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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

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PUBLIC UTILITY COMMISSION
BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**SOUTHERN CROSS TRANSMISSION LLC'S OBJECTIONS TO TEXAS INDUSTRIAL
ENERGY CONSUMERS' THIRD SET OF REQUESTS FOR INFORMATION**

Southern Cross Transmission LLC (SCT) files these objections to the Third Set of Request for Information (RFIs) from Texas Industrial Energy Consumers (TIEC).

I. INTRODUCTION

SCT received TIEC's Third Set of RFIs on April 20, 2016. Counsel for SCT and TIEC have attempted to negotiate these objections diligently and in good faith. The negotiations were unsuccessful. Pursuant to the SOAH Order No. 2, these objections are timely filed.

II. RESERVATION OF RIGHTS

Based on diligent inquiry, SCT believes that all necessary objections have been raised in this pleading. SCT does not; however, waive its right, if additional documents are subsequently found that are responsive to these requests, to claim that such documents are privileged if such an objection is determined to be appropriate.

III. OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

SCT objects to the definitions and instructions preceding TIEC's RFIs to the extent they attempt to impose requirements in excess of the applicable rules. SCT will respond to discovery in accordance with the Commission's rules, the Texas Rules of Civil Procedure, the Administrative Procedure Act and the Protective Order, as applicable.

IV. SPECIFIC OBJECTIONS

SCT objects to the following RFI:

TIEC 3-2

Please provide copies of the three reports referenced in SCT's response to TIEC 2-17.

Objection

SCT objects to this Request on the basis that SCT does not have the requested information within its possession, custody or control. See *In re Nat'l Lloyds Ins. Co.*, 449 S.W.3d 486 (Tex. 2014); *In re Allstate Cnty. Mut. Ins. Co.* 227 S.W.3d 667 669-70 (Tex. 2007).

While SCT does not have a superior right to the requested information, SCT has made reasonable efforts to facilitate the production of the requested information. Two of the three files requested by TIEC include Critical Energy Infrastructure Information ("CEII"). In addition to the protection provided by the Protective Order in this case, the disclosure of CEII requires a separate non-disclosure agreement. SCT has worked with ERCOT and with LCG to work out a solution whereby LCG has obtained reasonable assurance from ERCOT that it would not be violating its obligations as an ERCOT Digital Certificate Holder and that any further dissemination of information is pursuant to a non-disclosure agreement generally acceptable to ERCOT.

SCT believes that ERCOT will be able to provide a general assurance to LCG that will be satisfactory to permit LCG to allow SCT to obtain information responsive to TIEC 3-2 and SCT, in turn, to fully respond to TIEC's Request. At such time, SCT will withdraw its objection.

V. CONCLUSION

For the foregoing reasons, SCT respectfully requests that its objections to TIEC's Third Set of RFIs be sustained and that SCT be granted such other relief to which it has shown itself entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on Texas Industrial Energy Consumers on April 27, 2016 by electronic mail, facsimile, hand-delivery, overnight delivery, or First Class U.S. Mail.

Robert A. Rima

Robert A. Rima

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