

AUSTIN ENERGY'S TARIFF PACKAGE

**AND PROPOSAL TO CHANGE BASE
ELECTRIC RATES**

§
§
§

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

**HOMEOWNERS UNITED FOR RATE FAIRNESS' S FIRST REQUEST FOR
INFORMATION TO AUSTIN ENERGY**

COMES NOW, HOMEOWNERS UNITED FOR RATE FAIRNESS ("HURF"), and files this, its First Request for Information to the City of Austin d/b/a Austin Energy ("Austin Energy") in the captioned proceeding.

HURF requests that Austin Energy, as defined herein, provide the following information and answer the following questions under oath. Please answer the questions and sub-questions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the questions.

Definitions

As used in this Request for Information:

- (1) "Austin Energy" and "AE", refer to the City of Austin d/b/a Austin Energy, including its directors, officers, employees, consultants, agents, and attorneys;
- (2) "City" refers to the City of Austin, including its various departments, offices, officers, employees, consultants, agents, and attorneys, other than Austin Energy;
- (3) "You", "yours" and "your" refer to Austin Energy (as defined above), including its directors, officers, employees, consultants, agents, and attorneys.

(4) As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering

reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

Instructions

These Requests are directed to and cover all documents in your possession, custody, or control, or in the possession, custody, or control of your representatives, including but not limited to, any of its employees, agents, or attorneys, and any other person acting for, on behalf of, or under the authority or control of, Austin Energy.

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 interlineations, receipt stamp, or notation.

Claim of Privilege

If you withhold any documents that you are otherwise required to produce by these Requests under any claim of privilege, specifically identify each document by stating its date, author, recipients and the reason for withholding said document.

Questions

The Definitions, Instructions, and Claim of Privilege set out in this Request for Information apply to these questions.

If any question appears confusing, please request clarification from the undersigned counsel.

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.

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 sub-parts, please identify the person or persons by sub-part. Please also state the name of the witness 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 sub-parts, please identify the witness or witnesses by sub-part.

Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available.

These questions are continuing in nature. If there is a change in circumstances or facts or 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, under oath, a supplemental response to your earlier answer.

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.

If the response to any question is voluminous, please provide separately an index to the materials contained in the response.

If the information requested is included in previously furnished exhibits, workpapers, or 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.

To the extent that a question asks for the production of copyrighted material, it is sufficient to provide a listing of such material, indicating the title, publisher, author, edition, and page references relied on or otherwise relevant to the question.

Respectfully submitted,

/s/ Roger B. Borgelt

Roger B. Borgelt

Borgelt Law

State Bar No. 02667960

614 S. Capital of Texas Hwy.

Austin, Texas 78746

Tel: 512/600-3467

E-mail: roger@borgeltlaw.com

Filed: April 19, 2016

CERTIFICATE OF SERVICE

I certify that today, May __, 202, I served a true copy of the foregoing First Request for Information to The City of Austin d/b/a Austin Energy on all parties of record via electronic mail.

/s/Roger B. Borgelt

Roger B. Borgelt

1-1. Please provide proposed rates under the city's new proposed rate structure for customers

outside the City limits to approximate the current differentials between inside and outside City limits rates as well as the overall revenue generation differential implied in the settlement in PUCT Docket No. 40627.

1-2. Please provide any information, including any rate calculations, showing, or addressing any differentials between inside and outside City limits rates which were prepared or reviewed in the preparation of this rate filing package.

1-3 Please provide the amounts, by fiscal year, budgeted by AE during fiscal years 2017, 2018, 2019, 2020 and 2021 for each of the items listed. (Provide unaudited amounts if audited amounts are not available.)

(1) General fund transfer

(2) EGRSO

(3) Economic Incentive Reserve Fund

(4) Economic Incentive Agreements

(5) CMO Environmental Sustainability Office

(6) Holly Good Neighbor Program

(7) Street lighting

(8) Community programs (whether or not “specified”), including donations, contributions, and sponsorships

(9) Lobbyists

1-4 Please provide the calculations and explanation for the General Fund Transfer request of \$121 million.

1-5 Explain how the statement “Bring outside- and inside-City of Austin residential

customers together in the new rates since there is no cost difference in serving those customers” relates to the principles established in the settlement of PUCT Docket No. 40627.

- 1-6 Please provide a schedule for the test year showing the number of customers by customer class for total Austin Energy, the number of customers by customer class for those customers inside the City Limits of the City of Austin, and the number of customers by customer class for those customers outside the City Limits of Austin. In the same format, please provide the number of kWh billed for each customer class by tier for total customers, inside city customers, and outside city customers. Also, in the same format for each customer class show the load factor for total customers, inside city customers, and outside city customers.
- 1-7 Is Austin Energy proposing to eliminate the Winter/Summer differential rates?