

NXP SEMICONDUCTORS' MOTION TO COMPEL

NXP Semiconductors ("NXP"), files this Motion to Compel Austin Energy in response to Austin Energy's Response to NXP's Third Request for Information, and respectfully shows as follows:

I. Procedural History

NXP served its Third Request for Information ("RFI") to Austin Energy on May 26, 2022. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines ("Procedural Guidelines") § F(2)(g), Austin Energy served on NXP *Austin Energy's Response to NXP Semiconductors' Third Request for Information* ("Response") on June 9, 2022. Pursuant to Procedural Guideline § F(2)(h), NXP must file a Motion to Compel a Response ("Motion") no later than four days after the Response is submitted, or June 13, 2022; therefore, this motion is timely filed.

II. Efforts to Confer

Given the accelerated schedule and NXP's receipt of Austin Energy's Response to NXP's Third Request for Information on June 9, 2022, NXP has not had an opportunity to confer with Austin Energy on NXP 3-11 prior to the June 13, 2022 deadline. NXP will confer with Austin Energy as soon as it is able, and in the event the parties are able to reach an agreement, NXP will modify or withdraw this Motion accordingly.

III. Objection to Non-Responsiveness of Austin Energy's Answer

Austin Energy failed to provide information responsive to what is actually being requested in NXP 3-11. NXP 3-11 states:

Please provide a copy of AE's distribution system planning manuals, guidelines, instructions, criteria, and other similar documents.

Austin Energy's Response to NXP 3-11 states:

Austin Energy Design Criteria Manual is available at the website listed below. The Austin Energy Design Criteria Manual provides criteria, guidelines, definitions, and descriptions for the design and installation of electric facilities that will be served by Austin Energy. Additional guides and specifications are available on the second website listed below.

<https://austinenergy.com/ae/contractors/electric-service-design-and-planning>

<https://austinenergy.com/ae/contractors/electric-service-design-and-planning/other-resources/other-resources>

NXP 3-11 is within the scope of discoverable material as defined by the Procedural Guidelines and Austin Energy has failed to provide responsive information. NXP 3-11 specifically requested information related to the planning of Austin Energy's distribution system; however, Austin Energy provided links to documents related to distribution *design criteria* for contractors, which is unrelated to planning. NXP objects to Austin Energy's response to NXP 3-11 as non-responsive and requests that Austin Energy provide information specifically related to the *planning* of Austin Energy's distribution system.

IV. Conclusion

NXP 3-11 is relevant pursuant to the Procedural Guidelines, and the information provided by Austin Energy is not responsive to the actual request. Accordingly, NXP objects to Austin Energy's response, requests that NXP's Motion to Compel be granted, that Austin Energy be ordered to directly respond to NXP 3-11, and for any other relief to which it may be entitled. Upon conferring with Austin Energy, and in the event the parties are able to reach an agreement, NXP will modify or withdraw this Motion accordingly.

Respectfully submitted,

By: /s/ J. Christopher Hughes

J. Christopher Hughes
State Bar No. 00792594
Chris Reeder
State Bar No. 16692300
Alaina Zermeno
State Bar No. 24098656
Caidi Davis
State Bar No. 24121557
chris.hughes@huschblackwell.com
chris.reeder@huschblackwell.com
alaina.zermeno@huschblackwell.com
caidi.davis@huschblackwell.com
HUSCH BLACKWELL, LLP
111 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone: (512) 472-5456
Fax: (512) 481-1101

ATTORNEYS FOR NXP SEMICONDUCTORS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all parties of record in this proceeding, in accordance with Austin Energy Instructions, on the 13th day of June, 2022.

/s/ J. Christopher Hughes
J. Christopher Hughes