

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 HEARING EXAMINER

**PUBLIC CITIZEN/SIERRA CLUB'S  
THIRD REQUEST FOR INFORMATION TO AUSTIN ENERGY**

Public Citizen and Sierra Club request Austin Energy to respond to the following Request for Information set forth below relating to this case. Austin Energy is requested to serve its response to this Request for Information on the authorized representatives listed below no later than five days after AE receives this request.

**Definitions:**

As used in this introduction and in these questions,

1. "Communication" means any disclosure, transfer, or exchange of information, whether oral or written, of every kind including but not limited to, telephone calls, conferences, letters, emails and all memoranda or other documents concerning the requested item.
2. "Austin Energy", the "utility," "AE", and "Applicant" refer to Austin Energy.
3. "You," "yours," and "your" refer to Austin Energy (as defined above), including its General Manager, managers, officers, employees, consultants, agents and attorneys.
4. "Document" and "documents" mean any written, recorded, filmed, or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device of any other media, including, but not limited to, memoranda, notes, analyses, spreadsheets, minutes, records, photographs, correspondence, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, contracts, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers observations, commercial practice manuals, reports and summaries of interviews, reports of consultants, appraisals, forecasts, tape recordings, or any form of recording that is capable of being transcribed into written form. A draft or non-identical copy is a separate document.
5. "Identify" has the following meanings depending on the context:
  - a. "Identify" when used with a natural person means to supply his or her name, last known residential and business addresses, last known residential and business telephone numbers, his or her present position, and his or her prior connection or association with any party to this proceeding. If the above information is unavailable, provide some other means of identifying the person and his or her present location.

- b. "Identify" when used with an entity means to provide its name, manner of organization (e.g., corporation, partnership, joint venture, etc.), address and telephone number.
  - c. "Identify" when used with a documents means to supply (i) the nature of the document (e.g., letter, memorandum, corporate minutes), (ii) the date, if any, appearing on the document, (iii) the date, if known, on which the document was prepared, (iv) the title of the document, including any jurisdictional styles and docketing numbers, if applicable, (v) the general subject matter of the document, (vi) the number of pages comprising the document, (vii) the identity of each person who signed or initialed the document, (viii) the identity of each person to whom the document was addressed, (ix) the identity of each person who received the document or reviewed it, (x) the location of the document and (xi) the identity of each person having custody of, or control over, the document. Identification of a document includes identifying all documents known or believed to exist, whether or not in the custody of Austin Energy or in the custody of its attorneys or other representatives or agents.
  - d. "Identify" when used with any other thing or matter means to provide a description with detail sufficient to allow a party to this action to identify it and determine its present location.
- 6. "FY" means fiscal year as utilized by AE and the City of Austin for budgeting purposes and for the council setting of AE electric rates that occur annually.
  - 7. "Council" or "City" means the Austin City Council.
  - 8. "Person" means any natural person. The term also means, whether formally organized or ad hoc, any business, organization, legal entity, or governmental entity.
  - 9. "Representative" means a general manager, officer" employee, agent, spokesperson, or attorney of a person.
  - 10. The words "and" and "or" are to be construed conjunctively or disjunctively as necessary to give each request its broadest scope.
  - 11. The singular form of a word also refers to the plural, unless the context requires otherwise.

### **Instructions**

- 1. In answering these questions, furnish all information that is available to you, including information in the possession of your agents, employees, and representatives, all others from whom you may freely obtain it, and your attorneys and their investigators.
- 2. If you have possession, custody, or control (as defined by Tex. R. Civ. P. 192.7(b) of the originals of these documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp, or notation.
- 3. If you do not have possession, custody, or control of the originals of the documents requested, please produce copies of the documents, however made, in your possession, custody or control. If any document requested is not in your

possession or subject to your control, please explain why not, and give the present location and custodian of any copy or summary of the document.

4. If any question appears confusing, please request clarification from the undersigned counsel.
5. In providing your responses, please start each response on a separate page and type at the top of the page, the question that is being answered.
6. As part of the response to each question, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparing of the answer. If the question has subparts, please identify the person or persons by subpart. Please also state the name of the witness or witnesses in this docket who will sponsor the answer to the question and who can vouch for the truth of the answer. If the question has subparts, please identify the witness or witnesses by subpart.
7. Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available.
8. These questions are continuing in nature. If there is a change in circumstances or factors if you receive or generate additional information that changes your answer between the time of your original response and the time of the hearings, then you should submit a supplemental response to your earlier answer.
9. If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please call the undersigned counsel as soon as possible in order to discuss the situation and to try to resolve the problem. Likewise, if you object to any of the questions on the grounds that the question seeks confidential information, or on any other grounds, please call the undersigned counsel as soon as possible.
10. If the response to any question is voluminous, please provide separately an index to the materials contained in the response.
11. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, description of document, subject matter of the document, and the basis upon which such privilege is claimed.
12. If the information requested is included in previously furnished exhibits, work papers, 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.
13. If you are asked to identify a document and you do not include a copy of the document with your response, please provide the following information (if applicable) about the document:
  - a. The identity of the person who signed it;
  - b. The identity of the person or persons to whom it was addressed;
  - c. The identity of the persons who prepared it;
  - d. The title and substance of the document with enough detail to identify the document;
  - e. The date of the document;

- f. The date the document was executed or prepared, if different from the date it bears; and
- g. If the document, or a copy of it, is not in your custody or control, the identity of the person who has control or custody of it or a copy of it.
- h. If the person to be identified is not a natural person (e.g. a corporation) give its name and address and principal business activity.

Respectfully submitted,



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Carol S Birch  
Texas Bar No. 02328375  
Attorney for Public Citizen and Sierra Club

Submitted: May 25, 2016

**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 the 25<sup>th</sup> day of May, 2016.

## **Request for Information**

The definitions and instructions set out in this Request for Information apply to these questions.

3-1. When Austin Energy calculates the local solar production profile for the Value of Solar formula, which types of solar installations are included? Specifically, does production from both residential and commercial installations get factored into the production profile? Are other local solar installations, such as Webberville or City of Austin owned installations, included?

3-2. Under current policy, does Austin Energy pay for any local infrastructure upgrades (such as transformers) that are needed to accommodate commercial solar installations? If the answer is yes, please identify all such upgrades, the amounts spent on them and which commercial customers they benefitted.

3-3. According to the current projected debt payment schedule, how much Austin Energy debt associated with the Fayette Power Project is expected to remain by October 2016?

3-4. According to the current projected debt payment schedule, how much Austin Energy debt associated with the Fayette Power Project is expected to remain by October 2022?

3-5. Please provide an estimate of how much money would be collected, by customer class, from Austin Energy's original and revised Energy Efficiency Service fee proposed rates in FY 2017.

3-6. Please identify all persons you communicated or consulted with, or who were involved in developing Austin Energy's revised Energy Efficiency Services fee proposal included in Deborah Kimberly's rebuttal testimony. Anyone with whom Austin Energy staff communicated regarding the EES fee since the initial rate package was filed should be included in the list of persons identified.

3-7. Please provide the timeframe for and state the substance of the communications identified in your response to No. 3-6.

3-8. Please describe the circumstances that prompted you to reevaluate your original proposal, and what you relied on to make the proposed changes.

3-9. Please provide all documents, including communications, worksheets and spreadsheets, that are related to the decision to modify the EES fee and to determine the specific rates proposed.