

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

AUSTIN ENERGY  
2016 MAY 20 PM 12:07  
BEFORE THE CITY OF AUSTIN  
IMPARTIAL HEARING EXAMINER

**AUSTIN ENERGY'S MOTION REGARDING HEARING PROCEDURES AND  
REQUEST TO CHANGE PROCEDURAL SCHEDULE**

COMES NOW Austin Energy ("AE") and files this Motion Regarding Hearing Procedures and Request to Change Procedural Schedule

**I. PROPOSAL FOR TIME ALLOTMENTS**

Under the current procedural schedule, the Austin Energy Rate Review hearing on the merits is scheduled for approximately 3.5 days. Taking into account reasonable breaks and hearing hours, AE estimates this equals approximately 23 hours of hearing time. Based on this estimate, Austin Energy requests eleven and a half (11.5) hours of the hearing time be allotted for AE's opening or closing statements, examining or cross examining of witnesses, or presenting legal arguments. AE requests the remaining eleven and a half (11.5) hours be divided among all other parties. AE does not take a position on how the other parties divide their allotted time.

**II. PROPOSAL FOR CASE PRESENTATION**

AE proposes the case be presented as follows:

Following opening statements, AE will present its direct case with a panel of its witnesses: Mark Dombroski, Mark Dreyfus, Kerry Overton, and Debbie Kimberly.

Intervenors will then present both their direct case and cross rebuttal simultaneously in the following order:

1. Austin Chamber of Commerce
2. Austin Energy Low Income Customers
3. Austin Regional Manufacturer's Association
4. Bethany United Methodist Church
5. Data Foundry

6. Independent Consumer Advocate
7. Jim Rourke
8. NXP/Samsung
9. Paul Robbins
10. Public Citizen/Sierra Club
11. Seton Healthcare Family

AE will then present its rebuttal case in the following order:

1. Mark Dombroski
2. Joe Mancinelli
3. Ed Van Eenoo
4. Greg Canally
5. Kerry Overton
6. Debbie Kimberly
7. Rusty Maenius
8. Mark Dreyfus

AE proposes that the order of intervenors' cross-examination will be the same as intervenor presentations of their direct case and cross-rebuttal. Additionally, as the party with the burden of proof, AE requests that it be allowed to cross examine intervenor witnesses last.

### **III. PARTY PARTICIPATION**

Pursuant to City of Austin Procedural Rules §§ 6.1(b) and 8.3(b), parties who do not file a party presentation shall not participate in the hearing and any party that intends to offer a party presentation into evidence must designate a witness that will stand for cross-examination. Accordingly, AE requests that each intervenor who intends to offer a party presentation into evidence designate a witness that will stand for cross-examination by May 25, 2016.

### **IV. REQUEST TO CHANGE PROCEDURAL SCHEDULE**

AE has an unavoidable conflict June 3, 2016, and, therefore, requests a change to the procedural schedule. AE requests the prehearing conference currently scheduled for May 31, 2016 be rescheduled for May 27, 2016 starting at 1:00 p.m., and the hearing date scheduled for

June 3, 2016 be cancelled. To avoid reducing the total hours of hearing time, AE proposes to extend the length of each day of the hearing by a time mutually agreed upon by the parties.

## **V. MEETING**


AE has invited all parties in the Austin Energy Rate Review to attend and participate in a meeting on May 23, 2016 from 9:00-11:00am. The purpose of the meeting is to discuss narrowing the issues to be litigated during the hearing by agreement of the parties. The meeting will be held in Room 534 of the Town Lake Center at 721 Barton Springs Rd, Austin, TX 78704.

## **VI. CONCLUSION**

AE respectfully requests the Impartial Hearing Examiner adopt these proposals and grant AE's scheduling request.

Respectfully submitted,

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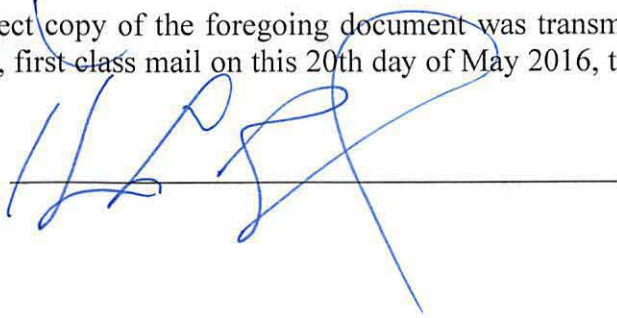
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ATTORNEYS FOR AUSTIN ENERGY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, e-mail, hand-delivery and/or regular, first class mail on this 20th day of May 2016, to the parties of record.

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be "HAR".