

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

**DATA FOUNDRY, INC.'S FIRST REQUEST FOR INFORMATION/PRODUCTION TO
AUSTIN ENERGY**

Data Foundry, Inc. ("Data Foundry" or "DF"), pursuant to the Chapter G of the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates (the "Rule" or "Rules"), submits the following First Set of Requests for Information/Production ("Request" or "Requests") to Austin Energy ("AE").

AE is hereby requested to furnish answers or produce responsive documents to the following Requests to the undersigned counsel for Data Foundry within the time period provided by Rule 7.3(c)(1). Data Foundry requests that the responses be made oath or that AE stipulate in writing that responses to requests for information can be treated by all parties as if the answers were filed under oath.

INSTRUCTIONS

- (1) Please answer each Request separately and in the order that they are asked. The numbers of the answers should correspond to the numbers of the request being answered. Please copy each Request immediately before the answer. Please identify the preparer or person under whose direct supervision the response was prepared, and the sponsoring witness, if any.
- (2) You are requested to organize and label any documents that are being produced in a manner that corresponds each document to the categories in this Request. For any voluminous documents as defined in Rule 7.3(h) that are not produced and are only made available please produce the requested documents for inspection and copying as they are kept in the usual course of business.
- (3) This Request is directed to all documents in your custody or control. A document is deemed to be in your custody or control if you have possession of the document or have the superior right to secure such document from another person having possession thereof.
- (4) All objections shall comply with Rules §7.3(d), including, where required, presentation of a Privilege Index.

- (5) These questions are continuing in nature. Rule 7.3(i) applies.
- (6) If any requested document was but is no longer in your present possession or subject to your control, or is no longer in existence, describe each such document and state whether any such document is:
- a. Missing or lost;
 - b. Destroyed;
 - c. Transferred to another person or entity;
 - d. Otherwise disposed of; or
 - e. Not in your possession or subject to your control, or no longer in existence, for any other reason and explain.
- (7) In any of the foregoing instances, also state the surrounding circumstances, and with respect to dispositions (b), (c), or (d), identify any official, representative, or employee who authorized or was responsible for such disposition, the date or best approximate date of any such disposition, and, if known, the present location and custodian of any such document.
- (8) For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the Request precisely as it is stated, provide any information that is available which would respond to that Request at a level of detail different from that specified here.
- (9) If any Request appears unclear or confusing or for any reason cannot be understood, please contact Data Foundry's counsel and indicate the Request(s) that in AE's opinion require clarification. It is specifically requested that this request for clarification occur in advance of the date of any objections so that the Data Foundry can supply the needed clarification and an objection will not be necessary.
- (10) If you claim that a Request cannot be answered without additional information, please contact Data Foundry's counsel and indicate the Request(s) that in AE's opinion require additional information. It is specifically requested that this request for additional information occur in advance of the date of any objections so that the Data Foundry can supply the additional information and an objection will not be necessary.

DEFINITIONS

- (1) The term **"AE"** or **"you"** as used herein refers to Austin Energy ("AE") as that term is used in the Rate Filing Package and associated materials, but also including but not limited to each of AE's employees, agents, representatives, and/or consultants.
- (2) The term **"communication"** includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio and/or email. The term includes communications or statements made via official AE or City of Austin means and accounts, as well as any communications or statements pertaining to AE or City of Austin business via unofficial or private means and accounts.
- (3) The term **"document,"** as used herein, shall mean all written, reported, recorded or

graphic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of AE, including, but not limited to, all reports, memoranda, notes (including reports, memoranda, notes of conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, supporting studies, arithmetic computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, recordings, video or audio tapes, punch cards, magnetic tapes, discs, data cells, drums, printouts, electronic mails, and other data compilations from which information can be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writings have been made which do not appear on the originals. “Document” includes both paper and electronic forms of information. The term includes information contained in official AE or City of Austin records and accounts, as well as any information pertaining to AE or City of Austin business held in unofficial or private records and accounts.

(4) The term **“relate, mention or pertain”** shall be used to mean showing, relating, mentioning, referring, bearing or connected in any way, directly or indirectly, to or in a legal, logical or factual way in connection with, and includes but is not limited to documents or information underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by such request.

(5) **“Identify,”** when used in connection with an act, shall mean to state a description of the act, including the place, date, and time of its occurrence, and the identity of the person, persons, or entities that engaged in and/or witnessed the act.

(6) **“Identify,”** when used with reference to a document, shall mean to state the type of document (*e.g.*, book, magazine, article, circular, ledger, letter, memoranda, chart, computer run information, microfile, etc.), its present location and custodian, a description of its form, title, author/addresser, addressee, indicated or blind copies, subject matter, volume and page number or other means of general identification, approximate size and number of pages, any attachments or appendices, and the date on which it was made or prepared.

(7) **“Identify”** when used with reference to a tangible or intangible object or thing shall mean to provide a detailed description, including but not limited to any commonly used reference, location, routing or other alphanumeric address and/or physical location.

(8) **“Identify,”** when used with reference to a natural person, shall mean to state the full name, present address, phone number and, if known, the occupation of that person during the time period indicated by these requests for information, and the relationship, if any, of that person to your company.

(9) All specialized terms not specifically defined herein shall be given their ordinary or generally understood technical meaning.

(10) Unless the context clearly indicates otherwise, any term defined or used in the singular will include the plural. The words “will” and “shall” are used interchangeably and the use of either connotes a mandatory requirement. The use of one or the other will not mean a different degree of right or obligation.

DATA FOUNDRY REQUESTS

DF 1-1. Please provide the cost of service by class that would result from using the generation production cost allocation method that was approved by the City Council in 2012.

DF 1-2. Please provide any and all documentation from American Public Power Association, the National Association of Regulatory Utility Commissioners (NARUC), or the National Rural Electric Cooperative Association (NRECA) that discusses use of a production demand allocation method similar to AE's proposed ERCOT Twelve Coincident Peak (ERCOT 12CP) method.

DF 1-3. Please provide any known precedent where a rate-setting body approved a production demand allocation method similar to AE's proposed ERCOT 12CP.

DF 1-4. Please identify any and all wholesale markets in the U.S. that operate a centralized dispatched environment like the ERCOT Nodal Market.

DF 1-5. Please identify the generation production cost allocation methods approved for regulated retail utilities within the wholesale markets in the U.S. that operate a centralized dispatched environment like the ERCOT Nodal Market identified in RFI 1-4.

DF 1-6. For each and every generation production cost allocation method that was considered but rejected by AE:

- a. Please provide all materials associated with the AE analysis of each generation production cost allocation method that was considered; and
- b. Please provide a narrative that presents AE's rationale for rejecting each generation production cost allocation method that was ultimately not selected by AE.
- c. To the extent not already produced in response to RFI 1.6(a) please provide the cost of service by class for any and all production cost allocations that were considered but ultimately not selected.

DF 1-7. On page 5-11 of AE's January 25, Proposal to Change Base Electric Rates, AE states: "For the production function, AE is concerned with making generation available during the ERCOT system peak throughout the year ...". Please identify in more specific terms the recipients of the generation AE is concerned about making available to and why there is a concern regarding each such recipient.

DF 1-8. Please identify and fully discuss each and every reason that AE is concerned with making generation available to the identified recipients during the ERCOT system peak throughout the year.

DF 1-9. Please discuss whether AE is obligated to make generation to the identified recipients available during the ERCOT system peak throughout the year.

DF 1-10. Please explain how AE allocated production costs between the demand and energy classifications. Provide the complete rationale for use of this method. Provide or identify the location of workpapers supporting this procedure.

DF 1-11. On page 5-13 of AE's January 25, Proposal to Change Base Electric Rates, AE states "the allocation of demand-related costs to each customer class was based on accepted industry practices ..." Please identify and discuss the "accepted" industry practices that

purportedly support AE's proposed generation production cost allocation methods. Provide any and all supporting documentation.

DF 1-12. With regard to the affordability goal of remaining in the lower 50 percent of retail rates across the state, please provide all documents and other information available to AE comparing AE's rates with retail rates across the state.


Respectfully submitted,

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Counsel for Data Foundry, Inc.

CERTIFICATE OF SERVICE

I, W. Scott McCollough, certify that I have served a copy of Data Foundry's First Request for Information on all parties listed on the Service List for this proceeding as it exists on the date this pleading is filed, using the email address provided for the party representative.


W. Scott McCollough

April 12, 2016