



Control Number: 51023



Item Number: 636

Addendum StartPage: 0

RECEIVED

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 SCENIC LOOP 138-KV §
TRANSMISSION LINE IN BEXAR §
COUNTY, TEXAS §

BEFORE THE

2021 MAR 12 PM 12:07

PUBLIC UTILITY COMMISSION
FILING CLERK

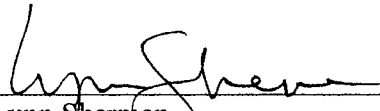
PUBLIC UTILITY COMMISSION

OF TEXAS

**BRAD JAUER'S & BVJ PROPERTIES, L.L.C.'S
FIRST SET OF REQUESTS FOR INFORMATION TO
BEXAR RANCH, L.P.**

Pursuant to 16 Tex. Admin. Code § 22.144 and the Parties' agreements made at the prehearing conference (the "Parties Agreements"), Brad Jauer and BVJ Properties, L.L.C. ("Jauer") request Bexar Ranch, L.P. provide, within the ten-calendar-days stipulated in SOAH Order No. 8 (Footnote No.3), the information requested in Attachment A.

Respectfully submitted,

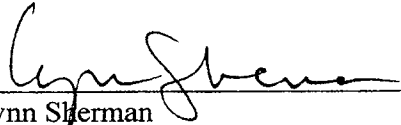


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10700

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.



Lynn Sherman

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.”

“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, L.P., 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, L.P.”, and includes any employees, agents, attorneys or consultants working directly or indirectly with Bexar Ranch, L.P., 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 Brad Jauer and BVJ Properties, L.L.C., please identify the document with sufficient specificity to allow Brad Jauer and BVJ Properties, L.L.C. 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

Jauer RFI 1-1

In regard to each of the two man-made lakes mentioned on page 9 of Michael W. Bitter's testimony, please provide answers to the following questions:

- When was the lake and its dam, if any, constructed?
- Where is the lake located on the property?
- What is its source of water: spring water, groundwater pumped from a well, and/or surface water from a stream, creek, river, or other pond or lake?
- Is any dam associated with the lake erected within the course of a stream, creek, river, and/or the outlet of one or more springs (e.g., "Morales dam" and "Morales Springs")? If so, please identify the stream, creek, river and/or spring(s).
- Is the lake and any associated dam(s) permitted, and, if the lake has one or more associated dam(s), when was each dam last inspected? Please provide all permits (including amendments) associated with the lake and any associated dam(s), and please provide all inspection reports related to the lake and its associated dam.

Jauer RFI 1-2

How many dams are located on the property, in addition to any dams identified in response to Jauer RFI-1? In regard to each responsive dam, please provide answers to the following questions:

- When was the dam constructed?
- Where is it located on the property?
- What is the source of water stored behind the dam: spring water, groundwater pumped from a well, and/or or surface water from a stream, creek, river, or other pond or lake?
- Is the dam erected within the course of a stream, creek, river, and/or the outlet of one or more springs? If so, please identify the stream, creek, river and/or spring(s).
- Is the dam permitted and when was it last inspected? Please provide all permits (including amendments) associated with the dam, and please provide all inspection reports related to it.

Jauer RFI 1-3

On page 11 of Michael W. Bitter's testimony, he lists numerous "improvements on the property". Please provide answers to the following related to improvements on the property:

- How many miles of fencing are on Bexar Ranch? Please break your answer into two categories: perimeter fencing and cross fencing, and please specify how many miles of each category are high-fenced.
- How many miles of roads (including two-track roads) are on Bexar Ranch?
- How many livestock tanks are on Bexar Ranch?
- How many cisterns are on Bexar Ranch?

- How many water wells are on Bexar Ranch?
- How many cattle pens are on Bexar Ranch?
- How many barns and outbuildings are on Bexar Ranch?
- How many houses are on Bexar Ranch?

In regard to the water wells, cattle pens, barns, outbuildings and houses, please indicate where each is located on the Bexar Ranch property.

Jauer RFI 1-4

Regarding each water well located on Bexar Ranch:

- 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.
- Please specify the purpose(s) for which the well is currently used.

Jauer RFI 1-5

How many head of cattle, sheep, Angora goats, and/or any other livestock are on Bexar Ranch both currently and on average annually? Are there any exotic game/animals on the property? If so, what breeds and how many.

Jauer RFI 1-6

How many total acres of Bexar Ranch are in cultivation of any kind, currently and on average annually in the past? In addition, please breakdown your answer by acreage under cultivation according to crop type (again both currently and on average annually in the past).

Jauer RFI 1-7

How many total acres of Bexar Ranch are under lease for hunting, currently and on average annually in the past? Please indicate the types of wildlife that are/were subject to the hunting lease(s) that are or have been in existence.

Jauer RFI 1-8

Has the Bitter family and/or other owner(s) of Bexar Ranch sold any property in Bexar County within the last 20 years? If so, please indicate when and the amount of the acreage that was sold.

Jauer RFI 1-9

Has any member of the Bitter family and/or other owner(s) of Bexar Ranch ever been involved in property development (commercial, industrial or residential)? If so, please state whom, when, and detail their experience.

Jauer RFI 1-10

Please itemize the ranching facilities on Bexar Ranch, including but not limited to: barns, holding pens, traps, corrals, cattle chutes, fences, electric fences, watering troughs, feeding stations, salt licks, scratching posts.

Jauer RFI 1-11

On page 25 of Michael W. Bitter's testimony, he states, "We are currently in the process to be considered for the City of San Antonio's Aquifer Protection Program, known as the 'APP'." When was the application submitted or consideration otherwise initiated for Bexar Ranch? Please produce all documents and communications related to Bexar Ranch's consideration for the City of San Antonio's Aquifer Protection Program.

Jauer RFI 1-12

Admit or deny that a transmission line can be constructed on Bexar Ranch property in such a manner so as not to negatively impact the Edwards Aquifer.

Jauer RFI 1-13

Admit or deny that all of CPS Energy's study area for this matter is over the Edwards Aquifer contributing zone.

Jauer RFI 1-14

Please provide the square footage and estimated date of completion on the house that is currently under construction on the property.

Jauer RFI 1-15

How far away are Bexar Ranch headquarters from segment 43?

Jauer RFI 1-16

How long is the "main road" leading from State Highway 16 to the ranch headquarters?

Jauer RFI 1-17

Admit or deny that Morales Springs is located south of Chimenea Creek.

Jauer RFI 1-18

Please provide the locations of each of the identified or known springs on Bexar Ranch, by GPS /longitude and latitude (or similar means), or by drawing them on figure 4-1 of Attachment 1 of the EA.

Jauer RFI 1-19

Admit or deny that segment 43 does not cross Chimenea Creek.

Jauer RFI 1-20

Please specify each spring that segment 43 crosses.