

AUSTIN ENERGY 2016 RATE REVIEW

AUSTIN ENERGY'S TARIFF	§	
PACKAGE UPDATE OF THE 2009	§	BEFORE THE CITY OF AUSTIN
COST OF SERVICE STUDY AND	§	IMPARTIAL HEARINGS
PROPOSAL TO CHANGE BASE	§	EXAMINER
ELECTRIC RATES	§	

IMPARTIAL HEARING EXAMINER'S MEMORANDUM NO. 2:

GRANTING MOTION TO INTERVENE AND REQUEST THAT INTERESTED STAKEHOLDERS SUBMIT A PROPOSED PROCEDURAL SCHEDULE

I. Motion to Intervene

On January 26, 2016, the Austin Independent Business Alliance ("AIBA") filed its motion to intervene. In its motion AIBA states that it is a customer of Austin Energy. As a customer of Austin Energy, AIBA has a justiciable interest in the outcome of these proceedings. Therefore, AIBA's motion to intervene is hereby GRANTED.

The Impartial Hearings Examiner hereby requests that by February 8, 2016, AIBA identify the tariffs under which it and its members receive service from Austin Energy.

II. Proposed Procedural Schedule

On January 14, 2016 the Impartial Hearings Examiner convened a prehearing conference in this proceeding at which he noted that he did not have the authority to modify the start date or the end date for these proceedings. In IHE Memorandum No. 1, the Impartial Hearings Examiner set for the procedural schedule proposed by Austin Energy, whose proposed schedule is as follows:

- January 25, 2015 — Austin Energy releases rate recommendations

- January 25, 2016 — Utility Oversight Committee briefing on rate design recommendations
- January 25, 2015 — Electric Utility Commission briefing on rate design recommendations
- Late January, 2016 — Begin proceedings before Impartial Hearings Examiner
- May 6, 2016 — Impartial Hearings Examiner's recommendations report released
- May 2016 — Hold three Council Work Sessions
- June 2016 — Hold two City Council public hearings
- June 23, 2016 — Final Council decision meeting

Missing from Austin Energy's procedural schedule are dates for interested stakeholders who intervene in the proceeding to present their respective direct cases, (whether in the form, for example, of a report, a memorandum, or prefiled direct testimony) with regard to Austin Energy's rates. Those dates are crucial to any proceeding regarding rates. Also missing are dates for intervenors to file written closing statements and replies to those closing statements.

Therefore, the Impartial Hearings Examiner requests that by no later than **February 8, 2016**, any interested stakeholder intending to intervene in the proceeding undertake the following:

1. File a formal motion to intervene at the earliest opportunity;¹
2. File a proposed procedural schedule assuming the following dates:
 - a. Hearings: March 28, 2016 – April 1, 2016

¹ In IHE Memorandum No. 1, the Impartial Hearings Examiner noted that Austin Energy's proposed deadline of 30 days from the date it filed its Tariff Package appeared to be a reasonable time within which to intervene. Based on a filing date for Austin Energy's Tariff Package of January 25, 2016, the

- b. Initial Written Closing Statement: April 8, 2016
- c. Reply Written Closing Statement: April 15, 2016

An interested stakeholder that intends to intervene, or that has intervened may also submit its view of what a less condensed procedural schedule could be. As the Impartial Hearings Examiner noted at the meeting of the Austin Energy Utility Oversight Committee of the City Council of Austin, Texas, held on January 25, 2016, while this proceeding is not a proceeding governed by the Administrative Procedures Act or one that is intended to mirror frame by frame a ratemaking proceeding adjudicated by the Public Utility Commission of Texas ("PUCT"), based on the PUCT's ratemaking authority, the PUCT has 185 days in total from start to finish to enter its final order in a major rate case.²

The Impartial Hearings Examiner is not suggesting an extension or change in the start date or end date for these proceedings, nor may he do so. However, several stakeholders that entered an appearance at the prehearing conference convened on January 14, 2016 expressed concerns with Austin Energy's proposed schedule and submitted a letter dated January 20, 2016 to the City Council underscoring their concerns regarding the procedural schedule to review Austin Energy's Tariff Package.³

But to date, the Impartial Hearings Examiner is not aware of any alternative proposals submitted by those stakeholders that expressed concerns with Austin Energy's

² See generally, Public Utility Regulatory Act ("PURA") §§ 36.102 and 36.108. Based on a filing of January 25, 2016 for Austin Energy's Tariff Package, the Impartial Hearings Examiner noted to the Austin Energy Utility Oversight Committee of the City Council of Austin, that the difference in time between this proceeding and a statutorily prosecuted rate case at the PUCT is approximately 38 days.

³ The January 20th letter was submitted on behalf of NXP Semiconductors (f/k/a Freescale Semiconductor, Inc.), Samsung Austin Semiconductor, LLC, Texas Legal Services Center, Barton Creek North Property Owners Association, Coalition of Clean and Reliable Energy, Sierra Club, and Public Citizen.

proposed procedural schedule. Therefore, the Impartial Hearings Examiner invites those stakeholders to provide more details on their preferred procedural schedule.



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