



Control Number: 51023



Item Number: 736

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

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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  
PUBLIC UTILITY DIVISION  
REGULATORY  
OF  
ADMINISTRATIVE HEARINGS

**BRAD JAUER'S & BVJ PROPERTIES, L.L.C.'S  
FIFTH REQUEST FOR INFORMATION TO  
CITY OF SAN ANTONIO ACTING BY AND THROUGH  
THE CITY PUBLIC SERVICE BOARD**

Pursuant to 16 Tex. Admin. Code § 22.144 and SOAH Order No. 3, Brad Jauer & BVJ Properties, L.L.C. request that City of San Antonio acting by and through the City Public Service Board (“CPS Energy”) provide, no later than April 28, 2021, the information requested in the attached Exhibit A.

Respectfully submitted,

By: /s/ Lynn Sherman

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**ATTORNEY FOR BRAD JAUER &  
BVJ PROPERTIES, L.L.C.**

736

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of April 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.

/s/ Lynn Sherman  
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 CPS Energy, 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 “CPS Energy” and/or City of San Antonio acting by and through the City Public Service Board, and includes any employees, agents, attorneys or consultants working directly or indirectly with CPS Energy, 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

#### **Brad Jauer & BVJ Properties, L.L.C. 5-1**

Regarding the property on which Substation Site 7 is located: i) what is the highest point of elevation at the front of the property adjacent to Toutant Beauregard; and ii) what is the lowest point of elevation of the back of the property along Leon Creek?

#### **Brad Jauer & BVJ Properties, L.L.C. 5-2**

Regarding the cost information contained in Table 4 (entitled “Substation Facilities Total Estimated Costs”) of Attachment 3 to the Amended Application, how much of the estimated costs for “Engineering & Design” and “Construction of Facilities” for Substation Site 7 relate to the property: i) being within the 100-year floodplain; and/or ii) the fall in its elevation from the front of the property adjacent to Toutant Beauregard road to the back of the property along Leon Creek?

#### **Brad Jauer & BVJ Properties, L.L.C. 5-3**

Is Substation Site 6 adjacent to: 1) any river, creek, stream or other body of water; or 2) any designated floodplain?

#### **Brad Jauer & BVJ Properties, L.L.C. 5-4**

Admit that Substation Site 6 has less than 20 feet of elevation change.

#### **Brad Jauer & BVJ Properties, L.L.C. 5-5**

Beginning at the point on Segment 54’s centerline from which Route Z1’s 82-foot distance from Habitable Structure No. 81 was measured, what is the distance from Segment 54’s centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard’s existing road right-of-way? (See Table 4-31 of Attachment 2 to the Application Amendment for the “82-foot” reference associated with “Map Number” 81).

#### **Brad Jauer & BVJ Properties, L.L.C. 5-6**

Beginning at the point on Segment 54’s centerline from which Route Z1’s 251-foot distance from Habitable Structure No. 82 was measured, what is the distance from Segment 54’s centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard’s existing road right-of-way? (See Table 4-31 of Attachment 2 to the Application Amendment for the “251-foot” reference associated with “Map Number” 82).

#### **Brad Jauer & BVJ Properties, L.L.C. 5-7**

Beginning at the point on Segment 54’s centerline from which Route Z1’s 260-foot distance from the habitable structure between Habitable Structure Nos. 93 and 94 was measured, what is the distance from Segment 54’s centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard’s existing road right-of-way? (See CPS



Energy's Response to Brad Jauer & BVJ Properties RFI 2-17 for the "260-foot" reference associated with the habitable structure between Habitable Structure Nos. 93 and 94).

**Brad Jauer & BVJ Properties, L.L.C. 5-8**

Beginning at the point on Segment 20's centerline from which Route Z1's 195-foot distance from Habitable Structure No. 97 was measured, what is the distance from Segment 20's centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard's existing road right-of-way? (See Table 4-31 of Attachment 2 to the Application Amendment for the "195-foot" reference associated with "Map Number" 97).

**Brad Jauer & BVJ Properties, L.L.C. 5-9**

Beginning at the point on Segment 36's centerline from which Route Z1's 482-foot distance from CellTex Cite Services, Ltd.'s communications tower was measured, what is the distance from Segment 36's centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard's existing road right-of-way? (See Table 4-31 of Attachment 2 to the Application Amendment for the "482-foot" reference associated with "Map Number" 501).

**Brad Jauer & BVJ Properties, L.L.C. 5-10**

Beginning at the point on Segment 36's centerline from which Route Z1's 227-foot distance from the "Commercial-Guard House" was measured, what is the distance from Segment 36's centerline to the closest edge of: i) Toutant Beauregard road, including its shoulder; and ii) Toutant Beauregard's existing road right-of-way? (See Table 4-31 of Attachment 2 to the Application Amendment for the "227-foot" reference associated with "Map Number" 200).

**Brad Jauer & BVJ Properties, L.L.C. 5-11**

What is the "Estimated Total Cost" of Route Z1 if CPS were to acquire 100-foot right-of-way along Route Z1's entire length?

**Brad Jauer & BVJ Properties, L.L.C. 5-12**

What are the anticipated range of dimensions (including depth above and below the surface) of the foundations likely to be constructed for the poles utilized in the route selected in this proceeding? Please respond separately the foundations used for tangents, running angles and dead ends.

**Brad Jauer & BVJ Properties, L.L.C. 5-13**

What is the width of the easement associated with the natural gas pipeline owned and operated by CPS Energy's Gas Solutions and identified in CPS Energy's Supplemental Response to Brad Jauer & BVJ Properties RFI 2-16?

**Brad Jauer & BVJ Properties, L.L.C. 5-14**

Will CPS be required to obtain permits for crossing public road right of way with high voltage transmission lines? If the answer is yes, from which agency or agencies?

**Brad Jauer & BVJ Properties, L.L.C. 5-15**

Will CPS be required to obtain permits for encroachment on public road right of way when paralleling the road with high voltage transmission lines? If the answer is yes, from which agency or agencies?

**Brad Jauer & BVJ Properties, L.L.C. 5-16**

Will CPS be required to obtain permits for placing conductor or structure arms within overhead road right of way with high voltage transmission lines. If the answer is yes, from which agency or agencies?

**Brad Jauer & BVJ Properties, L.L.C. 5-17**

Please indicate along which portions of Toutant Beauregard CPS Energy expects to share road right of way.

**Brad Jauer & BVJ Properties, L.L.C. 5-18**

Does Segment 36 run between the existing distribution line and Toutant Beauregard where it crosses Brad Jauer and BVJ Properties, LLC's property, or does it run on the southwest side of the distribution line? If it runs on the southwest side of the distribution line (i.e., not the Toutant Beauregard side), what is the distance from the property line to the farthest edge of Segment 36's right-of-way?