

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 PAUL ROBBINS'S
FOURTH REQUEST FOR INFORMATION**

Austin Energy ("AE") files this Objection to Paul Robbins's Fourth Request for Information ("RFI"), and respectfully shows as follows:

I. PROCEDURAL HISTORY

Paul Robbins served his fourth RFI to Austin Energy on April 8, 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 Paul Robbins conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with Paul Robbins regarding these and any future objections, Austin Energy files these objections 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
2016 APR 18 AM 11:19

III. SPECIFIC OBJECTIONS

Paul Robbins 4-1.1 I am requesting to view the names, billing addresses, and customer billing data for participants receiving the Customer Assistance Program electric discount between March of 2015 and March of 2016.

I am aware of the privacy issues related to this. I am willing to sign a non-disclosure agreement to deal with these concerns.

Although it is my preference to analyze this data at my office, I will also agree to do this at Austin Energy's office if this is not possible, and to not transfer the confidential data outside of this office.

Objection:

Austin Energy objects to this request because it seeks confidential, proprietary customer information that Austin Energy cannot disclose. Additionally, Austin Energy considers this request a formal request under the Texas Public Information Act, Tex. Gov't Code Ch. 552. and has determined the request seeks customer billing, contract, and usage 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.

Further, Austin Energy is unable to circumvent the protections of the Public Information Act by entering a non-disclosure agreement. As a department of the City of Austin, AE is subject to the City's public information protocol, which mandates compliance with the Texas Public Information Act. The City's interest in upholding its duty as a public entity to provide equal, fair, and impartial access to public information, while also protecting the City's competitive advantage, prohibits the City from entering a non-disclosure agreement with an individual that would undermine Section 552.133 of the Texas Public Information Act. Additionally, in this proceeding, such an agreement would take the form of a protective order, which could only be issued by the Impartial Hearing Examiner ("IHE"). In his Rulings on NXP/Samsung's Motion to Compel with Regard to NXP/Samsung's First Request for Information, the IHE stated he "does not have the authority to issue a protective order to address AE's confidential information. To that extent, the IHE sustains AE's PIA-based objection." Therefore, AE cannot enter a non-disclosure agreement to provide the requested information as suggested by Mr. Robbins.

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 &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900

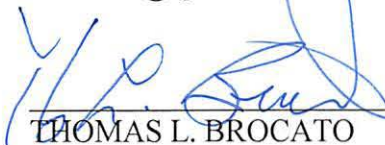
Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)

tbrocato@lglawfirm.com

hwilchar@lglawfirm.com



THOMAS L. BROCATO

State Bar No. 03039030

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 18th day of April, 2016, in accordance with the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates.



HANNAH M. WILCHAR