

**AUSTIN ENERGY'S OBJECTION TO PAUL ROBBINS'
SECOND REQUEST FOR INFORMATION**

Austin Energy files this Objection to Paul Robbins' ("P. Robbins") Second Request for Information ("RFI"), and respectfully shows as follows:

I. PROCEDURAL HISTORY

P. Robbins served his Second RFI to Austin Energy on May 31, 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 P. Robbins conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with P. Robbins 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

P. Robbins 2-3: For fiscal years 2020, 2021 and 2022, I am requesting to see copies of all AE communications, written and electronic, regarding participants in the Customer Assistance Program asking to be removed from the program, or complaining about the program.

I am also requesting a tally of these requests for removals and reasons for complaints for each of these years. Spreadsheet format is requested.

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. Costs related to the Customer Assistance Program are beyond the scope of the 2022 Austin Energy Base Rate Review. Therefore, Austin Energy communications regarding participants in the Customer Assistance Program asking to be removed from the program, or complaining about the program, have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

P. Robbins 2-6: Provide what percent each fuel (gas, nuclear, coal, wind, solar, wood, ERCOT market) made up of the Power Supply Adjustment (PSA) in FYs 2020 and 2021, as well as the total cost of fuel in those years.

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. Further, pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), items in the Power Supply Adjustment that are approved in the annual budget process, including fuel costs, are also beyond the scope of the 2022 Austin Energy Base Rate Review. Therefore, the percent each fuel (gas, nuclear, coal, wind, solar, wood, ERCOT market) made up of the PSA and the total cost of fuel have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

P. Robbins 2-7: Provide what percent of each fuel is predicted to make up the PSA in 2022, 2023, and the test year, as well as the total expected cost of fuel in those years.

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. Further, pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), items in the Power Supply Adjustment that are approved in the annual budget process, including fuel costs, are also beyond the scope of the 2022 Austin Energy Base Rate Review. Therefore, the percent of each fuel predicted to make up the PSA in future years and the test year, as well as the total expected

cost of fuel in those years, have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

P. Robbins 2-8: Explain what Austin Energy is doing or plans to do to lobby the federal government to limit foreign gas exports from the U.S. that might increase the cost of domestic supply.

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. The information requested has no relevance to the 2022 Austin Energy Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

P. Robbins 2-10: Detail the expected annual work and costs of capital improvements and major repairs for each of the following power plants after FY 2022 for the next 5 years: the South Texas Nuclear Project; the Fayette Power Plant; the Nacogdoches Biomass Plant; and Sandhill Energy Center. Spreadsheet format is requested.

Objection:

Austin Energy objects to this Request to the extent it requests the expected annual work and costs of capital improvements and major repairs for each power plant after FY 2022 for the next five years. 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, projections for the next five years of the expected annual work and costs of capital improvements and major repairs for each power plant after FY 2022 have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

P. Robbins 2-12: Detail the annual costs provided to local governments to compensate for government services for the Nacogdoches Biomass Plant (possibly labeled payment in lieu of taxes) since Austin Energy assumed ownership, as well as estimates for the test year. Spreadsheet format is requested.

Objection:

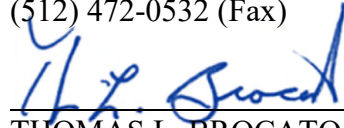
Austin Energy objects to this Request because it seeks information that is neither relevant to the issues presented in this matter nor is reasonably calculated to lead to the discovery of admissible evidence. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(1)(a), “[d]iscovery 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. Further, pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), items in the Power Supply Adjustment that are approved in the annual budget process are also beyond the scope of the 2022 Austin Energy Base Rate Review. Costs related to the Nacogdoches Biomass Plant are included in the Power Supply Adjustment, which are outside the scope of Austin Energy’s base rates. Therefore, the annual costs provided to local governments to compensate for government services for the Nacogdoches Biomass Plant since Austin Energy assumed ownership, as well as estimates for the test year, 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,
**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**
816 Congress Avenue, Suite 1900

Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



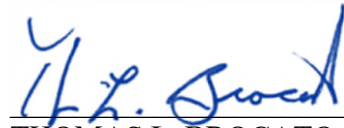
THOMAS L. BROCATO
State Bar No. 03039030
tbrocato@lglawfirm.com

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 10, 2022, in accordance with the 2022 Austin Energy Base Rate Review Procedural Guidelines.



THOMAS L. BROCATO