

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

**BEFORE THE CITY OF AUSTIN
IMPARTIAL HEARING EXAMINER**

**AUSTIN ENERGY'S FIFTH REQUEST FOR INFORMATION TO
NXP SEMICONDUCTORS AND SAMSUNG AUSTIN SEMICONDUCTOR, LLC**

Austin Energy ("AE") files this fifth Request for Information ("RFI") to NXP Semiconductors and Samsung Austin Semiconductor, LLC ("NXP/Samsung"). NXP/Samsung is hereby requested to provide information and answer the attached questions pursuant to Procedural Rule 7.3. The responses are due by 12:00 p.m. within five (5) calendar days. These requests shall be deemed continuing so as to require further and supplemental responses if NXP/Samsung receives or generates additional information within the scope of these requests between the time of the original response and the time of the hearing. Please provide supporting documentation in native Excel format with all formulas intact when applicable.

DEFINITIONS AND INSTRUCTIONS

A. "Austin Energy" and "AE" refer to the City of Austin d/b/a Austin Energy, including its directors, officers, employees, consultants, agents, advisors, and attorneys.

B. "City" refers to the City of Austin, including its various departments, offices, officers, employees, consultants, agents, and attorneys, other than Austin Energy.

C. "You," "yours," and "your" refer to NXP/Samsung, including its directors, officers, employees, consultants, agents, and attorneys.

D. The term "document" shall have the broadest meaning possible under the Texas Rules of Civil Procedure and shall include, but not be limited to, the original (or a copy when the original is not available), each non-identical copy (including those which are non-identical by reason of notations or marking, or by appearing in the files of a separate person), and any books, notebooks, pamphlets, periodicals, letters, reports, memoranda, handwritten notes, notations, messages, telegrams, wires, cables, press or news wire releases, records, studies, analyses, summaries, magazines, booklets, circulars, catalogs, bulletins, instructions, operating or maintenance manuals, operating or product specifications, fabrication sheets, test data, design specifications, parts lists, calendars, day-timers, notes or records of meetings, notices, purchase orders, bills, ledgers, checks, tabulations, questionnaires, surveys, drawings, sketches, schematics, blueprints, flow sheets, working papers, charts, graphs, indices, tapes, agreements, releases, appraisals, valuations, estimates, opinions, financial statements, accounting records,

income statements, photographs, films or videotapes, back-up tapes, minutes, contracts, leases, invoices, records of purchase or sale, correspondence, electronic or other transcription or tapings of or notes pertaining to telephone or personal conversations or conferences, tape recordings, electromagnetic recordings, voice mail message or transcriptions thereof, interoffice communications of all types, e-mail messages, printouts of e-mail messages, instant messages or printouts thereof, microfilms, electronic databases, CDs, DVDs, videotapes or cassettes, films, movies, computer printouts and any and all other written, printed, typed, punched, engraved, taped, filmed, recorded (electronically or otherwise), labeled, or graphic matter, of whatever description, however produced or reproduced (including computer-stored or generated data, together with instructions or programs necessary to search and retrieve such data), and shall include all attachments to (including tangible things) and enclosures with (including tangible things) any requested item, to which they are attached or with which they are enclosed, and each draft thereof. A draft of a non-identical copy is a separate document within the meaning of this term. An electronic copy of a paper documents is a separate document within the meaning of this term.

E. Austin Energy specifically requests that any electronic or magnetic data (which is included in the definition of “document”) that is responsive to a request herein be produced electronically in its native format and be produced with your response to these requests. Austin Energy further requests that you produce electronic copies of all paper documents, including any metadata attached to such documents, and produce all electronic originals or all responsive documents.

F. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

G. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

H. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

I. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

J. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

K. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

L. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

M. If you withhold any requested information from disclosure because you contend that it is "confidential" or otherwise subject to exemptions from disclosure in this proceeding under the Texas Rules of Evidence, the Texas Rules of Civil Procedure, other law, or by Procedural Rule 3.1(d), please submit an index consistent with Procedural Rule 7.3(d)(2).

N. If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross references.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900

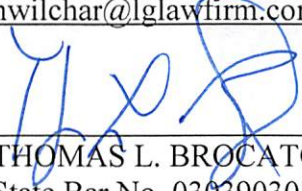
Austin, Texas 78701

(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 AUSTIN ENERGY

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 10th day of May, 2016, in accordance with the City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates.



THOMAS L. BROCATO

Austin Energy's Fifth RFI to NXP/Samsung

- AE 5-1 Is it appropriate for a utility that owns a generation resource to start collecting the cost to retire and replace that asset prior to announcing the date on which the resource is to be retired? Why or why not? In your response, please address the use of depreciation expense by investor-owned generation companies and if there are similar financial mechanisms that may be used by municipally owned utilities.
- AE 5-2 Ms. Fox states on page 39 (Bates 41) of her Direct Testimony, "AE has far more reserves than its peers." She then references Table 7-6 of NewGen Strategies and Solutions *Summary of Austin Energy's Reserve Funds* at Bates 478. Please provide the dollar amount of total reserves for each of the peer companies referenced in NewGen's Table 7-6 and explain how Austin Energy has "far more reserves than its peers."
- AE 5-3 Ms. Fox also indicates on page 39 of her Direct Testimony that she reviewed the City of Austin Internal Audit Report of Reserves to assess AE's level of reserves as compared with peer companies. Please provide the total dollar amount of reserves for each of the peer companies referenced in that report and explain how Austin Energy has "far more reserves than its peers."
- AE 5-4 Which of the following determines which resources are dispatched in ERCOT: total system demand or resource offer price? See the Direct Testimony of Gary Goble, page 13 (Bates 15). Please explain your response.
- AE 5-5 Does ERCOT peak demand always correlate with ERCOT peak price? Please explain your response.
- AE 5-6 Please explain in detail why ERCOT plans according to forecasted system peak. How is that different than how a generation company plans for future operations?
- AE 5-7 In 2014, in which five months were the average all-in price for electricity highest in ERCOT?
- AE 5-8 Please provide any documentation that supports the claim that the Austin City Council requires Austin Energy to use the A&E 4CP production allocation methodology in this cost of service study.
- AE 5-9 Please provide documentation that supports the claim that "a kilowatt of demand placed upon distribution equipment during the summer has a much greater impact upon equipment capacity than occurs during the winter...." See the Direct Testimony of Gary Goble at page 25 (Bates 27). Include any calculations relied upon to substantiate the statement.
- AE 5-10 Please provide the work papers that show "high load factor industrial customers located elsewhere in Texas pay rates less than 5.1 cents per kWh." See the Direct Testimony of Gary Goble at page 34 (Bates 36).
- AE 5-11 Can competitive generation companies raise money through the bond markets or from equity investors? If yes, can competitive generation companies use these

Austin Energy's Fifth RFI to NXP/Samsung

funds to pay for some of the costs of operating in the ERCOT wholesale market? See the Direct Testimony of Gary Goble at page 41 (Bates 43).

- AE 5-12 Who are Austin Energy's owners? Do they provide funding similar to equity investments? How?
- AE 5-13 Page 38, line 8 of the Direct Testimony of Marilyn J. Fox states, "...current reserves are too high." Please provide any and all documentation supporting this statement.
- AE 5-14 Page 38, lines 14-15 of the Direct Testimony of Marilyn J. Fox states, "...AE is requesting that Council approve some, but not all, of NewGen's recommendations." Please provide a list of NewGen's recommendations that AE is not requesting City Council to approve and a document reference relied upon for the list.
- AE 5-15 Please identify the NewGen recommendation referenced on page 38, line 20 of the Direct Testimony of Marilyn J. Fox.
- AE 5-16 Page 39, line 2 of the Direct Testimony of Marilyn J. Fox states that NewGen recommended "...to include Non-Nuclear Decommissioning cost as a reserve, instead of as part of O&M expense." Please provide the document relied upon for this statement.
- AE 5-17 Page 41, line 3 of the Direct Testimony of Marilyn J. Fox states, "...The Rate Stabilization Reserve is especially unreasonable." Please provide documentation that supports this claim.