

AUSTIN ENERGY'S TARIFF PACKAGE: §  
2015 COST OF SERVICE § BEFORE THE CITY OF AUSTIN  
STUDY AND PROPOSAL TO CHANGE § IMPARTIAL HEARING EXAMINER  
BASE ELECTRIC RATES §

**OBJECTION OF AUSTIN ENERGY TO  
ICA'S FIFTH REQUEST FOR INFORMATION**

Austin Energy ("AE") files this Objection to the Independent Consumer Advocate's ("ICA") Request for Information ("RFI") No. 5-6, and respectfully shows as follows:

**I. PROCEDURAL HISTORY**

The ICA served its fifth RFI to Austin Energy on April 1, 2016. Pursuant to the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates § 7.3(c)(1), these objections are timely filed.

Counsel for Austin Energy and the ICA conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with the ICA regarding this and any future objection, 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 these RFIs to the extent they are irrelevant or seek competitive information not subject to disclosure under the Texas Public Information Act.

AUSTIN ENERGY  
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### **III. SPECIFIC OBJECTIONS**

ICA 5-6      Provide full copies of the surveys, methodologies, and results referenced in the response to ICA 2-1 for FY 14 and FY 15.

**Objection:**

Austin Energy considers this request a formal request under the Texas Public Information Act, Tex. Gov't Code Ch. 552. Austin Energy has determined the request seeks information that is related to competitive matters and, thus, not subject to disclosure pursuant to Tex. Gov't Code § 552.133, Confidentiality of Public Power Utility Competitive Matters.

#### **IV. PRAYER**

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

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
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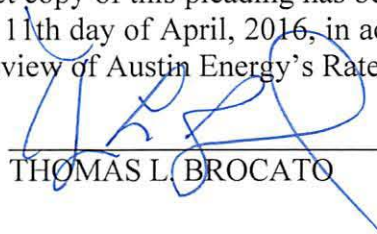
HANNAH M. WILCHAR

State Bar No. 24088631

**ATTORNEYS FOR THE CITY OF AUSTIN**

#### **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 11th day of April, 2016, in accordance with the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates.



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THOMAS L. BROCATO