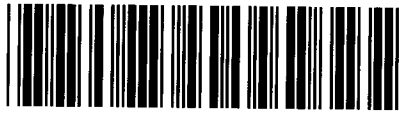




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APPLICATION OF THE CITY OF §
GARLAND TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR THE RUSK TO §
PANOLA DOUBLE-CIRCUIT 345-KV §
TRANSMISSION LINE IN RUSK AND §
PANOLA COUNTIES §

BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**SOUTHERN CROSS TRANSMISSION LLC'S PRELIMINARY RESPONSE
TO TIEC'S MOTION TO COMPEL REGARDING TIEC 2-12**

Southern Cross Transmission LLC (SCT) files this preliminary response to TIEC's Motion to Compel Regarding TIEC 2-12 (TIEC's Motion). TIEC's Motion was filed yesterday and requests immediate relief, so SCT is filing this preliminary response to provide an explanation of the redactions in the documents discussed in TIEC's Motion. SCT anticipates providing a more thorough response, along with submission of the subject documents for *in camera* review, on Monday morning.

I. SUMMARY OF RESPONSE

The redacted portions of the documents provided in response to TIEC 2-12 are not responsive to TIEC 2-12 because they do not involve the model runs addressed in Ellen Wolfe's testimony, which was the subject of RFI 2-12 as modified by TIEC. As a result, the non-responsive information was redacted from the documents, which do provide the responsive information requested by TIEC.

The undersigned counsel is currently traveling back to Austin from the settlement conference held yesterday in this proceeding in Carthage, Texas. As a result, SCT plans to provide the subject documents for *in camera* review, along with additional information, on Monday morning.

II. THE SCOPE OF TIEC 2-12 AS MODIFIED

As TIEC's Motion notes, RFI 2-12 initially read:

Please provide all documents and communications exchanged between or among Pattern, Resero Consulting (Resero), and LCG Consulting (LCG) regarding this project, including interim reports.

SCT contacted TIEC with concerns about the broad scope of this request, since Ms. Wolfe's testimony presents a 2015 economic model of the SCT project and compares it to a previous 2010 model. TIEC agreed exclude the 2010 model and to limit the scope of the RFI to:

- changes or modifications that were made to the model at any point during the modeling process;
- any initial or preliminary results of partial or full model runs, and any changes made to the model in response to those results;
- assumptions for the model, including both those assumptions that made it into the model and those that did not (if any);
- any questions, guidance, guidelines, or clarifications about the scope of the project, the purpose of the model, or the type of results that the model was seeking.

Each of these modified requests refer to "the model," a term that TIEC did not define. SCT interpreted TIEC 2-12, as modified, to refer to the 2015 model runs presented in the direct testimony and exhibits of Ellen Wolfe (since TIEC had agreed to exclude the 2010 model). As a result, SCT interprets these requests to relate to changes, initial results, assumptions, and clarifications related to the 2015 model runs presented by Ms. Wolfe in her direct testimony.

The redactions in documents provided in response to TIEC 2-12 reflect information outside the scope of the request for information related to the 2015 model runs in Ms. Wolfe's testimony. For example, some redacted information relates to a scenario that models the addition of an interconnection between ERCOT and MISO, as has been under discussion between those two entities. SCT believes that an evaluation of the impact of a possible MISO/ERCOT

interconnection is not within the scope of a request relating to the 2015 model that Ms. Wolfe presented in her testimony, since the MISO connection would be in the Entergy area, not in the SERC area where the SCT project will interconnect. Although it is interspersed with information that relates to the 2015 model runs addressed in Ms. Wolfe's testimony, the redacted information does not relate to those model runs and is not reasonably within the scope of TIEC's modified request.

III. TIEC'S ASSERTIONS ABOUT THE REDACTED MATERIAL

TIEC makes a number of assertions about the redacted material that will not withstand scrutiny. For example, TIEC points to a single inconsistent redaction as evidence that "SCT has in fact failed to produce information responsive to TIEC 2-12" (bold print and italics omitted). Putting aside the fact that SCT produced an unredacted copy of the language cited by TIEC as proof about SCT's redactions, SCT worked hard to provide consistent and careful production of the information requested by TIEC 2-12. What the unredacted email attached to TIEC's Motion as Exhibit D does illustrate (by its reference to "SPP", an issue completely unrelated to the model runs presented in this case), is that the documents responsive to modified TIEC 2-12 contain a wide range of information, including responsive information intermingled with information that does not relate to the 2015 model discussed in Ms. Wolfe's testimony.

TIEC's Motion also suggests that it is possible to infer that redacted information is responsive based on its magnitude or proximity to unredacted information. That is simply speculation and is not correct, since the documents contain a variety of information, some of which relates to the 2015 model and some of which relates to other non-responsive subjects, such as evaluation of the possible ERCOT-MISO interconnection discussed above, or to analyses undertaken after the 2015 model was completed.

Wherefore, Southern Cross Transmission LLC respectfully requests that TIEC's Motion to Compel be denied. SCT will provide additional information, along with copies of the subject documents for in camera review, on Monday morning.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served by electronic mail, facsimile, hand-delivery, overnight delivery, or First Class U.S. Mail on Texas Industrial Energy Consumers on April 21, 2016.

R.A. Rima
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