

**AUSTIN ENERGY’S  
2022 BASE RATE REVIEW**

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**BEFORE THE CITY OF AUSTIN  
IMPARTIAL HEARING EXAMINER**

**AUSTIN ENERGY’S OBJECTION TO INDEPENDENT CONSUMER ADVOCATE’S  
FIFTH REQUEST FOR INFORMATION**

Austin Energy files this Objection to the Independent Consumer Advocate’s (“ICA”) Fifth Request for Information (“RFI”), and respectfully shows as follows:

**I. PROCEDURAL HISTORY**

The ICA served his Fifth RFI to Austin Energy on June 1, 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 the ICA conducted good faith negotiations that failed to resolve the issues. While Austin Energy will continue to negotiate with the ICA 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**

ICA 5-5: Provide the Excel schedules/workpapers to Mr. Murphy’s filing on behalf of AE in PUC Docket No. 53235.

**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. Public Utility Commission of Texas (PUC) Docket No. 53235,

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<sup>1</sup> The ICA’s Fifth Request for Information was submitted to the Rate Review Administrator after 12:00 pm on May 31, 2022, so it is considered submitted the following business day, on June 1, 2022.

*Application of City of Austin dba Austin Energy for Interim Update of Wholesale Transmission Rates*, concerns Austin Energy's transmission cost of service. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), "issues that are outside the City of Austin's jurisdiction such as transmission cost of service are outside the scope of the 2022 Austin Energy Base Rate Review." Therefore, the Excel schedules/workpapers to Mr. Murphy's filing on behalf of AE in PUC Docket No. 53235 are outside the scope of the 2022 Austin Energy Base Rate Review. All of the information needed to develop the return component for Austin Energy's base rates is in Austin Energy's Base Rate Filing Package. Therefore, the Excel schedules/workpapers to Mr. Murphy's filing on behalf of AE in PUC Docket No. 53235 have no relevance to the 2022 Base Rate Review. Thus, this request seeks information outside the scope of this proceeding.

ICA 5-6: Please explain how (with reference to schedule/workpaper) the Cost of Service Study incorporates the \$7.6 million in additional return on AE's transmission invested capital referenced in Mr. Murphy's testimony in PUC Docket No. 53235.

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. Public Utility Commission of Texas (PUC) Docket No. 53235, *Application of City of Austin dba Austin Energy for Interim Update of Wholesale Transmission Rates*, concerns Austin Energy's transmission cost of service. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(e), "issues that are outside the City of Austin's jurisdiction such as transmission cost of service are outside the scope of the 2022 Austin Energy Base Rate Review." Therefore, the transmission invested capital referenced in Mr. Murphy's testimony in PUC Docket No. 53235 is outside the scope of the 2022 Austin Energy Base Rate Review. All of the information needed to develop the return component for Austin Energy's base rates is in Austin Energy's Base Rate Filing Package. Therefore, the transmission invested capital referenced in Mr. Murphy's testimony in PUC Docket No. 53235 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.**

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A handwritten signature in blue ink, appearing to read "T.L. Brocato".

THOMAS L. BROCATO

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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 13, 2022, in accordance with the 2022 Austin Energy Base Rate Review Procedural Guidelines.

A handwritten signature in blue ink, appearing to read "T.L. Brocato".

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THOMAS L. BROCATO