss the request with counsel for CenterPoint and to attempt to reach an accommodation.

3-27. Please produce any studies or reports or other documents that show the relationship between crude oil prices and the prices or demand for gasoline and other petrochemical feedstocks.

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the relationship in question has no bearing on whether Applicants have demonstrated that a need exists for the Houston Import Project.

Object also as being overbroad to the extent it requires the responding parties to produce anything other than what Calpine's and NRG's experts have stated they relied upon and is in their possession.

Subject to and without waiving the objections, Calpine and NRG will provide a response.

3-28. What is the relationship between crude oil prices and the demand for electricity by refineries and petro-chemical plants?

a. Please produce any studies or reports or other documents that show the relationship between crude oil prices and the demand for electricity by refineries and petro-chemical plants.

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the relationship in question has no bearing on whether Applicants have demonstrated that a need exists for the Houston Import Project.

Object also as being overbroad to the extent it requires the responding parties to produce anything other than what Calpine's and NRG's experts have stated they relied upon and is in their possession.

Subject to and without waiving the objections, Calpine and NRG will provide a response.

3-29. Please produce a list of the petrochemical plants and refineries that are in the Houston area, as defined above.

Object on the grounds that responding parties are not required to create a list or a document that is not already in their possession.

Object on the grounds that this information is equally available to CenterPoint.

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the identity of such facilities has no bearing on whether applicants have met their burden to show that a need exists for the Houston Import Project.

Object also as being overbroad to the extent it requires the responding parties to produce anything other than what Calpine's and NRG's experts have stated they relied upon and is in their possession.

a. Has Dr. Baughman studied how changes in crude oil prices will affect the demand for electricity by the plants and refineries on such list?

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the relationship between crude oil prices and specified plants has no bearing on whether applicants have met their burden to show that a need exists for the Houston Import Project.

Subject to and without waiving the objections, Calpine and NRG will provide a response.

3-30. Please produce any studies or reports or other documents that show the correlation between the demand for electricity or peak load and the price of natural gas.

Object to the extent this requires marshalling of the evidence.

Object also as being overbroad to the extent it requires the responding parties to produce anything other than what Calpine's and NRG's experts have stated they relied upon and is in their possession.

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the correlation of electric demand or peak load and natural gas prices, if any, has no bearing on whether applicants have met their burden to show that a need exists for the Houston Import Project.

Subject to and without waiving the objections, Calpine and NRG will provide a response.

3-33 How have forecasts for natural gas prices in 2018 changed since ERCOT completed the Independent Review? Please produce any supporting documents.

Object on the grounds that the request is not relevant to the subject matter in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, as the forecast of 2018 natural gas prices has no bearing on whether applicants have met their burden to show that a need exists for the Houston Import Project.

Subject to and without waiving the objections, Calpine and NRG will provide a response.