

AUSTIN ENERGY'S TARIFF PACKAGE: §
2015 COST OF SERVICE §
STUDY AND PROPOSAL TO CHANGE §
BASE ELECTRIC RATES §

AUSTIN ENERGY
2016 FEB 22 PM 1:18
BEFORE THE CITY OF AUSTIN
IMPARTIAL HEARING EXAMINER

**OBJECTION OF AUSTIN ENERGY TO
AE LOW INCOME CUSTOMERS' FIRST REQUEST FOR INFORMATION**

Austin Energy ("AE") files this Objection to AE Low Income Customers a/k/a Texas Legal Services Center's ("TLSC") First Request for Information ("RFI"), and respectfully shows as follows:

I. PROCEDURAL HISTORY

TLSC served its first RFI to Austin Energy on February 10, 2016. Pursuant to the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates § 7.3(c)(1), this objection is timely filed.

Counsel for Austin Energy and TLSC conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with TLSC regarding this and any future objections, Austin Energy files this objection for preservation of its legal rights under the established procedures. To the extent any agreement is subsequently reached, Austin Energy will withdraw such objection.

II. GENERAL OBJECTIONS

Austin Energy generally objects to this RFI to the extent it is irrelevant.

"Discovery is limited to relevant information that is not unduly prejudicial and can lead to the discovery of admissible evidence."¹ As indicated in its Tariff Package, Austin Energy is only proposing changes to its base electric rates in this proceeding. Thus, this rate review is limited to Austin Energy's base electric rates. Discovery in this proceeding should, therefore, be

¹ City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates § 7.1(a).

limited to issues concerning Austin Energy's base electric rates and is irrelevant to the extent it seeks information not related to Austin Energy's base electric rates. Certain pass-through charges, including the Power Supply Adjustment, Regulatory Charge, and Community Benefits Charge, are not included in base rates and, thus, are not at issue in this proceeding. Indeed, in the Impartial Hearing Examiner's Memorandum No. 6, "the Impartial Hearing Examiner also lists as outside the scope of this proceeding, issues related to AE's pass-through charges and underlying costs pertaining to AE's Power Supply Adjustment and the prudence of Austin Energy's fuel and power supply contracts." ²

Accordingly, Austin Energy objects to discovery requests seeking information that is neither relevant to the issues presented in this proceeding nor is reasonably calculated to lead to the discovery of admissible evidence.

² Impartial Hearing Examiner's Memorandum No. 6: Statement of Issues (February 16, 2016), p. 2.

III. SPECIFIC OBJECTION

TLSC 1-13. Where has AE offset the costs for the revenues AE realizes from Decker Creek Power Station that are realized from the plant's black generation function in its cost of service? Please identify the location of these revenue offsets in the cost of service by reference name and date stamp. (Reference p. 3-34, Bates Stamp p. 063.)

Objection:

Austin Energy objects to this request because it seeks information that is neither relevant to the issues presented in this matter nor is reasonably calculated to lead to the discovery of admissible evidence. As indicated in Austin Energy's Tariff Package and Impartial Hearing Examiner's Memorandum No. 6, the scope of this proceeding is limited to Austin Energy's base electric rates and issues related to Austin Energy's pass-through charges are outside the scope of this proceeding. The costs for the revenues AE realizes from Decker Creek Power Station that are realized from the plant's black generation function are pass-through charges. Thus, this request seeks information outside the scope of this proceeding.

Notwithstanding this objection, Austin Energy is providing the requested information.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Austin Energy requests this objection be sustained. Austin Energy also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading has been served on all parties and the Impartial Hearing Examiner on this 22nd day of February, 2016, in accordance with the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates.



THOMAS L. BROCATO