



Control Number: 51023



Item Number: 446

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SOAH DOCKET NO. 473-21-0247  
PUC DOCKET NO. 51023

2021 JAN -7 AM 12

APPLICATION OF THE CITY OF SAN ANTONIO ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD (CPS ENERGY) TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED SCENIC LOOP 138-KV TRANSMISSION LINE

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**ANAQUA SPRINGS HOMEOWNERS' ASSOCIATION  
SECOND REQUEST FOR INFORMATION TO  
CITY OF SAN ANTONIO ACTING BY AND THROUGH  
THE CITY PUBLIC SERVICE BOARD**

Pursuant to 16 Tex. Admin. Code § 22.144 and the parties' agreements made at the prehearing conference, Anaqua Springs Homeowners' Association ("Anaqua Springs HOA") requests that City of San Antonio acting by and through the City Public Service Board ("CPS Energy") provide, within 15 days, the information requested in the attached Exhibit A.

Respectfully submitted,

By: Wendy K. L. Harvel

Ann M. Coffin  
State Bar No. 00787941  
Wendy K. L. Harvel  
State Bar No. 00796719  
C. Glenn Adkins  
State Bar No. 24103097  
Coffin Renner LLP  
1011 West 31<sup>st</sup> Street  
Austin, TX 78705  
(512) 879-0900  
(512) 879-0912 (fax)  
ann.coffin@crtxlaw.com  
wendy.harvel@crtxlaw.com  
glenn.adkins@crtxlaw.com

**ATTORNEYS FOR ANAQUA SPRINGS  
HOMEOWNERS' ASSOCIATION**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of January 2021, notice of the filing of this document was provided to all parties of record via the PUC Interchange pursuant to SOAH Order No. 3 issued in this docket.

  
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Wendy K. L. Harvel

## EXHIBIT A

### I. DEFINITION OF TERMS

The singular herein includes the plural and vice versa; the words “and” and “or” shall be construed as “and/or” in order to bring all information within the scope of the Request. The words, “each,” “all,” and “any,” mean “any and all” or “each and every.”

“Anaqua Springs and/or HOA” refers to Anaqua Springs Homeowners’ Association, a homeowners association owning real property that may be impacted by the proposed transmission routes.

“Application” means the Application filed as PUC Docket No. 51023.

“Commission” shall mean the Public Utility Commission of Texas.

“Communication” shall include all meetings, telephone calls, conversations, discussions, letters, memoranda, notes, and other forms of communication.

“Conservation Easement” refers to the easement in the study area owned or held by the Pond Foundation, the Nature Conservancy, and/or the United States.

“Document” or “Documents” is used in the broadest sense possible and shall mean documents within the possession, custody or control of CPS Energy, and includes, but is not limited to, every writing or record of every type and description, such as drafts, corrections, memoranda, letters, tapes, stenographic or handwritten notes, studies, publications, work papers, books, pamphlets, diaries, desk calendars, interoffice communications, records, reports, analyses, bills, receipts, checks, check stubs, checkbooks, invoices, requisitions, papers and forms filed with a court or governmental body, notes, transportation and expense logs, work papers, contracts, statistical and financial statements, corporate records of any kind, charts, graphs, pictures, photographs, photocopies, films, voice recordings, and any other written, recorded or graphic material, however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control. The term “document” also includes all electronic and magnetic data, including e-mail. The term “document” includes all copies of every such writing or record that are not identical copies of the original or that contain any commentary, notes, or markings that do not appear on the original.

“Including” means “including but not limited to” and “including without limitation.”

“Identify” means to state as much information as you now have or that is now subject to your control, or that you may hereafter come to have or that hereafter becomes subject to your control, including the following:

- a. when used in reference to a natural person, state the person’s full name, title, present (or last known) address, telephone number, occupation, present business affiliation or employer, business address, and exact duties and responsibilities of such individual;

- b. when used in reference to an entity, state the full name of the company, organization, association, partnership, or other business enterprise; and
- c. when used in reference to a document, state the date and title of the document and, if already produced in this case, the Bates-number of such document.

“Relate” or “relating to” includes referring to, mentioning, reflecting, containing, pertaining to, evidencing, involving, describing, discussing, responding to, supporting, opposing, constituting or being a draft, copy or summary of, in whole or in part.

“You” and “Your” refers to “CPS Energy” and/or City of San Antonio acting by and through the City Public Service Board, and includes any employees, agents, attorneys or consultants working directly or indirectly with CPS Energy, including, but not limited to, individuals, partnerships, associations, corporations or other legal or business entities, and any of the attorneys or law firms that purport to represent you in this case.

## II. INSTRUCTIONS

1. Each request herein extends to any documents or information in your possession and the possession of any of the attorneys or law firms that purport to represent you in this case.
2. Each and every non-identical copy of a document, whether different from the original because of indications of the recipient(s), handwritten notes, marks, attachments, marginalia, or any other reason, is a separate document that must be produced.
3. If you object to any portion of a request on the ground of privilege, answer the nonprivileged portion of the Request by providing such non-privileged information as is responsive.
4. If you object to any portion of a request on any ground other than privilege, you should still provide documents responsive to the remaining non-objectionable portion.
5. Separately for each request to which you object in whole or in part, describe in detail and itemize each basis of your objection.
6. If the basis of an objection to any request, or any portion thereof, is a statute, contract or other agreement, or any other obstacle to production that you claim is based in the law, please identify the basis of that purported obstacle with specificity.
7. Each request herein shall be construed independently, and no request shall be viewed as limiting the scope of any other request. Please indicate where any portion of your document production in response to a request has been covered in your production in response to another request, and please specify the request numbers at issue.
8. If you claim that any document responsive to any request is lost or destroyed, (a) identify and describe such document, (b) describe how the document was lost or destroyed, and (c) identify when the document was lost or destroyed.
9. If you claim that any documents responsive to any request are already in the possession of Anaqua Springs, please identify the document with sufficient specificity to allow Anaqua Springs to locate the document.
10. The requests shall be deemed continuing so as to require additional answers if, after answering such requests, you obtain information upon the basis of which you determine that the answer was incorrect when made, or you become aware that the answer, though correct when made, is no longer true, and the circumstances are such that failure to amend the answer is in substance a knowing concealment.
11. Any document that is withheld from production pursuant to a claim of attorney/client, work product, party communication or investigative privilege shall be identified and shall be segregated and maintained for in camera submission, and a list identifying such withheld documents shall be furnished at the time and place of production. Such list shall state with respect to each document: (a) the privilege under which the document is being withheld; (b) a description of the type of document; (c) a description of the subject matter and purpose of the document; (d) the date the document was prepared; (e) the author and/or signatory

of the document; (f) the identity of the persons to whom the document was sent; and (g) the present custodian of the document.

12. As part of the response to each request for information, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparation of the response. Please also state the name of the witness in this docket who will sponsor the answer to the request and may verify the truth of the response.

### **III. REQUESTS FOR INFORMATION**

#### **Anaqua Springs 2-1**

Please provide any and all documentation, notes, emails, calculations, etc. regarding CPS's evaluation of a substation located southwest of the location where Segments 16, 55 and 56 meet, as referenced in CPS's responses to Anaqua Springs RFI Nos. 1-21 & 1-22 and Jauer RFI No. 1-6.

#### **Anaqua Springs 2-2**

Please provide a detailed description, including length and a representative sketch of how CPS proposes to interconnect 10-12 distribution circuits to the intersection of Toutant Beauregard Road and Scenic Loop Road from Substation Site 7, including estimated costs to do so. Please reference the notes to Anaqua Springs RFI 1-16, notes provided in response.

#### **Anaqua Springs 2-3**

Please provide a detailed description, including length and a representative sketch of how CPS proposes to interconnect 10-12 distribution circuits to the intersection of Toutant Beauregard Road and Scenic Loop Road from Substation Site 6, including estimated costs to do so. Please reference the notes to Anaqua Springs RFI 1-16, notes provided in response.

#### **Anaqua Springs 2-4**

Please provide CPS's definition of engineering constraints as used in the Application.

#### **Anaqua Springs 2-5**

Regarding Segment 54, please provide the anticipated distance from the edge of the right-of-way to Habitable Structure Nos. 79, 178, 81, 85, 86, 87, 88 and 89 on the north side of Toutant Beauregard Road (EA Figure 4-1) and Habitable Structure Nos. 70, 72, 78, and 80 on the south side of Toutant Beauregard. Please provide a sketch or drawing showing anticipated ROW easement width, structure spacing and locations for Segment 54 given the need to follow the sharp curve in the road and proximity to housing. Is it accurate that in this stretch of 54, CPS plans to use a 75-foot right-of-way with structures spaced more closely together? If not, how will this segment be constructed?

#### **Anaqua Springs 2-6**

Regarding Segment 5, please provide the anticipated distance from the edge of the right-of-way to Habitable Structure No. 56 (EA Figure 4-1). Please provide a sketch or drawing showing anticipated ROW easement width, structure spacing and locations for Segment 5.



### **Anaqua Springs 2-7**

How many transmission structures does CPS anticipate will be located on Segment 14? How many structures on Segment 54, 36, and 20? And what will the approximate distance be between each structure, given the 75-foot right-of-way?

### **Anaqua Springs 2-8**

Please provide the estimated structure heights and conductor arms lengths for the portions of Segments 14, 54, 20, and 36 that are planned to have a 75 foot right-of-way.

### **Anaqua Springs 2-9**

If the transmission line were to fail during a storm and fall towards the houses within a 75 foot right-of-way on Segments 14, 54, 36, 20, and any other portions along Toutant Beauregard with 75 foot rights-of-way, are any houses within the fall radius of either the structures or conductors, given due regard to conductor sag being extended towards the houses?

### **Anaqua Springs 2-10**

What is the distance between the end of the nearest conductor arm and the closest edge of the houses, including the roof lines, on segments along Toutant Beauregard with 75 foot rights-of-way?

### **Anaqua Springs 2-11**

What is the estimated mid-span height above ground for the lowest conductor along Toutant Beauregard where there are 75-foot rights-of-way?

### **Anaqua Springs 2-12**

Please advise if homes, playground equipment, fences, metal roofing, gutters and downspouts, etc. along Toutant Beauregard where there is 75 foot right-of-way anticipated, including Segments 14, 54, 20, and 36, or any location where there is a planned 75 foot right-of-way would need cathodic protection grounding systems installed to protect inhabitants from induced currents?

### **Anaqua Springs 2-13**

Where has CPS included cathodic protection costs in its estimation of costs related to each transmission line segment proposed in this docket?

### **Anaqua Springs 2-14**

If cathodic protection is deemed to be necessary in the 75-foot right-of-way areas along Toutant, and the cathodic protection fails, what dangers exist for the homeowners?

### **Anaqua Springs 2-15**

Regarding CPS Energy's Response to Statements on Route Adequacy, Page 7, Paragraph No. 3, entitled "Segment 54," please describe in detail how CPS "avoids habitable structures to the extent reasonable" along Segment 54.

### **Anaqua Springs 2-16**

Regarding Substation Site 7, please provide a detailed sketch showing the dead-end transmission structure, the substation site, including fence and lights. Please describe the security lighting heights and wattage and the hours of illumination proposed for the Substation Site 7 or, if not yet proposed, typically used by CPS.

### **Anaqua Springs 2-17**

Please identify each habitable structure within 300 feet of the boundaries of Substation Site 7, and the specific distance from the habitable structure to the closest boundary of Substation Site 7.

### **Anaqua Springs 2-18**

Is the parcel on which Substation Site 7 located (Parcel No. A-078) zoned for industrial use? If so, does CPS anticipate applying for a zoning variation for Substation Site 7 if that substation site is selected?

### **Anaqua Springs 2-19**

Regarding CPS's response to Brad Jauer & BVJ Properties RFI 1-6 and Anaqua Springs RFI 1-22, please provide any and all documentation, notes, emails, calculations, etc. regarding a potential substation site at the node where Segments 56 and 16 meet.

### **Anaqua Springs 2-20**

Please provide the cost, length, and habitable structure count on a modified Route W as follows: Segments 44, 53, 47, 27, 57, and 56 with a substation located southwest of the node where Segments 56 and 16 meet. Please also provide the associated transmission line cost savings compared to Route W given its shorter length from eliminating Segments 16 and 50.

### **Anaqua Springs 2-21**

Regarding pre-open house Segment 45, EA paragraph 6.1.2 and Figures 2-2 and 6-15, please provide the specific engineering constraints that led to rerouting this segment.

### **Anaqua Springs 2-22**

Please provide a cost estimate for pre-open house Segment 45 compared to post open house Segments 45, 51 and 47. Given the elimination of many running angle structures and shorter

distance, any incremental construction access costs should be more than offset by the shorter and straighter configuration of pre-open house Segment 45. If landowner input was the reason for the changes, was any effort made to convey to the landowner that the revised configuration would cost significantly more to construct, any request made to contribute to extra costs? Please provide any and all correspondence, notes, etc. regarding this.

**Anaqua Springs 2-23**

Please provide the deliverables, including any and all related correspondence, associated with Power Engineers task 4.1, relating to a “composite opportunities and constraints map” that shows potentially significant changes to, among other things, human environment, along with any notes, reports or correspondence that further describes the identified opportunities and constraints.

**Anaqua Springs 2-24**

Please advise why Power Engineers task 7.6 initially only addressed the development of 6-10 primary alternative routes. Was it CPS’s opinion that this was a sufficient quantity for this project? Please provide all correspondence, notes, change orders, etc. regarding how these initial 6-10 primary routes were determined?

**Anaqua Springs 2-25**

Please provide the deliverables, including any and all related correspondence, associated with Power Engineers task 8.2 regarding mitigation planning and associated impact tables, including recommended mitigation measures to reduce project related impacts to acceptable levels.

**Anaqua Springs 2-26**

Please provide the deliverables, including any and all correspondence, associated with Power Engineers task 8.3 regarding identifying potential impacts of substations and any CPS mitigation measures.

**Anaqua Springs 2-27**

Please provide the CPS Scenic Loop project documents that CPS provided to Burns & McDonnell that formed the basis for Burns & McDonnell’s scope of work. Please refer to CPS response to Brad Jauer & BVJ Properties RFI 1-17, where the Burns & McDonnell proposal refers to documents, presumably provided by CPS, upon which their estimate and scope of work were based on.

**Anaqua Springs 2-28**

Please provide the CPS Scenic Loop project documents that CPS provided to Power Engineers that formed the basis for their scope of work tasks and estimated costs. If there was a Request for Proposal, please provide that as well.

**Anaqua Springs 2-29**

Please update any discovery responses that have changed due to the December 2020 Application Amendment.

**Anaqua Springs 2-30**

Please provide the identity and mailing addresses of the fee simple owners of the land in the study area that is impacted by the Ranchtown 139 kV transmission line.

**Anaqua Springs 2-31**

Please provide the approximate time period during which the right-of-way was first cleared for the distribution line that runs parallel to Segment 39.

**Anaqua Springs 2-32**

Please provide a copy of any and all written agreements made with any intervenors in this docket.

**Anaqua Springs 2-33**

Please provide the exact location of the boundaries of the historical site shown across Toutant Beaugard from Segment 36.

**Anaqua Springs 2-34**

Are there any engineering constraints that would prevent Segment 36 from being routed on the other (north) side of Toutant Beaugard from the node at Segments 20 and 32? If so, please provide supporting documentation.

**Anaqua Springs 2-35**

Would any habitable structures be located within 300 feet of the centerline of Segment 36 if Segment 36 were routed on the other side of Toutant Beaugard?

**Anaqua Springs 2-36**

Please advise what contingency plans are in place and what risks were considered when placing Segment 54 in such close proximity to Toutant Beaugard Road, including any safety features to protect the transmission poles and traveling public from vehicle/transmission pole accidents and the potential widening or other expansion of the roadway.

**Anaqua Springs 2-37**

Regarding pre-open house Segment 27, please provide the specific engineering constraints that led to rerouting this segment.

**Anaqua Springs 2-38**

Please indicate whether there are any engineering constraints that would prohibit amended Segment 26 from being routed through the preserved green space platted for development in the Canyons and then running to the west to join Segment 43. Please provide any documentation regarding those constraints. For reference, please see the attached plat map from the Bexar County Central Appraisal District website with hand-drawn line.

**Anaqua Springs 2-39**

Were the current landowners of properties within 300 feet of the centerline of amended Segment 26 provided notice of the amended application if those landowners are different individuals than the owners were at the time CPS filed its initial application?



