



Control Number: 51023



Item Number: 596

Addendum StartPage: 0

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 IN BEXAR COUNTY

§
§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

PUBLIC UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**OBJECTION AND MOTION TO STRIKE BY BEXAR RANCH, L.P.,
BY SAVE HUNTRESS LANE AREA ASSOCIATION, AND BY CLEARWATER RANCH POA
TO THE TESTIMONY OF STEVE CICHOWSKI ON BEHALF OF ANAQUA SPRINGS
HOMEOWNERS ASSOCIATION REFERRING TO "ROUTE R-1 MODIFIED"**

Intervenors BEXAR RANCH, L.P., SAVE HUNTRESS LANE AREA ASSOCIATION AND CLEARWATER RANCH POA (together, the "Movants") hereby file this OBJECTION AND MOTION TO STRIKE BY BEXAR RANCH, L.P., BY SAVE HUNTRESS LANE AREA ASSOCIATION AND BY CLEARWATER RANCH POA TO THE TESTIMONY OF STEVE CICHOWSKI ON BEHALF OF ANAQUA SPRINGS RANCH HOMEOWNERS ASSOCIATION REFERRING TO "ROUTE R-1 MODIFIED" (the "Objection and Motion to Strike") and respectfully show:

1. The Direct Testimony of Steve Cichowski on Behalf of Anaqua Springs Ranch (Item No. 590) refers to "Route R1 Modified".
2. No such "Route" exists in these proceedings.
3. Rather, Anaqua Springs Homeowners' Association (in various testimony), Brad Jauer, and BVJ Properties, LLC, and now their shared expert, Mark D. Anderson, have, at this late hour, concocted a "Route" that they prefer.
4. As shown below, this "Route" was introduced in a discovery request served by Anaqua Springs Homeowners Association on Applicant CPS Energy ("CPS").

5916

**CPS ENERGY'S RESPONSE TO ANAQUA SPRINGS HOMEOWNERS'
ASSOCIATION THIRD REQUEST FOR INFORMATION**

Anaquas Springs Question No. 3-1:

Please provide the cost, length, and habitable structure count on a modified Route R1 as follows: Substation 6, Segments 50, 15, 26a, 38 modified and renamed to 38a, and 43a, with modifications as shown on the attached exhibit.

Exhibit:



Response No. 3-1:

"Modified and renamed" segments "43a" and "38a" as shown on the exhibit are not segments included in CPS Energy's Application or Amended Application in this proceeding. CPS Energy has not identified, evaluated, or compiled data associated with these "modified" and "renamed" segments. Accordingly, CPS Energy does not have, and is therefore unable to provide, information responsive to this request.

Prepared By: Lisa B. Meaux
Sponsored By: Lisa B. Meaux

Title: Project Manager, POWER Engineers, Inc.
Title: Project Manager, POWER Engineers, Inc.

5. As shown above, CPS stated in its Response that it has not studied this "Route."¹ Indeed, this "Route" relies on "Segments" not included in the Application – "Segment 38a" and "Segment 43a." "Segment 38a" and "Segment 43a" and "Route R1

¹ See CPS Energy's Response to Anaquas Springs Homeowners' Association's Third Request for Information at No. 546.

Modified” are, therefore, not identified, not evaluated, not studied, not included in the Application, and not noticed.

6. Moreover, SAVE HUNTRESS LANE AREA ASSOCIATION (“SHLAA”) and CLEARWATER RANCH POA object to “Segment 38a” and do not consent to “Segment 38a” (which crosses their property).

7. BEXAR RANCH, L.P. objects to “Segment 43a” and does not consent to “Segment 43a” (which crosses its property).

8. Accordingly, the following testimony should be struck from the Direct Testimony of Steve Cichowski on Behalf of Anaqua Springs Ranch and otherwise given no evidentiary weight:

| Page:Line | Testimony | Basis |
|------------------|--------------------------------------|--|
| 4:7-10 | “A. Yes, ... R1 Modified, then” | Relevance |
| 4:18 | “I incorporate it here by reference” | Relevance (asserting same objection made to incorporated testimony referenced) |
| 7:17-21 | “However, ... then” | Relevance |
| 7:22-23 | “The modification ... Modified.” | Relevance |
| 18:3-8 | “However, ... modifications.” | Relevance |
| 18:13 | “If that ... then” | Relevance |
| 19:11 | “for Route R1 Modified” | Relevance |

9. Movants have previously and similarly filed Objections and Motions to Strike the Direct Testimony of (1) Sunil Dwivedi, M.D. on behalf of Anaqua Springs Homeowners’ Association; (2) Brad Jauer on behalf of Brad Jauer and BVJ Properties, LLC; (3) Mark D. Anderson on behalf of Anaqua Springs Homeowners Association, Brad Jauer, and BVJ Properties, LLC; and (4) Steve and Cathy Cichowski.

10. It is anticipated that additional testimony filed on the Interchange may include references to “Route R1 Modified” (or something similarly named). Accordingly,

this Objection is ongoing as to all such testimony that references “Route R1 Modified” and/or “Segment 38a” and/or “Segment 43a”.

PRAYER

WHEREFORE, PREMISES CONSIDERED, BEXAR RANCH, L.P., SAVE HUNTRESS LANE AREA ASSOCIATION AND CLEARWATER RANCH POA respectfully request that the Administrative Law Judges (1) sustain their objections; (2) grant their Motion to Strike the aforementioned testimony; and (3) grant them all other and further relief, both in law and in equity, to which Movants are justly entitled.

Respectfully submitted,

SPIVEY VALENCIANO, PLLC
McAllister Plaza – Suite 130
9601 McAllister Freeway
San Antonio, Texas 78216
Telephone: (210) 787-4654
Facsimile: (210) 201-8178

By: 

James K. Spivey
jkspivey@svtxlaw.com
State Bar No. 00794680
Soledad M. Valenciano
State Bar No. 24056463
svalenciano@svtxlaw.com

ATTORNEYS FOR BEXAR RANCH, L.P.

BRAUN & GRESHAM, PLLC
P.O. Box 1148 (Mailing)
Dripping Springs, Texas 78620
14101 Hwy. 290 W., Bldg. 1100
Austin, Texas 78737
512-894-5426 (telephone)
512-894-3405 (fax)

/s/Patrick L. Reznik
Patrick L. Reznik
State Bar No. 16806780
preznik@braungresham.com
Carly Barton
State Bar No. 24086063
cbarton@braungresham.com

**ATTORNEYS FOR CLEARWATER RANCH
POA**

CLARK HILL STRASBURGER
720 Brazos St. Suite 700
Austin TX 78701
(512) 499-3608
(512) 536-5718 (FAX)

/s/Thomas K. Anson
Thomas K. Anson (SBN 01268200)
512-499-3608/512-536-5718 (fax)
TAnson@clarkhill.com

ATTORNEY FOR SHLAA

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed in the records of Docket 51023 in the above-captioned proceedings, on this 1st day of March, 2021.



Soledad M. Valenciano