

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

AUSTIN ENERGY
2016 MAY 26 AM 8:02
BEFORE THE CITY OF AUSTIN
IMPARTIAL HEARINGS
EXAMINER

**AUSTIN ENERGY LOW INCOME CUSTOMERS' RESPONSE TO AUSTIN
ENERGY'S MOTION REGARDING HEARING PROCEDURES AND REQUEST TO
CHANGE PROCEDURAL SCHEDULE**

To the Honorable Judge Herrera:

Comes Now, Austin Energy Low Income Customers ("AELIC") responding to Austin Energy's ("AE") Motion Regarding Hearing Procedures and Request to Change Procedural Schedule ("Motion"), stating as follows:

I.

Overview

AE's Motion attempts to set the order of cross examination and presentation of parties at the hearing; to change the hearing times and to allow the utility half of the time for cross-examination. AELIC is more familiar with the practice of the parties talking among themselves at the prehearing to negotiate these issues and not have them litigated before Your Honor unless consensus cannot be reached. Nonetheless, AELIC disagrees with most of AE's proposed procedures and schedule.

II.

Panel of Witnesses

AELIC disagrees with creating a panel of AE witnesses. The undersigned attorney has participated in witness panels before the Texas Public Utility Commission and has not found them to save any time. To the contrary, the panels end up taking longer on questions because witnesses who were not asked the question "add in their two cents" and their "two cents" ends up often not being responsive to the question asked. AELIC prefers witnesses to testify one at a time. This also allows the Judge to better view the demeanor of the witness, which is one of the evidentiary strengths of having a Judge presiding over the hearing.

III.

Order of Cross Examination and Presentation of Parties

AELIC objects to the proposed order of cross-examination and subsequent presentation of parties. While AELIC has no objection to allowing AE to go last in the order of cross-

examination, AELIC recommends the following order of cross-examination and presentation of witnesses:

1. Seton Healthcare Family
2. Austin Regional Manufacturer's Association
3. Jim Rourke
4. Paul Robbins
5. Austin Chamber of Commerce
6. Data Foundry
7. Bethany United Methodist Church
8. Public Citizen/Sierra Club
9. Austin Energy Low Income Customers
10. NXP/Samsung
11. Independent Consumer Advocate

Austin Energy would go last in cross examination but is responsible for going first in its presentation and also presents its rebuttal after the intervenors and the Independent Consumer Advocate witnesses testify. AELIC has no objection to AE combining its direct and rebuttal testimonies.

AELIC also has no objection for the intervenor witnesses to testify on both their direct and rebuttal when the witnesses are called to testify.

IV.

Procedural

AELIC objects to reducing the hearing days by one and do not agree to lengthening the hours for each day of the hearing. AELIC does not object to AE's request to not hold the hearing on June 3, 2016, but only if the day is made up subsequently. AELIC does not object to holding the hearing on Saturday. AELIC also is concerned, given the number of witnesses and parties, that the current hearing days may not be enough and request that an additional hearing day be added to provide five full days of hearing.

AELIC also objects to AE receiving half the time allowed, especially given the number of parties in this case. AELIC recommends that AE receive no more than one-third of the hearing time, leaving the remaining two-thirds of the hearing hours to the other 11 parties AE has identified in its filing.

AELIC notes that more than eleven persons/entities have intervened in this case and AE has not considered them in its Motion. AELIC requests the Judge at the upcoming pre hearing address this issue.

V.

Negotiation

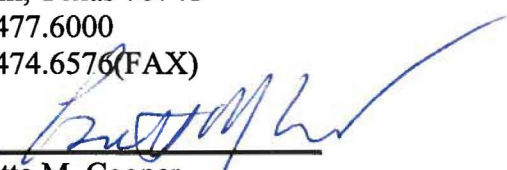
AELIC does not object to the parties at the upcoming pre hearing negotiating among themselves for the issues AE raised on its own in its Motion underlying this Response.

Prayer

Wherefore, premises considered, AELIC prays that the Judge grant AELIC the relief requested above and for such other relief in law or in equity to which it is entitled.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that TLSC has served a copy of the attached document upon all known parties of record by email and to the Impartial Hearing Examiner on 24th day of May 2016


Lanetta M. Cooper