

**AUSTIN ENERGY'S OBJECTION TO SIERRA CLUB AND PUBLIC CITIZEN'S  
SECOND REQUEST FOR INFORMATION**

Austin Energy files this Objection to Sierra Club and Public Citizen's ("SCPC") Second Request for Information ("RFI"), and respectfully shows as follows:

**I. PROCEDURAL HISTORY**

SCPC served its Second RFI to Austin Energy on May 23, 2022.<sup>1</sup> Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(2)(g), this objection is timely filed.

Counsel for Austin Energy and SCPC conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with SCPC regarding this and any future objections, Austin Energy files this objection for preservation of its legal rights under the established procedures. To the extent any agreement is subsequently reached, Austin Energy will withdraw such objection.

**II. GENERAL OBJECTIONS**

Austin Energy generally objects to these RFIs to the extent they are irrelevant.

**III. SPECIFIC OBJECTION**

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:

- a. Installed Capacity
- b. Unforced Capacity
- c. Capacity factor

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<sup>1</sup> SCPC's Second Request for Information (RFI) was submitted to the Rate Review Administrator after 12:00 pm on May 20, 2022. Therefore, SCPC's Second RFI is considered submitted the following business day, on May 23, 2022.

- d. Availability
- e. Heat rate
- f. Forced or random outage rate
- g. Fixed O&M cost
- h. Variable O&M cost
- i. Fuel cost
- j. Net book value

Objection:

Austin Energy objects to this request to the extent it requests Austin Energy's most recent projection of installed capacity, unforced capacity, capacity factor, availability, heat rate, forced or random outage rate, fixed O&M cost, variable O&M cost, fuel cost, and net book value for 2021 through 2030. The Request seeks information that is neither relevant to the issues presented in this matter nor is reasonably calculated to lead to the discovery of admissible evidence. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(1)(a), "[d]iscovery is limited to relevant information that is not unduly prejudicial. In other words, Participants can ask for information related to the Rate Filing Package." As indicated in Austin Energy's Base Rate Filing Package, Austin Energy is proposing changes to its base electric rates based on a 2021 Test Year in this proceeding. Austin Energy's base rates as proposed in its 2022 Base Rate Filing Package were developed to reflect an embedded cost of service analysis based on a 2021 Test Year. Therefore, Austin Energy's projections eight years into the future of installed capacity, unforced capacity, capacity factor, availability, heat rate, forced or random outage rate, fixed O&M cost, variable O&M cost, fuel cost, and net book value have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

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.

Objection:

Austin Energy objects to this request to the extent it requests projected annual capital expenditures through 2030 and a specific accounting of all projects and capital expenditures already scheduled or planned over the next ten years because it seeks information that is neither relevant to the issues presented in this matter nor is reasonably calculated to lead to the discovery

of admissible evidence. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(1)(a), “[d]iscovery is limited to relevant information that is not unduly prejudicial. In other words, Participants can ask for information related to the Rate Filing Package.” As indicated in Austin Energy’s Base Rate Filing Package, Austin Energy is proposing changes to its base electric rates based on a 2021 Test Year in this proceeding. Austin Energy’s base rates as proposed in its 2022 Base Rate Filing Package were developed to reflect an embedded cost of service analysis based on a 2021 Test Year. Therefore, Austin Energy’s projected annual capital expenditures for the next eight years and a specific accounting of all projects and capital expenditures already scheduled or planned over the next ten years have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

#### **IV. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Austin Energy requests this objection be sustained. Austin Energy also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

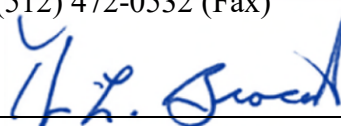
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**ATTORNEYS FOR THE CITY OF AUSTIN  
D/B/A AUSTIN ENERGY**

**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 June 2, 2022, in accordance with the 2022 Austin Energy Base Rate Review Procedural Guidelines.

  
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THOMAS L. BROCATO