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2022 BASE RATE REVIEW § IMPARTIAL HEARINGS EXAMINER

## **ORDER NO. 3**

# ADMITTING PARTICIPANTS, ACKNOWLEDGING FILINGS, AND ADVISING PARTICIPANTS OF IHE SCHEDULING CONFLICTS

This Order No. 3 is issued by the Impartial Hearing Examiner to admit participants in the 2022 Base Rate Review of the City of Austin's (City) municipally owned electric utility, Austin Energy's (Austin Energy) Base Rate Filing Package. The Impartial Hearing Examiner also acknowledges certain filings requesting changes to the Procedural Schedule and notifies the parties of potential Impartial Hearing Examiner conflicts with proposed amendments to the existing Procedural Schedule.

### I. Admitting Participants

The following filed requests to participate as of May 18, 2022. Section C(4)(b) of the Procedural Guidelines requires that a response to a motion be filed no more than seven days after the motion is filed. More than seven days have passed since the requests to participate were filed. No response or objection to the requests to participate have been filed. As a result, the following requests to participate are GRANTED and the following are added as Participants to this Base Rate Review:

- NXP Semiconductor ("NXP");
- Homeowners for United Rate Fairness ("HURF");
- Data Foundry, LLC ("Data Foundry");
- 2WR Holly Cooper and Vicki Dennis ("2WR");
- Austin Regional Manufacturer's Association ("ARMA");
- National Instruments ("NI");
- Sierra Club and Public Citizen ("SCPC" or "Conservation Organizations");
- Solar United Neighbors ("SUN"); and

Solar and Storage Coalition ("SSC").<sup>1</sup>

## II. Acknowledgment of Certain Filings

The Impartial Hearing Examiner is aware of the following filings that may or may not have been resolved:

- On May 27, 2022, at Filing No. 47, certain Participants filed a Joint Motion to Modify Procedural Schedule. Although the deadline for responses is June 3, 2022, the Impartial Hearing Examiner notes below that he has a direct conflict with the proposed dates for the Impartial Hearing Examiner to draft and issue a recommendation.
- On May 31, 2022, at Item No. 52, TIEC filed a letter to the Impartial Hearing Examiner noting that TIEC was negotiating with Austin Energy regarding a dispute over TIEC's RFI No. 1-3. TIEC represented that Austin Energy agreed with TIEC to a deadline of June 1, 2022 for TIEC to file a motion to compel. As no motion has been filed the Impartial Hearing Examiner assumes this matter was resolved and no ruling is necessary.

#### III. ADVISING PARTICIPANTS OF IHE SCHEDULING CONFLICTS

The Joint Motion to Modify Procedural Schedule proposes an Austin Energy Closing Brief deadline of August 15, 2022, and an Impartial Hearing Examiner Recommendation deadline of September 14, 2022. The Impartial Hearing Examiner has a direct conflict with this proposed timeline. The Impartial Hearing Examiner is set for a week-long trial as first chair counsel, with trial preparation, and a pretrial hearing in mid to late September, 2022. The trial setting is not expected to be continued. The Impartial Hearing Examiner notes that Austin Energy's Procedural Schedule provided the Impartial Hearing Examiner 30 days to draft the recommendation.

<sup>&</sup>lt;sup>1</sup> The Impartial Hearing Examiner has reviewed requests to participate and believes this is a complete list of pending requests to participate.

The Impartial Hearing Examiner is not pre-disposing a ruling on the Joint Motion to Modify Procedural Schedule. As of the time this Order No. 3 was filed, Austin Energy has not yet filed a response to the Joint Motion to Modify Procedural Schedule, nor have the Participants filed an agreement to extend deadlines. However, any *new* Procedural Schedule must take into account the Impartial Hearing Examiner's trial setting and provide the Impartial Hearing Examiner 30 days to draft the report, whether as a result of an agreement of the Participants, or the Impartial Hearing Examiner's ruling on the Joint Motion to Modify Procedural Schedule. The Participants may seek a hearing on this matter. If so, Austin Energy's counsel may contact the Impartial Hearing Examiner's office to facilitate a time and venue for the hearing, including a Zoom or Teams hearing.

Travis Vickery

Impartial Hearing Examiner

Date: June 3, 2022