



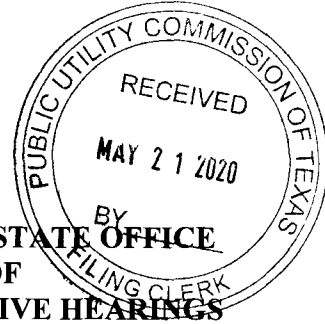
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**SOAH DOCKET NO. 473-20-1773
DOCKET NO. 50095**



**COMPLAINT OF TERRY AND
SARA FAUBION AGAINST TEXAS-
NEW MEXICO POWER
COMPANY**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

**TEXAS-NEW MEXICO POWER COMPANY'S
SECOND REQUEST FOR INFORMATION TO
TERRY AND SARA FAUBION**

Texas-New Mexico Power Company (TNMP) files its Second Requests for Information to Sara and Terry Faubion (“the Faubions”). The Faubions are hereby requested to furnish one copy of all items of information enumerated on the attached sheets directly to the offices of Jackson Walker LLP, Attn: Stephanie C. Sparks, 2323 Ross Avenue, Suite 600, Dallas, Texas and to Texas-New Mexico Power Company, Attn: Scott Seamster, 577 N. Garden Ridge Blvd., Lewisville, Texas 75067. These requests shall be deemed continuing so as to require further and supplemental responses of the Faubions receives or generates additional information within the scope of these requests between the time of the original response and the time of hearing.

For the purposes of these RFIs the following terms will have the following specific definitions:

(1) “Communication” includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided and to the extent it is within the knowledge of the Faubions.

(2) “Describe” shall mean a detailed description of the facts, events, or allegations at issue, and the

(3) “Document[s]” shall be used herein in their broadest meaning as set forth in Tex. R. Civ. P. 192.3(b), and includes electronic information or magnetic data as set forth in Tex. R. Civ. P. 196.4, and also shall mean all tangible things on which communication, impressions, notes or studies have been recorded, including but not limited to e-mails, text messages, compact discs, oral or video recordings, overheads, PowerPoint presentations, spreadsheets, and paper documents.

(4) “The Faubions” shall mean Terry and Sara Faubion, either individually or collectively, and their employees, agents, representatives, or legal entities, presently or formerly, acting in concert with or on behalf of Terry and Sara Faubion.

Respectfully submitted,

/s/ Stephanie C. Sparks

SCOTT SEAMSTER

State Bar No. 00784939

Associate General Counsel

**PNMR Services Company on behalf of
Texas-New Mexico Power Company**

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**ATTORNEYS FOR TEXAS-NEW
MEXICO POWER COMPANY**

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on all parties of record in this proceeding on May 21, 2020 via email, facsimile, U.S. mail and/or hand delivery.

/s/ Stephanie C. Sparks
Counsel

INSTRUCTIONS

1. Pursuant to 16 TAC § 22.144(c)(2), TNMP requests that answers to the requests for information be made under oath.
2. Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
3. These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
4. 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.
5. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
6. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
7. Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
8. TNMP requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

REQUESTS FOR INFORMATION

- TNMP 2-1 Please provide, in native format, all work papers and documents related to the testimony of each witness filing testimony on the Faubions' behalf in this proceeding.
- TNMP 2-2 For each testifying expert that has provided testimony for the Faubions in this case, please provide:
- (a) A list of all cases in which the testifying expert has submitted testimony, from 2015 to the present;
 - (b) Copies of all prior testimony, articles, speeches, published materials and peer review materials written by the testifying expert, from 2015 to the present; and
 - (c) All documents and communications, including e-mail correspondence, provided to, reviewed by, or prepared by or for the testifying expert in anticipation of the testifying expert filing testimony in this proceeding.
- TNMP 2-3 For each consulting expert whose mental impressions or opinions have been reviewed by one or more of the Faubions' testifying experts in this case, please provide (to the extent not provided earlier):
- (a) A list of all cases in which the consulting expert has submitted testimony, from 2015 to the present;
 - (b) Copies of all prior testimony, articles, speeches, published materials and peer review materials written by the consulting expert, from 2015 to the present; and
 - (c) All documents and communications, including e-mail correspondence, provided to, reviewed by, or prepared by or for the consulting expert in anticipation of the testifying expert filing testimony in this proceeding.
- TNMP 2-4 Please provide a copy of the engagement letter for Legacy Consultants and Daniel Wells related to this proceeding.
- TNMP 2-5 Please provide copies of all notes, pictures, interview responses, and recordings involving Terry Faubion or Sara Faubion prepared by Daniel Wells or in his possession.
- TNMP 2-6 Please refer to the Direct Testimony of Daniel Wells, page 3, lines 14 through 16, which states "He further stated that there had been lots of power issues the prior week with the power going ON and OFF multiple times." Please state all support Mr. Wells has for this statement.

- TNMP 2-7 Please refer to the Direct Testimony of Daniel Wells, page 3, lines 18 through 20, which states “Upon my inspection of the Faubion property, evidence clearly showed that the neutral/ground wire to the home had become energized causing electric arcing as well as a heating of the soldered copper water pipes.” Please identify (1) the date and time of the referenced inspection, (2) all evidence referenced in this statement, and (3) any documents, photographs, and notes related to this investigation and this statement, and produce those items.
- TNMP 2-8 Please identify each time Daniel Wells spoke to or interviewed the Faubions, including the date and substance of each conversation. Please produce any documents or notes related to such interviews.
- TNMP 2-9 Please refer to the Direct Testimony of Daniel Wells, page 6, lines 5-15. Please provide copies of supporting documentation and evidence for the statement related to “bird guards” and designing the system to have “greater separation between energized wires or proper insulation where energized parts were closer together,” including relevant documents, studies, and reports relied upon by Mr. Wells.
- TNMP 2-10 Please state whether Mr. Wells believes “bird guards” and “greater separation between energized wires or proper insulation where energized parts were closer together” were required on TNMP’s line at issue in this docket. If so, please provide supporting evidence for this assertion. If not, please explain.
- TNMP 2-11 Please refer to the Direct Testimony of Daniel Wells, beginning on page 6, and identify each bird-related power outage referenced in the testimony and provide copies of supporting documentation, including the date of such investigations and the details related to the bird-related power outage.
- TNMP 2-12 Please refer to the Direct Testimony of Daniel Wells, page 7, lines 3-6, which states “This type of breakage would allow for a ground wire to hang down and potentially come in contact with a phase of the 69kV line without any type of bird strike. This in turn could energize a neutral/ground to any nearby customers.” Please provide copies of supporting documentation and evidence for these statements.
- TNMP 2-13 Please refer to the Direct Testimony of Daniel Wells, page 7, lines 11-12, which states: “Typically, after a patrol is done it takes several days before the repairs are completed (see work completed date on the first page of this exhibit).” Please provide copies of all supporting documentation and evidence related to this statement.
- TNMP 2-14 Please admit or deny whether TNMP had records of the power outage in September 2015. If admit, please provide copies of the records.

- TNMP 2-15 Please refer to the Direct Testimony of Daniel Wells. It is Mr. Wells' opinion that a bird cannot cause a transmission outage? Please explain.
- TNMP 2-16 Please refer to the Direct Testimony of Daniel Wells on page 3, lines 30-31. Please explain all bases for Mr. Wells' conclusion that the "written statements provided by TNMP personnel Mike Piscacek and Dwain Walker conflict with each other as well as provide inaccurate information."
- TNMP 2-17 Please refer to the Direct Testimony of Daniel Wells on page 7, lines 24-25. Is it Mr. Wells' opinion that a utility is required to make a "complete examination of the bird carcass for any burn points on the body and then attempting to match them to damaged equipment and wires" for every bird strike on a utility's system? Please explain.
- TNMP 2-18 Please refer to the Direct Testimony of Daniel Wells on page 7, lines 24-25. Is it Mr. Wells' opinion that TNMP was required to retain the bird carcass? Please explain.
- TNMP 2-19 Please refer to the Direct Testimony of Daniel Wells. Please provide all evidence and support for Mr. Wells' contention that no evidence was retained by TNMP.
- TNMP 2-20 Please refer to the Direct Testimony of Daniel Wells on page 6, lines 2-3. Please identify the exact records Mr. Wells' contends TNMP was required to keep that it did not keep, and provide all support and evidence for such contention.
- TNMP 2-21 Please refer to the Direct Testimony of Daniel Wells on page 6, lines 10-15. Is it Mr. Wells' contention that TNMP was required to design the power line at issue differently? Please provide all evidence and support for Mr. Wells' contention.
- TNMP 2-22 Please refer to the Direct Testimony of Daniel Wells on page 7, lines 2-6. Is it Mr. Wells' contention that a repair to a different area in February of 2014 is relevant to the power surge at the Faubions' house? Please explain and provide all support and evidence for Mr. Wells' response.
- TNMP 2-23 Please refer to the Direct Testimony of Daniel Wells on page 7, lines 14-20. Is it Mr. Wells' contention that vegetation caused the breakage at issue in this docket? Please explain and provide all support and evidence for Mr. Wells' response.
- TNMP 2-24 Please refer to the Faubions' Supplemental Responses to TNMP's First RFIs Numbers 1-17, 1-18, and 1-27. Please identify what "good utility practices" defines as "distance for separation between energized wires" and requirements to install "bird guards".

- TNMP 2-25 Please refer to the Faubions' Supplemental Responses to TNMP's First RFIs Numbers 1-17, 1-18, and 1-27. Please provide all documents, studies, report that Mr. Wells used to define as "distance for separation between energized wires" and requirements to install "bird guards," and explain whether Mr. Wells excluded certain reports or studies.
- TNMP 2-26 Please refer to the Direct Testimony of Terry Faubion, page 3, lines 12-15. The question asks Mr. Faubion to describe whether he had to "drive through brush," please explain how Mr. Faubion could "drive through brush," and if he could, why he would need to exit the vehicle and "crawl[] on hands and knees through the brush."
- TNMP 2-27 Please refer to the Direct Testimony of Terry Faubion, page 3, lines 12-16. Is it Mr. Faubion's opinion that a vehicle could drive through the right of way, but crawling through the brush was not possible? Please explain.
- TNMP 2-28 Please refer to the Direct Testimony of Terry Faubion, page 4. Does Mr. Faubion have any expertise with electric utilities' inspections of power systems or electric utilities' rights of way. Please explain.
- TNMP 2-29 Please refer to the Direct Testimony of Terry Faubion, page 5, lines 16-18. Please provide all evidence and support for Mr. Faubion's statement on lines 16-18.
- TNMP 2-30 Please refer to the Direct Testimony of Terry Faubion, page 6, lines 6-9. Please provide all evidence and support for Mr. Wallace's statement on lines 6-9.
- TNMP 2-31 Please refer to the Direct Testimony of Terry Faubion, page 6, lines 6-9. Please explain what Mr. Wallace contended was the cause of the ground wire falling on the feeder line, and provide all evidence and support such contention.
- TNMP 2-32 Please refer to the Direct Testimony of Sara Faubion, page 4, lines 23-24. What information was Mrs. Faubion told by counsel, as referenced in her testimony?
- TNMP 2-33 Admit or deny that the native photo files TNMP produced in response to the Faubions' RFI 1-6 have file metadata associated with them.
- TNMP 2-34 Admit or deny that the native photo files TNMP produced in response to the Faubions' RFI 1-6 have a Hex code value for date fields.