



Control Number: 51023



Item Number: 683

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APPLICATION OF THE CITY OF §
SAN ANTONIO, ACTING BY AND § BEFORE THE STATE OFFICE
THROUGH THE CITY PUBLIC §
SERVICE BOARD (CPS ENERGY) TO § OF
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY § ADMINISTRATIVE HEARINGS
FOR THE PROPOSED SCENIC LOOP §
138-KV TRANSMISSION LINE §

OBJECTIONS OF TOUTANT RANCH, LTD., ASR PARKS, LLC, PINSON INTERESTS LTD. LLP, AND CRIGHTON DEVELOPMENT CO. TO STEVE CICHOWSKI'S FIRST SET OF REQUESTS FOR INFORMATION

I. INTRODUCTION

Toutant Ranch, Ltd., Pinson Interests Ltd. LLP, ASR Parks, LLC, and Crighton Development Co. (collectively "Developers") file the following objections to the First Set of Requests for Information ("RFIs") to Developers filed by Steve Cichowski. Those RFIs were filed at the Commission and received on March 11, 2021. Accordingly, these objections are timely filed.

II. OBJECTIONS TO STEVE CICHOWSKI'S FIRST SET OF RFIs

RFI 1-8 Refer to page 3, lines 14-16 and Exhibit 1 to the testimony of Mr. Dreiss.

- a. What is the anticipated total cost to Developers as measured by the value of right of way donations, discounted right of way values, and loss of remainder damages, should the Commission select a Route that utilizes Segments 42,42a, 46,46a, and 49a as those segments are identified on Exhibit A to the Agreement.

OBJECTION:

Developers object that RFI 1-8(a) is irrelevant. The Preliminary Order in this proceeding calls out compensation for right-of-way or condemnation of property as an issue *not* to be addressed in this proceeding.¹ Additionally, the total cost to Developers of entering into their agreement with CPS does not impact the Commission's routing analysis. That issue is distinct from the total cost of each routing option available to the Commission following Developers'

¹ See Docket No. 51023, Order of Referral and Preliminary Order at 6 (Sept. 9, 2020).

agreement with CPS, and information on that second issue is available in CPS's Amended Application.

- RFI 1-9** Refer to page 2, lines 5-8, and Exhibit 1 of Mr. Dreiss's testimony.
- a. Have Developers or ASR Parks, LLC offered to donate right of way for any segment in the study area other than the segments identified in the Agreement.
 - b. If the answer is yes, please identify those segments.
 - c. If the answer is no, do you contend that you are prevented from doing so by the Agreement.

OBJECTION:

Developers object that RFI 1-9 is irrelevant. Any offers to donate right-of-way or related discussions are irrelevant to the Commission's routing determinations unless and until those discussions result in formal route modification agreements. Discussions regarding potential right-of-way donations do not impact any fact that the Commission will evaluate as part of its routing analysis.

- RFI 1-14** Refer to Exhibit 1 (the Agreement) to the testimony of Mr. Dreiss.
- a. Do Developers and/or ASR Parks LLC believe that the terms of the Agreement prohibit them from negotiating the case in the context of a settlement conference or mediation?
 - b. Do Developers and/or ASR Parks LLC believe that the terms of the Agreement prohibit them from agreeing to any settlement that does not utilize Segments 49 and 49a?
 - c. Do Developers and/or ASR Parks LLC believe that the terms of the Agreement prohibit them from agreeing to any settlement that does not utilize Segment 46?
 - d. Do Developers and/or ASR Parks LLC believe that the terms of the Agreement prohibit them from participating in a settlement conference or mediation in any manner other than supporting some combination of segments 46/46a/46b/49a?
 - e. Do Developers and/or ASR Parks LLC believe that the terms of the Agreement prohibit them from agreeing to any settlement that does not utilize Segment 64?

OBJECTION:

Developers object to RFI 1-14 as irrelevant. Developers' beliefs regarding their ability to participate in settlement discussions do not impact any fact that the Commission will evaluate as part of its routing analysis.

III. CONCLUSION

For the foregoing reasons, Developers request that their objections be sustained.

Respectfully submitted,

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**ATTORNEYS FOR TOUTANT RANCH, LTD.,
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CERTIFICATE OF SERVICE

I, Michael McMillin, Attorney for Toutant Ranch, Ltd., ASR Parks, LLC, Pinson Interests Ltd. LLP, and Crighton Development Co., hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 22nd day of March, 2021 by electronic mail, facsimile and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Michael McMillin

Michael McMillin