



Control Number: 51023



Item Number: 723

Addendum StartPage: 0

RECEIVED

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

2021 APR -5 PM 4:50

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

**CLEARWATER RANCH POA'S**  
**FIRST REQUESTS FOR INFORMATION TO PUC STAFF**

TO: Public Utility Commission of Texas Legal Division, by and through its attorneys of record, Rachele Robles, Heath Armstrong, and Rustin Tawater, 1701 N. Congress Avenue, Austin, Texas 78701.

Pursuant to the orders in this docket, P.U.C. PROC. R. 22.141 and 22.144, and other applicable Commission rules, Clearwater Ranch POA and those Intervenor who have appointed Clearwater Ranch POA as their authorized representative ("Clearwater Ranch") request that Public Utility Commission Staff ("Staff") provide responses to the following Requests for Information and Requests for Admission and stipulate in writing that all responses can be treated exactly as though they were filed under oath. Under Section 22.144(c)(1), Staff must fully respond to these RFIs and RFAs within twenty (20) days for Clearwater Ranch POA to obtain clarification.

Pursuant to P.U.C. PROC. R. § 22.144(c), each response must identify the preparer or person under whose direct supervision the response was prepared, and the sponsoring witnesses, if any. In addition, each request must be answered separately and be preceded with the appropriate question.

Pursuant to P.U.C. PROC. R. § 22.144(i), Staff is under a duty to supplement any response that, in light of newly discovered information, modifies or makes incomplete an answer already supplied to Clearwater Ranch within five days of the discovery of the new information.

The answers must have sufficient detail to fully present all the relevant facts. Clearwater Ranch request that Staff provide the answers in the order in which they are listed in this request for information. If responses to all the requests cannot be provided quickly, Clearwater Ranch request that each item of information be provided as it is available or completed.

Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are fully and completely understood.

If the items requested to be produced herein have already been provided in other discovery answers to any party, it shall not be necessary to duplicate such production. It shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely answer this discovery request shall be provided in your answer.

If the requested document is found in the public records of the PUC or other governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.

Respectfully submitted,

BRAUN & GRESHAM, PLLC

P.O. Box 1148 (Mailing)  
Dripping Springs, Texas 78620  
14101 Hwy. 290 W., Bldg. 1100 (Physical)  
Austin, Texas 78737  
512-894-5426 (telephone)  
512-894-3405 (fax)

/s/Carly Barton  
Patrick L. Reznik  
State Bar No. 16806780  
[preznik@braungresham.com](mailto:preznik@braungresham.com)  
Carly Barton  
State Bar No. 24086063  
[cbarton@braungresham.com](mailto:cbarton@braungresham.com)

**ATTORNEYS FOR CLEARWATER RANCH  
POA**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 5, 2021 in accordance with Public Utility Commission Procedural Rule 22.74 and the Orders in the above-captioned proceedings.

/s/Carly Barton  
Carly Barton

## DEFINITIONS

1. “You,” and “PUC Staff,” refers to Public Utility Commission of Texas and any persons acting on its behalf, including Mr. John Poole.
2. “Clearwater Ranch” refers to Clearwater Ranch Property Owner’s Association, its neighborhood, and the members of whom are intervenors in SOAH Docket No. 473-21-0247, PUC Docket No. 51023.
3. “Applicant,” “the utility”, “CPS Energy” refers to City of San Antonio acting by and through the City Public Service Board (CPS Energy) and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
4. “Application” means the application by 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 138kV Transmission Line Project in Bexar County, Texas, docketed as SOAH Docket No. 473-21-0247, PUC Docket No. 51023.
5. “Communication” means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which you have knowledge, information or belief.
6. “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.
7. “Date” means the exact day, month, and year, if ascertainable or, if not, the best approximation.
8. “Describe” or “identify” when used in reference to a document, means you must state, to the fullest extent possible, the following:
  - a. The nature (e.g. letter, handwritten note) of the document;
  - b. The title or heading that appears on the document;
  - c. The date of the document and the date of each addendum, supplement, or other addition or change;
  - d. The identity of the author of the document; any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - e. The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
9. The terms “document” or “documents” are used in their broadest sense to include, but not be limited to, all written or graphic matter of every kind and description whether printed, produced,

or reproduced, by any process whether visually, magnetically, mechanically, electronically, or by hand, whether final or draft, original or reproduction, whether privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody or control. These shall also be construed to include every copy of a document where the copy contains any commentary or notation of any kinds that does not appear on the original or any other copy.

10. The words “link” and “segment” reference the individually numbered/lettered portions of the preferred and alternative routes described in the Application.

11. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

12. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

13. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

14. The term “including” means “including, but not limited to.”

### **INSTRUCTIONS**

1. As to any request for information to which you are unable to respond to in whole or in part for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular request for information or part thereof is not possible, please answer each request for information to the extent possible and furnish a statement explaining: (a) the reason for your inability to respond further; and (b) whatever information or knowledge you have concerning the non-responsive portion.
2. For each document or other requested information that you assert is privileged, please comply with the requirements of Rule 193.3 of the Texas Rules of Civil Procedure and P.U.C. PROC. R. 22.144.
3. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
4. It is requested that all documents that might impact the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish all requested documents available to you and known by you, or in your possession, custody, or control or that of your agents and attorneys.

6. In those instances where you choose to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit the requestor to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can you.
7. In those instances when requested information or documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information or documents in a finished usable form that includes all necessary glossaries, keys and indices for interpretation of the material.
8. Please respond to each request for information and indicate clearly the request for information to which each response is responsive. When requests for information contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.
9. You are under a duty to supplement your responses to these requests for information that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any request for information between the time of the original responses and the conclusion of this proceeding.
10. Unless otherwise indicated, the discovery requested in these requests for information related to the time period from January 2016 through and including the present. All requested document, data compilations, and recordings whenever actually prepared or generated that related to this time period are to be produced.

### **REQUEST FOR INFORMATION**

**Clearwater 1-1:** Describe your analysis for evaluating paralleling of right-of-way, including whether you distinguish between the different types of ROW (transmission line, roadways, railways, etc.) in your analysis and if paralleling to adjacent to apparent property lines factors differently in your analysis.

**Clearwater 1-2:** Admit or deny that maximizing distance from residences and visibility of structures were ranked highest in the routing criteria in questionnaire responses in CPS Application.

**Clearwater 1-3:** Admit or deny Segment 37 cuts through the Clearwater Ranch neighborhood and does not run along its border.

**Clearwater 1-4:** Admit or deny Segment 37 is within 300 feet of at least three habitable structures identified in the Application as 197, 135 and 136.

**Clearwater 1-5:** Admit or deny Segment 37 is visible to neighbors in Clearwater Ranch.

**Clearwater 1-6:** Admit or deny Segment 25 is visible to neighbors in Clearwater Ranch.

**Clearwater 1-7:** Admit or deny Segment 37 and Segment 25 cross the Van Wisse property, as identified on CPS maps as K-014.

**Clearwater 1-8:** Admit or deny Segment 37 crosses roads Clearwater Run and Clearwater Creek.

**Clearwater 1-9:** Admit or deny Segment 37 and Segment 25 crosses four properties in Clearwater Ranch

**Clearwater 1-10:** Admit or deny Segment 37 runs along two borders of Alejandro Medina's Lot 10, identified on CPS maps as K-015.

**Clearwater 1-11:** Admit or deny Segment 38 would be visible to properties in Clearwater Ranch.

**Clearwater 1-12:** Admit or deny Segment 22 would be visible to properties in Clearwater Ranch.

**Clearwater 1-13:** Admit or deny Segment 15 would be visible to properties in Clearwater Ranch.

**Clearwater 1-14:** Admit or deny Route P crosses 25.11 acres of golden-cheeked warbler modeled habitat designated as "3-Moderate High" and "4- High".

**Clearwater 1-15:** Admit or deny this is largest amount of any proposed alternative routes in the Application.

**Clearwater 1-16:** Admit or deny Segment 37 has 3.69 acres of golden-cheeked warbler modeled habitat designated as "3-Moderate High" and "4- High".

**Clearwater 1-17:** Admit or deny that Segment 37 has the 6th highest amount of acres of golden-cheeked warbler modeled habitat designated as "3-Moderate High" and "4- High".

**Clearwater 1-18:** Admit or deny that Segment 25 has 3.54 acres of golden-cheeked warbler modeled habitat designated as "3-Moderate High" and "4- High".

**Clearwater 1-19:** Admit or deny that Segment 25 has the 8th highest amount acres of golden-cheeked warbler modeled habitat designated as "3-Moderate High" and "4- High".