AUSTIN ENERGY'S	§	**BEFORE THE CITY OF AUSTIN**
2022 BASE RATE REVIEW	§	
	§	**IMPARTIAL HEARING EXAMINER**

AUSTIN ENERGY'S OBJECTION TO NXP SEMICONDUCTORS' THIRD REQUEST FOR INFORMATION

Austin Energy files this Objection to NXP Semiconductors' ("NXP") Third Request for Information ("RFI"), and respectfully shows as follows:

I. PROCEDURAL HISTORY

NXP served its Third RFI to Austin Energy on May 26, 2022. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(2)(g), this objection is timely filed.

Counsel for Austin Energy and NXP conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with NXP 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

NXP 3-4: Please provide the number of customers by rate class in each month for the test year, the five previous years, and the three succeeding years (actual or projected). If fewer than five years of historical data are available, provide the requested information for as many years as it is available.

Objection:

Austin Energy objects to this Request to the extent it requests the number of customers by rate class in each month for the three succeeding years after the Test Year. 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,

the number of customers by rate class in each month for the three succeeding years after the Test Year has no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

NXP 3-6: Please provide hourly generation provided through each purchased power agreement during the test year.

Objection:

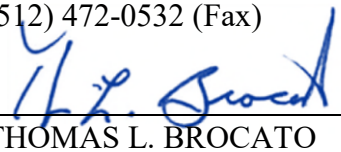
Austin Energy objects to this Request because it seeks information that is neither relevant to the issues presented in this matter nor is reasonably calculated to lead to the discovery of admissible evidence. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(1)(a), "[d]iscovery is limited to relevant information that is not unduly prejudicial. In other words, Participants can ask for information related to the Rate Filing Package." Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), the scope of the 2022 Austin Energy Base Rate Review is limited to reviewing Austin Energy's base rates. Issues related to Austin Energy's rates or costs that are not in base rates are beyond the scope of the 2022 Austin Energy Base Rate Review. Purchase Power Agreements (PPA) are beyond the scope of the 2022 Austin Energy Base Rate Review. Therefore, the hourly generation provided through each PPA during the test year has 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,

LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



THOMAS L. BROCATO
State Bar No. 03039030
tbrocato@lglawfirm.com

TAYLOR P. DENISON
State Bar No. 24116344
tdenison@lglawfirm.com

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 6, 2022, in accordance with the 2022 Austin Energy Base Rate Review Procedural Guidelines.

THOMAS L. BROCATO

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