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Item Number: 615

Addendum StartPage: 0

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

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APPLICATION OF THE CITY OF § BEFORE THE STATE OFFICE
SAN ANTONIO TO AMEND ITS §
CERTIFICATE OF CONVENIENCE § OF
AND NECESSITY FOR THE §
SCENIC LOOP 138-KV TRANSMISSION § ADMINISTRATIVE HEARINGS
LINE IN BEXAR COUNTY §

**CPS ENERGY'S FIRST SET OF REQUESTS FOR
INFORMATION TO BEXAR RANCH, L.P.**

COMES NOW the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and requests that you provide the information and answer the attached questions under oath. It is further requested that the questions be answered in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

Instructions

Please answer the attached questions on separate pages and copy the question immediately above the answer to each question. Following each answer, please identify the witness or witnesses who will sponsor each of your answers at the hearing in this PUC Docket No. 51023. These questions are continuing in nature and, should there be a change in circumstances that would modify or change any of your answers, then, in such case, please change or modify such answer and submit such changed answer as a supplement to the original answer within five (5) working days of your discovery that such change or modification is appropriate.

In answering these requests for information, you are requested to furnish such information as is available to you, including information which you are able to obtain by due diligence from your present or former attorneys, accountants, investigators, consultants, employees, agents, and persons acting on your behalf. **To the extent any information responsive to a general question is also responsive to another more specific question, provide the information in response to the more specific request.**

If you are unable to answer any request fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such request as fully and completely as you can and to specify the portions which you are unable to answer in such request. In addition to specifying those portions, you are to state with regard to each portion:

615

1. The fact on which you base the contention that you are unable to answer that portion;
2. The knowledge, information, and belief you have concerning that portion; and
3. The acts done and inquiries made by you in attempting to answer such request.

The singular includes the plural and the plural includes the singular.

Masculine, feminine, or neuter pronouns do not exclude the other genders.

The words “document” and “documents” have the broadest meaning that can be ascribed to them pursuant to the Texas Rules of Civil Procedure. Among other things, the words “document” and “documents” mean the final form and **all drafts and revisions of any kind** of written or graphic matter, original or reproduced copy, however produced or reproduced, of any kind and of every kind, and all copies there from that are different in any way from the original regardless of whether designated “confidential,” “privileged,” or otherwise restricted. Without limiting the generality of the foregoing, the words “document” and “documents” also include information stored or maintained on, or which could be reproduced from, any form of storage or storage device including, without limitation, film, microfilm, computer printout, disk or diskette, magnetic tape, cassette, phonographic disc, videotape, compact disk, DVD, or similar means.

The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within each request all documents which might otherwise be construed as outside its scope.

The words “communication” and “communications” include, without limitation of their generality, both written and oral: statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia. These words include, without limitation of their generality, both communications and statements that are face-to-face and those that are transmitted by any writing or document or by media such as intercoms, telephones, television or radio. These words also include any communications and statements that are transmitted electronically or wirelessly, through means such as, but not limited to, email or text messages.

The words “identify” and “identification,” when used with respect to a natural person or persons, mean to state the name, address(es) and telephone number(s) of each such

person. If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “identification,” when used in reference to a person other than a natural person, mean to set forth its:

- (1) full name or title;
- (2) nature or organization, including the state under which the same was organized or incorporated;
- (3) address and telephone number (with area code prefix); and
- (4) principal line of business.

If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “describe,” when used in reference to a fact, mean to state not only the fact itself, but also:

- (1) its date, time, and place;
- (2) the name, address, and telephone number of each person with knowledge of the fact;
- (3) whether the act is supported by an oral communication, a document, or other event; and
- (4) any other evidence that supports such fact.

The words “identify” and “identification,” when used in reference to a document, mean to state:

- (1) its date;
- (2) its author;
- (3) its addressee;
- (4) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegram, chart, photograph, etc.); and
- (5) its present location and identity of its custodian. If any document was, but is no longer, in your possession, custody, or control, or is no longer in existence, explain why.

If any of the foregoing information is not available, state any other available means of identifying such document. If a document is one of a series of pages contained in a book,

pamphlet, binder, folder, microfilm (or other storage device), include in your identification of such document(s) any available numerical reference (or other aid) to the pages and line or other portion thereof at which the information referred to can be found. A true and correct copy of any document may be produced and filed with your Answers hereto in lieu of the above information.

The words “identify” and “describe,” when used with respect to an oral communication, mean:

- (1) to state the substance of each such oral communication;
- (2) to state the exact words used by each person participating in the oral communication;
- (3) to identify each speaker;
- (4) to identify each person present at the making or reception of such oral communication;
- (5) to specify the date, time, and place of each oral communication;
- (6) to identify each person repeating such oral communication;
- (7) to identify every document which records, memorializes, or relates to all or part of such communication; and
- (8) to identify the mode of such communication (e.g., telephone, face-to-face, etc.).

The words “person” and “persons” as used herein, mean all individuals and entities, and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other entities.

The words “relate,” “related,” “relates,” and “relating,” as used herein, mean involving, relating to, referring to, having any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part.

All computer readable data should be provided on the ShareFile site for this Project. CPS Energy will provide upload access to any party upon request before time for your response.

If you have any question concerning the attached Questions or any of these instructions, please contact Kirk Rasmussen at (512) 236-2310.

Unless the specific question permits a longer time period, answers to this Request for Information should be served on CPS Energy and filed with the Public Utility Commission of

Texas within 10 calendar days of your receipt of said request. Service on CPS Energy should be made electronically to Mr. Rasmussen at krasmussen@jw.com. Physical service can be made to Mr. Rasmussen at the following address:

Kirk Rasmussen
Jackson Walker LLP
100 Congress Ave., Suite 1100
Austin, Texas 78701

Respectfully submitted,

/s/ Kirk D. Rasmussen

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ATTORNEYS FOR CPS ENERGY

CERTIFICATE OF SERVICE

I certify that a copy of this document has been hand delivered or sent via facsimile transmission to all parties of record in this proceeding on this 9th day of March, 2021.

/s/ Kirk D. Rasmussen

Kirk D. Rasmussen

ADDITIONAL DEFINITIONS

1. The words “Bexar Ranch,” “you,” and “your” refer to Bexar Ranch, L.P., and any and all of its attorneys, employees, consultants, contractors, or representatives.
2. “Project” means the proposed transmission project that is the subject of the application in this docket.
3. The words “CPS Energy” and “Applicant” refer to the City of San Antonio, acting by and through the City Public Service Board.
4. “PUC” or “Commission” means the Public Utility Commission of Texas.
5. “POWER” means POWER Engineers, Inc.
6. “EA” or “Environmental Assessment” collectively includes the *Scenic Loop 138 kV Transmission Line and Substation Project Environmental Assessment and Alternative Route Analysis, Bexar County, Texas* and the *Scenic Loop 138 kV Transmission Line and Substation Project Environmental Assessment and Alternative Route Analysis AMENDMENT Bexar County, Texas*, both of which were prepared by POWER.
7. “This docket” refers to PUC Docket No. 51023 / SOAH Docket No. 473-21-0247.

QUESTIONS

- 1.1 Identify all witnesses who are providing testimony on behalf of Bexar Ranch as fact witnesses.
- 1.2 Identify all witnesses who are providing testimony on behalf of Bexar Ranch as an expert pursuant to the Texas Rules of Evidence 702 who is qualified by knowledge, skill, experience, training, or education regarding the subject of their testimony. For all experts identified, provide the specific subject area the witness is qualified to provide expert testimony and a detailed explanation of the basis for the qualification.
- 1.3 For all witnesses identified as “expert witnesses” in response to Question 1.2, provide:
 - a. the expert’s name, address, and telephone number;
 - b. the facts known by the expert that relate to or form the basis of the expert’s mental impressions and opinions formed or made in connection with this docket;
 - c. the expert’s mental impressions and opinions formed or made in connection with this docket, and any methods used to derive them;
 - d. any bias of the witness;
 - e. all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony in this docket;
 - f. a listing of all proceedings in which the expert provided testimony;
 - g. the expert’s current resume and bibliography.
- 1.4 Identify all consulting experts whose mental impressions or opinions have been reviewed by an expert testifying on behalf of Bexar Ranch. For each consulting expert identified, provide the expert’s name and address.
- 1.5 Identify all proceedings before any regulatory body or court where any expert witness for Bexar Ranch provided consulting services to a utility applicant in the identification of possible transmission line routes. As applicable, identify the proceeding by docket number and provide a copy of any testimony and report that relied on the witness’s consulting services. For any proceedings identified, fully describe the specific nature of the consultation provided.
- 1.6 For each site reconnaissance visit performed by an expert witness for Bexar Ranch in this proceeding:

- a. Identify the date and approximate time spent on each visit.
 - b. Provide all field notes taken during the visit, including any photographs taken for or by the expert witness.
 - c. Identify all persons in attendance with the witness during the visits.
 - d. Generally describe the areas visited and identify any private property that was accessed during such visits.
- 1.7 Identify any experience, education, or training Ms. Sarah Bitter has in designing, planning, or constructing transmission lines.
- 1.8 Identify in detail the specific concerns Ms. Sarah Bitter has “regarding the safety of CPS personnel and contractors” and the basis for such concerns.
- 1.9 Identify any experience, education, or training Ms. Sarah Bitter has regarding the impact of the construction of a transmission line upon vegetation or wildlife.
- 1.10 Identify all ways in which a transmission line would prevent native plants from thriving or wildlife from roaming freely on the Bexar Ranch.
- 1.11 Identify the basis for, and provide all studies or documents that Ms. Sarah Bitter relies on for, the testimony that she is concerned that “the clearing and grading that will be necessary to build the new 100-foot right of way during construction would inhibit, obstruct, or change the natural flow” of springs on the Bexar Ranch property.
- 1.12 Identify all ways in which “the construction and ongoing maintenance of the proposed transmission line doesn’t align with” the goal of preserving and protecting the Bexar Ranch property.
- 1.13 Mr. Michael Bitter states that each of Segments 43, 44, and 45 cross over, through or near some of the most beautiful and/or sensitive areas of your property. Please identify all corridors, at least 100 feet wide, through the Bexar Ranch property that do not “cross over, through or near some of the most beautiful and/or sensitive areas” of the property.
- 1.14 Identify the basis for, and provide all studies or documents that Mr. Michael Bitter relies on for, the testimony that “the clearing of a heavily wooded area for the transmission line will cause erosion that will drain into the lake” on the Bexar Ranch property.
- 1.15 Identify the basis for, and provide all studies or documents that Mr. Michael Bitter relies on for, the testimony that many of the roads on your property “are impassable by CPS vehicles and equipment necessary for line installation.”

- 1.16 Identify any experience, education, or training Mr. Michael Bitter has in designing, planning, or constructing transmission lines.
- 1.17 Identify the specific concerns Mr. Michael Bitter has “regarding the safety of CPS personnel and contractors” and the basis for such concerns.
- 1.18 Identify any experience, education, or training Mr. Michael Bitter has regarding the impact of the construction of a transmission line upon vegetation or wildlife.
- 1.19 Identify the basis for, and provide all studies or documents that Mr. Michael Bitter relies on for, the testimony that this transmission line could undermine the City of San Antonio’s efforts to pursue the Bexar Ranch for the city’s Aquifer Protection Program.
- 1.20 For Segments 43, 44, and 45, identify for each segment the features each segment should have been routed parallel and adjacent to so as to avoid the alleged “fragmentation” discussed in Dr. Turnbough’s testimony regarding these segments; also, identify the lengths for use of compatible ROW for each segment, if each had been routed parallel and adjacent to such features identified in your answer.
- 1.21 Does Dr. Turnbough agree that Commission Substantive Rule 25.101(b)(3)(B) requires utilities to consider whether transmission line routes parallel natural or cultural features?
- 1.22 What does Dr. Turnbough consider to be a natural or cultural feature in the context of Commission Substantive Rule 25.101(b)(3)(B)?
- 1.23 Identify all natural or cultural features on the Bexar Ranch that could be considered for paralleling under Commission Substantive Rule 25.101(b)(3)(B)