

AUSTIN ENERGY 2016 RATE REVIEW

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

NXP Semiconductors and Samsung Austin Semiconductor, LLC Second Request for Information to Austin Energy

COMES NOW NXP Semiconductor, Inc. ("NXP") and Samsung Austin Semiconductor, Inc., ("Samsung") (collectively, "Customers"), each on its own behalf, by and through its attorneys of record, and requests that Austin Energy ("Austin Energy" or "you") provide information and answer the attached questions under oath pursuant to Procedural Rule §7.3. It is further requested that the questions be answered in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

INSTRUCTIONS

Please answer the attached questions on separate pages and copy the question immediately above the answer to each question. Following each answer, please identify the witness or witnesses or other individual(s) who will sponsor each of your answers at the hearing. These questions are continuing in nature and, should there be a change in circumstances which would modify or change any of your answers, then, in such case, please change or modify each answer and submit such changed answer as a supplement to the original answer within three (3) business days of your discovery that such change or modification is appropriate, pursuant to Procedural Rule §7.3(i).

In answering this request for information, you are requested to furnish such information as is available to you, including information which you are able to obtain by due diligence from your present or former attorneys, accountants, investigators, consultants, employees, agents, and persons acting on your behalf.

If you are unable to answer any request fully and completely after exercising the due diligence to make inquiry and to secure information, you are to answer such request as fully and completely as you can and to specify the portions which you are unable to answer in such request. In addition to specifying those portions, you are to state with regard to each portion:

1. The fact on which you base the contention that you are unable to answer that portion;
2. The knowledge, information, and belief you have concerning that portion; and
3. The acts done and inquiries made by you in attempting to answer such request.

The singular includes the plural and the plural includes the singular.

Masculine, feminine, or neuter pronouns do not exclude the other genders.

The words “document” and “documents” have the broadest meaning that can be ascribed to them pursuant to the Texas Rules of Civil Procedure. Among other things, the words “document” and “documents” mean the final form and all drafts and revisions of any kind of written or graphic mater, original or reproduced copy, however produced or reproduced, of any kind and of every kind, and all copies there from which are different in any way from the original regardless of whether designated “confidential,” “privileged,” or otherwise restricted. Without limiting the generality of the foregoing, the words “document” and “documents” also include information stored or maintained on, or which could be reproduced from, film, microfilm, computer printout, disk or diskette, magnetic tape, cassette, phonographic disc, videotape or similar means.

The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within each request all documents which might otherwise be construed as outside its scope.

The words “communication” and “communications” include, without limitation of their generality, both written and oral: statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia. These words include, without limitation of their generality, both communications and statements which are face-to-face and those which are transmitted by any writing or document or by media such as intercoms, telephones, email, television or radio.

The words “identify” and “identification,” when used with respect to a natural person or persons, mean to state the name, address(es) and telephone number(s) of each such person. If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “identification,” when used in reference to a person other than a natural person, mean to set forth its:

- (1) full name or title;
- (2) nature or organization, including the state under which the same was organized or incorporated;
- (3) address and telephone number (with area code prefix); and
- (4) principal line of business.

If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “describe,” when used in reference to a fact, mean to state not only the fact itself, but also:

- (1) its date, time and place
- (2) the name, address and telephone number of each person with knowledge of the fact;
- (3) whether the act is supported by an oral communication, a document, or other event;
and
- (4) any other evidence which supports such fact.

The words “identify” and “identification,” when used in reference to a document, mean to state:

- (1) its date;
- (2) its author;
- (3) its addressee;
- (4) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegram, chart, photograph, etc.); and
- (5) its present location and identity of its custodian. If any document was, but is no longer, in your possession, custody, or control, or is no longer in existence, explain why.

If any of the foregoing information is not available, state any other available means of identifying such document. If a document is one of a series of pages contained in a book, pamphlet, binder, folder, microfilm (or other storage device), include in your identification of such document(s) any available numerical reference (or other aid) to the pages and line or other portion thereof at which the information referred to can be found. A true and correct copy of any document may be produced and filed with your Answers hereto in lieu of the above information.

The words “identify” and “describe,” when used with respect to an oral communication mean:

- (1) to state the substance of each such oral communication;
- (2) to state the exact words used by each person participating in the oral communication;
- (3) to identify each speaker;
- (4) to identify each person present at the making or reception of such oral communication;
- (5) to specify the date, time and place of each oral communication;
- (6) to identify each person repeating such oral communication;
- (7) to identify every document which records, memorializes, or relates to all or part of such communication; and
- (8) to identify the mode of such communication (e.g., telephone, face-to-face, etc.)

The words “person” and “persons” as used herein, mean all individuals and entities, and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other entities, including without limitation, any electric utility, cogenerator, independent power producer, qualifying facility, or any other entity which generates electricity.

The words “regarding,” “relate,” “related,” “relates” and “relating,” as used herein, mean involving, relating to, referring to, having any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part.

If you withhold any requested information from disclosure because you contend that it is "confidential" or otherwise subject to exemptions from disclosure in this proceeding under the Texas Public Information Act, Tex. Gov't Code Ch. 552, or otherwise, please consider this to constitute a formal Request under the Public Information Act. Please also submit a Privilege Index pursuant to and consistent with Procedural Rule §7.3(d)(2).

If you have any question concerning the attached Questions or any of these instructions, please contact the undersigned.

Respectfully submitted,

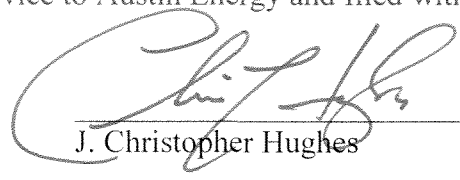
By: 

J. Christopher Hughes
State Bar No. 00792594
Maria C. Faconti
State Bar No. 24078487
HUSCH BLACKWELL, LLP
111 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone: (512) 472-5456
Fax: (512) 481-1101
chris.hughes@huschblackwell.com
maria.faconti@huschblackwell.com

**ATTORNEYS FOR NXP SEMICONDUCTORS AND
SAMSUNG AUSTIN SEMICONDUCTOR, LLC**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this pleading has been forwarded by fax, U.S. first class mail, hand-delivery, or by courier service to Austin Energy and filed with the City Clerk on the 17th day of February, 2016.


J. Christopher Hughes

**NXP Semiconductors and Samsung Austin Semiconductor, LLC Second Request for
Information to Austin Energy**

- 2-1. Refer to WP D-5.1. Please provide a detailed schedule that shows the scope of service, the type of vendor for each contract for outside services shown on Excel line 12, No. 6, in FERC account 923-Outside Service. Include the explanation of why each of these contracts would be recurring.
- 2-2. Refer to WP D-5.1. Please provide a detailed schedule that shows the scope of service, the type of vendor for each contract for outside services shown on Excel line 18, No. 12, in FERC account 923-Outside Service. Include the explanation of why each of these contracts would be recurring.
- 2-3. Refer to WP D-5.1. Please provide a detailed schedule that shows the scope of service, the type of vendor for each contract for outside services shown on Excel line 23, No. 17, in FERC account 923-Outside Service. Include the explanation of why each of these contracts would be recurring.
- 2-4. Refer to Footnote No. 4 on page 4-73. Please explain what is meant by “true market value of the funds.”
- 2-5. Refer to page 4-73. Please explain why a rate stabilization fund for PSA costs is necessary when the PSA may be adjusted under the current tariff for under recoveries that exceed 10% of the cost of power supply.
- 2-6. Please provide the monthly balances of the PSA for the test year and for FY 2014-2015.
- 2-7. Please provide supporting documentation and detailed explanation for each known and measurable adjustments shown on Work Paper D-1.2, including the effective dates for each change.
- 2-8. Please explain why the known and measurable adjustment on WP C-3.2 shows the reserve contribution to be \$11,590,703 whereas Figure 4.6 shows it at \$3,398,128. Which amount is AE recommending?
- 2-9. What is the rationale for including \$19,442,308 in Operations and Maintenance instead of remaining as a reserve?
- 2-10. Please provide the anticipated date that Decker Creek will be taken out of service.
- 2-11. Does AE recommend that the \$19,442,308 be included as Operations and Maintenance to determine the required reserve for working capital? If yes, please explain the rationale for the inclusion.
- 2-12. Please indicate the time frame for which AE has included each known and measurable adjustment.
- 2-13. Please state the time frame for each know and measurable adjustment that AE considers to be within the scope of this review.
- 2-14. Did AE make a weather normalization adjustment to the test year billing data? If so,
 - a. Please provide the high and low temperatures on the peak day of each month of the test year and each year that was used in the adjustment.

- b. Please provide monthly heating and cooling degree-days in Austin used in the adjustment.
- 2-15. For all facilities that were constructed for NXP (f/k/a Freescale) and Samsung please state whether any of these facilities serve other customers. If so, please provide the number of customers, and describe the type of facility and location.
- 2-16. Please provide all studies by AE or others done to produce the results of the affordability matrix since 2011.
- 2-17. Please provide AE's monthly balance in the City's Investment pool during the test year and through December 2015. Please identify by restricted and unrestricted cash.
- 2-18. Will the \$24,244,982 shown as an adjustment to "non-recoverable fuel" on Schedule A be included in the PSA or base rates?
- 2-19. Refer to WP E-5.1.1. When does AE intend to file a TCOS filing with the PUC to reduce its TCOS rates to the new Cost of Service?
- 2-20. Refer to WP D-1.2.4. Please explain what is "normalized" in the Title of Column H, on Excel line 5.
- 2-21. Please explain how test year amounts were normalized. Include workpaper numbers that show the calculation of the normalization.