

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

AUSTIN ENERGY
MAY 20 AM 8:02
BEFORE THE CITY OF AUSTIN
IMPARTIAL HEARING EXAMINER

Public Citizen's and Sierra Club's Response to NXP/Samsung's Objection and Motion to Strike

Public Citizen and Sierra Club file this response to NXP/Samsung's Objection and Motion to Strike Public Citizen/Sierra Club's Position Statement/Presentation on the Issues and Cross Rebuttal Presentation.

NXP/Samsung argue that both documents should be stricken from the record because a sponsoring witness responsible for the statements was not designated. In support of their argument, NXP/Samsung cite to the rules and process of a Public Utility Commission ("PUC") hearing, while conceding that this proceeding is not such a hearing.

Public Citizen/Sierra Club agree that this proceeding is not a PUC hearing and contend that the rules governing those hearings do not apply to this case. Public Citizen/Sierra Club followed the procedural rules that do apply to this proceeding, §6.1(b), specifically, and used a narrative format to present their position on specific issues and a recommended course of action for each. Nothing in the rules requires identification of a sponsoring witness in the parties' presentations or cross rebuttal.

Furthermore, at the prehearing conference on March 4, Austin Energy staff and the Impartial Hearing Examiner specifically stated that this process was designed to be less formal than the PUC process to make it accessible to a wide array of possible participants, even those with no rate case or legal experience.

NXP/Samsung have since sent an RFI to Public Citizen/Sierra Club, requesting the identification of sponsoring witnesses for each of the issues discussed in their position statement and cross rebuttal. Sierra Club and Public Citizen will respond in an appropriate and timely manner to such request pursuant to the City of Austin Procedural Rules.

Conclusion and Prayer

For the foregoing reasons, Public Citizen and Sierra Club respectfully request that NXP/Samsung's Objection and Motion to Strike be overruled.

Respectfully submitted,



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Submitted: May 19, 2016