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**Subject:** Argument on Behalf of Paul Robbins' Motion to Compel his Fourth RFI  
**Date:** Friday, April 22, 2016 3:03:38 PM

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## AUSTIN ENERGY 2016 RATE REVIEW

### AUSTIN ENERGY'S TARIFF PACKAGE UPDATE OF THE 2009 COST OF SERVICE STUDY AND PROPOSAL TO CHANGE BASE ELECTRIC RATES

### BEFORE THE CITY OF AUSTIN IMPARTIAL HEARINGS EXAMINER

AUSTIN ENERGY  
2016 APR 25 AM 7:51

Judge Herrera,

I received a letter by Austin Energy on Friday, April 22, asking you to dismiss my Motion to Compel because it was submitted 3 hours and 2 minutes after a deadline.

When crafting this motion, I referred to the procedural rules regarding "Motions to compel" on page 15, which allowed 3 days to respond. It was a deductive assumption that if there was a deadline other than 5 PM (the common definition for the end of the business day), it would have been stated in this section and not elsewhere, or restated in this section.

The 12 o'clock deadline that AE is referring to is stated elsewhere in the rules and reads:

*All documents shall be filed by 12:00 p.m. on the due date, unless otherwise ordered by the Impartial Hearing Examiner.*

By my reading, that allows you the discretion to 'otherwise order.'

I am asking you to judge the Motion on its merits and not a somewhat obscure time deadline.

Sincerely,

Paul Robbins  
(512) 447-8712