

**AUSTIN ENERGY 2022 BASE RATE
REVIEW**

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**BEFORE THE CITY OF AUSTIN
HEARING EXAMINER**

**TEXAS INDUSTRIAL ENERGY CONSUMERS FOURTH REQUEST FOR
INFORMATION TO AUSTIN ENERGY**

Texas Industrial Energy Consumers (“TIEC”), by and through its attorneys of record, requests that Austin Energy (“Austin Energy” or “you”) provide information and answer the attached questions under oath pursuant to Procedural Guidelines Section B.3(a) and Section F. It is further requested that the questions be answered in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

DEFINITIONS AND INSTRUCTIONS

A. Austin Energy” or “you” refers to Austin Energy, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

B. The terms “document” or “documents” are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. “Document” or “documents” shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

C. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC specifically requests that any electronic or magnetic information (which is included in the definition of “document”) that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

D. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

E. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

F. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

G. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

H. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

I. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

J. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

K. If any document is withheld under any claims of privilege, please furnish a list identifying each document for which a privilege is claimed together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. This instruction is not intended to impose an obligation greater than contemplated by the Commission’s rules and any applicable orders in this case.

L. If the response to any request is voluminous, please provide a detailed index of the voluminous material.

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

N. The term “emails” includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph “C.” regarding specific instructions for producing such items.

O. “Communications” refers to correspondence of any kind, including emails.

P. “Identify” and “describe” shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, business affiliation, job title, and business address and telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;
- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Katie L. Coleman

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**ATTORNEYS FOR TEXAS INDUSTRIAL
ENERGY CONSUMERS**

CERTIFICATE OF SERVICE

I, John R. Hubbard, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 27th day of May, 2022 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ John R. Hubbard

John R. Hubbard

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**Exhibit A
BEFORE THE CITY OF AUSTIN
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**TEXAS INDUSTRIAL ENERGY CONSUMERS FOURTH REQUEST FOR
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- TIEC 4-1** Provide a list of distribution substations included in the plant investment in FERC Account Nos. 361 and 362 as shown in Schedule B-1.
- TIEC 4-2** For each distribution substation listed in TIEC 4-1, provide a schedule showing the following information at the end of the most recent fiscal or calendar year:
- a. Total plant in service.
 - b. Accumulated depreciation reserve.
- TIEC 4-3** Provide a copy of all credit rating reports for Austin Energy or the City of Austin for the past four years.
- TIEC 4-4** Provide a copy of any annual reports for Austin Energy issued in the past four years.
- TIEC 4-5** Provide a copy of Austin Energy's most recent short/long-term electricity sales and peak load forecast.
- TIEC 4-6** Provide a copy of any assessment conducted by Austin Energy or in Austin Energy's possession of the adequacy of Austin Energy's generation capacity to serve Austin Energy's projected load.
- TIEC 4-7** Provide a schedule showing the hourly loads during the test-year for each of the following customer classes/subgroups:
- a. Primary Voltage ≥ 3 MW < 20 MW.
 - b. Primary Voltage ≥ 3 MW < 20 MW loads directly served from a distribution substation.
 - c. Primary Voltage ≥ 20 MW.
- TIEC 4-8** Does Austin Energy have a facilities charge applicable to customers that lease electrical equipment from Austin Energy? If so, provide the rate, terms, and conditions of any such facilities charge.
- TIEC 4-9** Does Austin Energy have an O&M charge applicable to customers that contract with Austin Energy for operation, maintenance, and upkeep of the customer's

electrical equipment? If so, provide the rate, terms, and conditions of any such O&M charge.

TIEC 4-10 Provide a schedule showing each of the following metrics for Austin Energy over the past five years and projected for the next five years:

- a. Debt service coverage ratio.
- b. City transfer.
- c. The amount of cash available to fund construction.

TIEC 4-11 Referring to Schedule C-3:

- a. Explain how Austin Energy determines the total cash flow required under its cash flow methodology.
- b. Explain how Austin Energy determines the amount of test year cash contribution to construction.