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Addendum StartPage: 0

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

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PUBLIC UTILITIES DIVISION

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 TO
CLEARWATER RANCH POA**

Pursuant to 16 Tex. Admin. Code § 22.144 and SOAH Order No. 3, Anaqua Springs Homeowners' Association ("Anaqua Springs HOA") requests that Clearwater Ranch POA ("Clearwater") provide, within 10 days, the information requested in the attached Exhibit A.

Respectfully submitted,

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**ATTORNEYS FOR ANAQUA SPRINGS
HOMEOWNERS' ASSOCIATION**

WSS

CERTIFICATE OF SERVICE

I hereby certify that on this 12th 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 Clearwater, 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 “Clearwater Ranch POA”, and includes any witness who has filed testimony on behalf of Clearwater Ranch POA, employees, agents, attorneys or consultants working directly or indirectly with Clearwater, 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 a list of all Clearwater Ranch witnesses who do not have a habitable structure within 300 feet of the proposed transmission line and are not crossed by the proposed line.

Anaqua Springs 1-2

Please provide all documentation showing that the individuals who filed testimony on behalf of Clearwater Ranch POA have the authority to speak on behalf of the POA.

Anaqua Springs 1-3

For the witnesses who testified regarding Segment 42a and Sarah McAndrew Elementary, please provide your understanding of the distance between Segment 42a and the closest areas where elementary school children play.

Anaqua Springs 1-4

Please provide all documentation showing the habitable structures completed in Clearwater Ranch at the time of the open house in October 2019.

Anaqua Springs 1-5

For the Garouttes. Please provide any documentation that the routing of the transmission line would not permit your property to be included in the wildlife tax exemption program.

Anaqua Springs 1-6

On Page 6, line 38, of Francis and Marianna VanWisse's testimony, they claim to have a well is within "the 100 ft boundary of the proposed construction line."

- How was the distanced measured?
- For what purposes is the well currently used?
- Is the well permitted or registered? If so, please provide copies of each permit and registration.
- Please provide the driller's logs for the well and any other documents that you have related to it.

Anaqua Springs 1-7

Please list each witness testifying for Clearwater Ranch who has either a habitable structure within 300 feet of the transmission line or is crossed by the transmission line, and please indicate whether each witness has one or both.

Anaqua Springs 1-8

Please provide all documentation showing registered wildlife tax exemptions or conservation easements in Clearwater Ranch, including the dates any such exemptions or easements were claimed or recorded.

Anaqua Springs 1-9

Please provide all agreements between you and CPS.

Anaqua Springs 1-10

Please provide all communications regarding agreements or any agreements between or among you, Save Huntress Lane Area Association, Bexar Ranch and/or the Chadler and Putnam parties.

Anaqua Springs 1-11

Admit or deny that no homeowners in Clearwater ranch are directly impacted by any route using Substation 6 and running south on Segment 16.