



Control Number: 51023



Item Number: 630

Addendum StartPage: 0

SOAH DOCKET NO. 473-21-0247

PUC DOCKET NO. 51023

2021 MAR 12 AM 10:35

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 § BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**ANAQUA SPRINGS HOMEOWNERS' ASSOCIATION  
FIRST REQUEST FOR INFORMATION AND  
ADMISSIONS TO BEXAR RANCH, L.P.**

Pursuant to 16 Tex. Admin. Code § 22.144 and SOAH Order No. 3, Anaqua Springs Homeowners' Association ("Anaqua Springs HOA") requests that Bexar Ranch, L.P. ("Bexar Ranch") provide, within 10 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**

630

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of March 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.

  
\_\_\_\_\_  
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.

“Document” or “Documents” is used in the broadest sense possible and shall mean documents within the possession, custody or control of Bexar Ranch, 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 “Bexar Ranch” 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 1-1**

Please provide the amount of Golden-Cheeked Warbler habitat crossed by Segment 43 and the locations along Segment 43 that include this habitat.

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

Please provide any communications with CPS or any other individual regarding the modification of Segment 43 made after the open house.

#### **Anaqua Springs 1-3**

Please provide your understanding of the engineering constraints that required the rerouting of Segment 43.

#### **Anaqua Springs 1-4**

Please provide a list, including location, of all habitable structures on your property within 300 feet of Segment 43.

#### **Anaqua Springs 1-5**

Please provide a list, including location, of all habitable structures on your property within 600 feet of Segment 43.

#### **Anaqua Springs 1-6**

Please provide a list of all individuals who reside full time on Bexar Ranch L.P. property and their occupations.

#### **Anaqua Springs 1-7**

Please refer to the direct testimony of Michael Bitter, page 9, line 11. Please provide all documentation regarding the designation of wildlife sanctuary, including but not limited to the federal, state, local, or non-profit/non-governmental entity that has designated the ranch a wildlife sanctuary, the precise boundary lines for the wildlife sanctuary, and all other information regarding such designation.

#### **Anaqua Springs 1-8**

Please provide the approximate number of heads of cattle currently on Bexar Ranch.

#### **Anaqua Springs 1-9**

Please provide all documentation regarding communications related to the rerouting of Segment 43 after the open house.



**Anaqua Springs 1-10**

Please indicate the relationship of Vince Terracina to Bexar Ranch.

**Anaqua Springs 1-11**

Please provide the occupation of every individual who has filed testimony on behalf of Bexar Ranch.

**Anaqua Springs 1-12**

Please provide the location of each habitable structure, as the term is used in CPS's Application, on Bexar Ranch.

**Anaqua Springs 1-13**

Please provide the location of the house currently under construction and the date construction started, as referenced in the testimony of Sarah Bitter.

**Anaqua Springs 1-14**

Admit or deny that you currently have no conservation easement, wildlife management designation, aquifer recharge zone, or any similar designation of any kind on Bexar Ranch. If the answer is anything other than admit, please provide all documentation related to the claimed designation.

**Anaqua Springs 1-15**

Refer to the top of page 8 of Mark Turnbough's direct testimony. Please provide a copy of any data or report that was created as a result of Mr. Turnbough's work for the Edwards Aquifer Authority.

**Anaqua Springs 1-16**

Please provide all documentation supporting the claim in Michael Bitter's testimony that "We are currently in the process to be considered for the City of San Antonio's Aquifer Protection Program."

**Anaqua Springs 1-17**

Please provide all documentation supporting the contention in Michael Bitter's testimony at page 26, line 21- page 27, line 2 that Bexar Ranch is already burdened with a CPS transmission line.

**Anaqua Springs 1-18**

Refer to page 13 of Sarah Bitter's testimony. Please provide all documentation showing that you are "considering" a conservation easement.

**Anaqua Springs 1-19**

Please provide all communications with CPS regarding the location of segments on Bexar Ranch.

**Anaqua Springs 1-20**

Refer to the testimony of Mark Turnbough at page 23. Admit or deny that the transmission line could be constructed on Segment 43, 44, or 45, but not using all three.

**Anaqua Springs 1-21**

Please identify and provide all communications between Mr. Turnbough and counsel for Bexar Ranch, Clearwater Ranch, Save Huntress Lane Association, or the Chandlers.