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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 OF ADMINISTRATIVE HEARINGS

**BEXAR RANCH, L.P.'S RESPONSE TO SOAH ORDER NO. 11**

BEXAR RANCH, L.P., hereby responds to State Office of Administrative Hearings' Order No. 11 (SOAH Order No. 11).

1. Specifically, in SOAH Order No. 11, the Administrative Law Judges reserved ruling on Brad Jauer/BVJ Properties, LLC's objection to measurements cited by Dr. Mark Turnbough on pages 13/14 of his cross-rebuttal testimony pending the filing of an errata clarifying the source of these measurements.

2. On April 6, 2021, in Document No. 724, Bexar Ranch, L.P. filed the First Errata to the Cross Rebuttal Testimony of Mark Turnbough, PhD on behalf of Bexar Ranch, L.P., therein providing the source of his measurements to be the "measurements provided in CPS discovery responses (Documents 379 and 432)".

3. Thus, the source for Dr. Turnbough's measurements is CPS Energy's discovery responses, where in each CPS stated, "CPS Energy agrees and stipulates that all parties may treat these responses as if the answers were filed under oath."


WHEREFORE, PREMISES CONSIDERED, BEXAR RANCH, L.P. respectfully requests that this remaining objection be overruled; that any motion to strike this portion of Dr. Turnbough's testimony be denied; and that the rebuttal testimony offered by Mark

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Turnbough, PhD, on behalf of Bexar Ranch, L.P., be admitted into the record in its entirety, as corrected by the errata provided for in Document No. 724.

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 26<sup>th</sup> day of April, 2021.

  
Soledad M. Valenciano