



Control Number: 51023



Item Number: 714

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DEFINITIONS

1. “Staff” refers to the Staff of the Public Utility Commission of Texas including without limitation, attorneys, agents, advisors, investigators, representatives, employees, and its testifying witness(es) in the above-cited proceedings.

2. “You” and “your” refers to the party to which this discovery is directed.

3. “Concerning” means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.

4. “Documents” as used in this request means all the following: Any writing in your custody, possession, or control or in the custody or control of your servants, employees, attorneys or other agents, or known to you – whether printed, recorded, reproduced by any process, or written or produced by hand – including, but not limited to, letters, reports, agreements, communications (including intra-company communications), correspondence, email, telegrams, memoranda, summaries of records of personal conversations, diaries, forecasts, photographs, tape recordings, computer documents, computer folders, computer data, models, statistical statements, graphs, laboratory and engineering reports and notebooks, charts, plans, drawings, minutes or records of meetings including directors’ meetings, minutes or records of conferences, reports and/or summaries of interviews, reports and/or summaries of investigations, opinions or reports of consultants, appraisals, records, spreadsheets, reports, or summaries of negotiations, brochures, pamphlets, advertisements, written proposals or solicitations, circulars, trade letters, press releases, drafts of any documents, revisions of drafts of any document,

invoices, receipts and original or preliminary notes, contracts, documents, correspondence, memoranda, notes, calendars, datebooks, messages, letters of credit, financial statements, promissory notes, guaranties, guaranty agreements, security agreements, deeds of trust, instruments purporting to grant or evidence any security interest, or lien, loan agreements, passbooks, credit and debit memoranda, monthly or periodical statements of accounts, certificates of deposit and other evidence of deposits, financial statements, and stock certificates, photographs, maps, topographical maps, sales summaries, graphs, charts, written or electronic images, audio or video depictions, and power-point or other graphic presentations or displays.

5. "Application" or "Amended Application" means the application by CPS ENERGY to amend its certificate of convenience and necessity in PUC Docket No. 51023, including all amendments.

6. "Proceeding" or "proceedings" means PUC Docket No. 51023.

7. "Route" or "Routes" in these requests refer to the routes that CPS Energy has (1) included in its Application, as amended, and/or (2) compiled information for in response to Intervenor's Requests for Information using noticed segments included in the Application, as amended.

8. "Route AA2" is described in CPS Energy's Supplemental Response to Lisa Chandler's First Request for Information, Question 1-1a.

9. "Dreico Routes" 1, 2, 3, 4, 5 and 6 are described in CPS Energy's Response to Toutant Ranch, Ltd., ASR Parks, LLC, Pinson Interests Ltd. LLP, and Crighton Development Co.'s First Requests for Information to CPS Energy, Dreico Companies Request 1-1.

10. The term “2008 Warbler Survey” means the 2008 “Golden-Cheeked Warbler Survey for CPS Energy’s Cagnon-Kendall 345-kV Transmission Line” prepared for CPS Energy by BPS&J which was produced by Bexar Ranch in these proceedings.

11. The timeframe of these requests is the past 36 months.

12. References to Table 4-1 include all such tables prepared by CPS Energy.

FIRST REQUESTS FOR INFORMATION AND FOR ADMISSIONS

1. Admit that John Poole has not conducted a physical inspection of the study area for these proceedings. The study area is defined in the Application.
2. If you deny Request No. 1 above, produce copies of field notes and/or photographs of site visits conducted by John Poole of the study area for these proceedings.
3. Admit that John Poole has never been on Bexar Ranch.
4. Admit that John Poole has not done a physical inspection of the property or location identified for Substation Site 6.
5. Admit that John Poole has not done a physical inspection of the property or location identified for Substation Site 7.
6. On page 23, Ln. 14-15 of John Poole's Direct Testimony, Mr. Poole states that "Route P has only 12 habitable structures within 300 of the centerline of its segment . . ." Admit or deny that Mr. Poole did not include in his Route P habitable structure count, the three structures along Segment 15 identified on page 6 and at Attachment E of the Direct Testimony of Cynthia Grimes, David Clark and Jerry Rumpf, which can be found at Docket Entry 545 on the PUC Interchange.
7. Admit or deny that considering all 31 alternative routes identified by CPS Energy in its Amended Application, Dreico Routes 1 through 6 and Route AA2, Route P has the highest area of any route of right-of-way across golden cheeked warbler modeled habitat designated as 3-Moderate High and 4 High Quality.
8. Admit or deny that considering all 31 alternative routes identified by CPS Energy in its Amended Application, Dreico Routes 1 through 6 and Route AA2, Route P has the highest of any route of combined golden cheeked warbler modeled acreage as identified in criteria 37 and 38 of Table 4-1.
9. Admit or deny that at the time that he prepared his Direct Testimony, Mr. Poole did not know about the 2008 Warbler Survey.
10. On page 37 of the Direct Testimony of John Poole, Mr. Poole's chart provides that Route P's length is 4.89 miles, and that Route P has 3.47 miles of "Length Parallel to Right of Way." Admit or deny that no portion of Route P parallels an existing transmission line.
11. Admit that of the 0.85 miles of the 3.47 miles of "Length Parallel to Right of Way" of Route P referenced by Mr. Poole on page 37 of his Direct Testimony is "Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)". See Table 4-1, Criteria 5.

12. Admit or deny that Route P has only 0.85 miles of “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)”. See Table 4-1, Criteria 5.
13. Admit that the 0.85 miles of Route P’s of “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)” is located on Segment 43. See Table 4-1, Criteria 5.
14. Please reference CPS Energy’s Response to Brad Jauer’s and BVJ Properties, LLC’s Second Request for Information 2-15, which is found at Docket No. 475. Admit that the 0.85 miles that Route P’s “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)” is a reference to a “two-track dirt road” on Segment 43.
15. With respect to the Direct Testimony of John Poole, admit or deny that if the 0.85 miles that Route P parallels the “two-track dirt road” on Segment 43 is not included as Mr. Poole’s “Length Parallel to Right of Way” then the percentage of Length Parallel to Right of Way for Route P would be 53.57%.
16. Admit or deny that 2.62 miles of the 3.47 miles of “Length Parallel to Right of Way” of Route P referenced by Mr. Poole on page 37 of his testimony, is “Length of ROW parallel and adjacent to apparent property lines.” See Table 4-1, Criteria 6.
17. Admit or deny that Route Z1 has 1.60 miles of “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)”. See Table 4-1, Criteria 5.
18. Admit or deny that no portion of Route Z1’s 1.60 miles of “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)” involves paralleling a two-track dirt road. See Table 4-1, Criteria 5.
19. Admit or deny that all of Route Z1’s 1.60 miles of of “Length of ROW parallel to other existing ROW (roadways, railways, canals, etc.)” involves paralleling a paved public roadway. See Table 4-1, Criteria 5.
20. Admit or deny that Route Z1 is shorter in length than Route P.
21. Admit or deny that Route AA1 is shorter in length than Route P.
22. Admit or deny that Route Z1 has greater length of ROW parallel to other existing ROW (roadways, railways, canals, etc.) than does Route P. See Table 4-1, Criteria 5.
23. Admit or deny that Route AA1 has a greater length of ROW parallel to other existing ROW (roadways, railways, canals, etc.) than does Route P. See Table 4-1, Criteria 5.

24. Admit or deny that Route AA2 has a greater length of ROW parallel to other existing ROW (roadways, railways, canals, etc.) than does Route P. See Table 4-1, Criteria 5 and CPS' Supplemental Responses to Chandler's First Request for Information.
25. Admit or deny that Route P has a greater length of ROW across upland woodlands/brushland than does Route Z1. See Table 4-1, Criteria 33.
26. Admit or deny that Route P has a greater length of ROW across upland woodlands/brushland than does Route AA1. See Table 4-1, Criteria 33.
27. Admit or deny that Route P has a greater length of ROW across upland woodlands/brushland than does Route AA2. See Table 4-1, Criteria 33 and CPS' Supplemental Responses to Chandler's First Request for Information.
28. Admit or deny that Route P has a greater length of ROW across golden cheeked warbler habitat designated as 3-Moderate High and 4 Quality than does Route Z1. See Table 4-1, Criteria 37.
29. Admit or deny that Route P has a greater length of ROW across golden cheeked warbler habitat designated as 3-Moderate High and 4 Quality than does Route AA1. See Table 4-1, Criteria 37.
30. Admit or deny that Route P has a greater length of ROW across golden cheeked warbler habitat designated as 3-Moderate High and 4 Quality than does Route AA2. See Table 4-1, Criteria 37 and CPS' Supplemental Responses to Chandler's First Request for Information.
31. Admit or deny that Route P has a greater length of ROW across golden cheeked warbler habitat designated as 1-low and 2 low Quality than does Route Z1. See Table 4-1, Criteria 38
32. Admit or deny that Route P has a greater length of ROW across the Edwards Aquifer Contributing Zone than does Route Z1. See Table 4-1, Criteria 42
33. Admit or deny that Route P has a greater length of ROW across the Edwards Aquifer Contributing Zone than does Route AA1. See Table 4-1, Criteria 4-1, Criteria 42
34. Admit or deny that Route P crosses one cultural resource site. See Table 4-1, criteria 44.
35. Admit or deny that Route Z1 crosses no cultural resource sites.
36. Admit or deny that Route AA1 crosses no cultural resource sites.

37. Admit or deny that Route AA2 crosses no cultural resource sites. See CPS' Supplemental Responses to Chandler's First Request for Information.
38. Admit or deny that Route P has 10 additional cultural resource sites within 1,000 feet of ROW. See Application Table 4-1, criteria 45.
39. Admit or deny that Route Z1 has 2 cultural resource sites within 1,000 feet of ROW. See Table 4-1, criteria 45.
40. Admit or deny that Route AA1 has 2 cultural resource sites within 1,000 feet of ROW. See Table 4-1, criteria 45.
41. Admit or deny that Route AA2 has 2 cultural resource sites within 1,000 feet of ROW. See CPS' Supplemental Responses to Chandler's First Request for Information.
42. Admit or deny that Route P crosses one NRHP ("National Registered Historical Property").
43. Admit or deny that Route Z1 crosses no NRHP.
44. Admit or deny that Route AA1 crosses no NRHP.
45. Admit or deny that Route AA2 crosses no NRHP. See CPS' Supplemental Responses to Chandler's First Request for Information.
46. Admit that according to CPS' cost estimates, Route P is more expensive than Route Z1.
47. Admit that according to CPS' cost estimates, Route P is \$4,933,971 more costly than Route Z1.
48. Admit that according to CPS' cost estimates, Route P is more costly than Route AA1.
49. Admit that according to CPS' cost estimates, Route P is \$5,117,170 more costly than Route AA1.
50. Admit or deny that according to CPS' cost estimates, Route P is more costly than Route AA2. See CPS' Responses to Chandler's First Request for Information.
51. Admit or deny that according to CPS' cost estimates, Route P is \$4,360,317 more costly than Route AA2. See CPS' Responses to Chandler's First Request for Information.

52. Refer to pages 33-34 of the Direct Testimony of John Poole and the table ranking routes by Estimated Costs. Admit or deny that Mr. Poole's table does not include any reference to Route AA2 or Dreico Routes 1 through 6.
53. Admit or deny that if Route AA2 and Dreico Routes 1 through 6 were included in Mr. Poole's table on pages 33-34 of his Direct Testimony's ranking of routes by estimated costs, that Route P would rank as the 13th least expensive route.
54. Admit that with respect to Segment 43, approximately 30% of Segment 43 parallels the northern property line of Bexar Ranch.
55. Admit or deny that with respect to Segment 43, approximately 70% of Segment 43's length bisects the northeastern portion of Bexar Ranch.
56. Admit or deny that Route Z1 does not cross any property owned by Northside Independent School District.
57. Admit or deny that Route AA1 does not cross any property owned by Northside Independent School District.
58. Admit or deny that no landowner has agreed to donate any portion of Route P if Route P is selected.
59. Admit or deny that Mr. Poole has no knowledge regarding the terrain on Bexar Ranch where CPS' existing 138-KV line is located and the resulting construction, maintenance and erosion issues resulting from such terrain.
60. Admit or deny that on the portion of Route Z1 that parallels other existing ROW (roadways, railways, canals, etc.) that CPS' transmission line would also parallel, in part, existing distribution lines.
61. Admit or deny that on the portion of Route Z1 that parallels other existing ROW (roadways, railways, canals, etc.) that CPS' transmission line would also parallel and be adjacent to apparent property lines.
62. Please identify the number of tracts that would be bisected if Route P were selected.
63. Please identify the number of tracts in the Clearwater Ranch subdivision that would be bisected if Route P were selected.

Respectfully submitted,

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ATTORNEYS FOR BEXAR RANCH, L.P.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed in the records of Docket 51023 on this 5th day of April, 2021.


Soledad M. Valenciano