

**NOTICE OF PROCEDURAL GUIDELINES SECTION C(2) RULING**

Austin Energy files this Notice of Procedural Guidelines Section C(2) Ruling in response to the following Requests for Information (“RFIs”)<sup>1</sup>:

- Sierra Club and Public Citizen (“SCPC”) 2-4(e)
- SCPC 2-5(e), (g), (h), and (i)
- SCPC 2-8(b), (c), and (d)

Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § C(2)(a), no confidential materials should be involved in any filings. Austin Energy relied on information in compiling its Rate Filing Package that includes competitive matters under Texas Government Code Section 552.133 and/or critical infrastructure matters under Texas Government Code Section 418.18 and cannot be provided to the public. Further, pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § C(2)(b), no personally identifiable information, including but not limited to social security numbers, driver’s license numbers, account numbers, account usage data, or any other data that might compromise a person’s privacy, should be included in any filings. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § G(1)(a), the Impartial Hearing Examiner does not have the authority to issue protective orders.

The City of Austin Law Department has reviewed the RFIs listed above and determined that responsive Austin Energy information is considered either confidential competitive information, confidential critical infrastructure information, or confidential customer information which Austin Energy cannot legally disclose.

Any party seeking further relief may submit a formal Texas Public Information Act request to Austin Energy at [public.information@austintexas.gov](mailto:public.information@austintexas.gov). Austin Energy will then seek a ruling from the Texas Attorney General. Please see the [City of Austin’s Public Records Center](#) for more information about how to make a Public Information Act request.

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<sup>1</sup> See Appendix A.

Respectfully submitted,

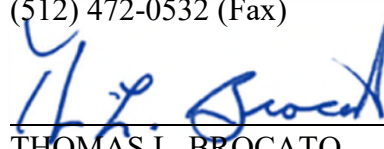
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**ATTORNEYS FOR THE CITY OF AUSTIN  
D/B/A AUSTIN ENERGY**

### **Appendix A – RFI Requests**

- SCPC 2-4: For the Fayette power plant, please provide the following historical annual data from 2015 and through 2021, and by month as available for 2022:
- e. Heat Rate
- SCPC 2-5: For the Fayette power plant, for each of the years 2021 through 2030, please identify the Company's most recent projection of:
- e. Heat rate
  - g. Fixed O&M cost
  - h. Variable O&M cost
  - i. Fuel cost
- SCPC 2-8: For Fayette, please provide the following:
- b. Projected annual capital expenditures through 2030.
  - c. Provide a specific accounting of all projects and capital expenditures already scheduled or planned over the next ten years.
  - d. For each capital expenditure involving more than \$1 million, please provide all analyses of the present value of those investments versus retirement or replacement. If the Company did not perform any such analysis, why not?