

**AUSTIN ENERGY'S REPLY TO PAUL ROBBINS'
MOTION FOR POSITION STATEMENT DEADLINE EXTENSION**

Austin Energy files this Reply to Paul Robbins' Motion for Position Statement Deadline Extension ("Motion"). For the reasons discussed below, Austin Energy does not agree to modification of the procedural schedule as proposed by Mr. Robbins.

I. BACKGROUND

The procedural schedule for this matter was provided to the Rate Review Administrator and Impartial Hearing Examiner on April 18, 2022. Mr. Robbins submitted a Notice of Participation on May 3, 2022. On May 27, 2022, eleven participants, including Mr. Robbins, filed a Joint Motion to Modify Procedural Schedule. After extensive discussions, the parties were able to reach an agreement that, among other things, extended the deadline for the submittal of Participant Position Statements until June 22, 2022. Notwithstanding the participants' agreement, Mr. Robbins submitted his Motion on June 17, 2022 at 12:27 p.m. seeking an additional week to submit Participant Position Statements.

II. REPLY

In his Motion, Mr. Robbins references two of his discovery requests that have not yet been responded to. These requests, Paul Robbins' Third and Fourth Requests for Information ("RFIs"), were filed on June 8, 2022. Accordingly, responses are due on June 22, 2022, pursuant to Section F.2(f)(1)(A) of the 2022 Austin Energy Base Rate Review Procedural Guidelines. In his Motion, Mr. Robbins states that he has "no idea when the information" requested in these RFIs "will be provided." Prior to his Motion being submitted, counsel for Austin Energy notified Mr. Robbins that responses to his Third and Fourth RFIs were due to be filed on June 22, 2022.¹

¹ Notwithstanding the foregoing, some of the information Mr. Robbins is requesting goes beyond the scope of this proceeding or is otherwise objectionable. Objections to Mr. Robbins' Third and Fourth RFIs are due on June 21, 2022.

Admittedly, the information Mr. Robbins is seeking will not be received in time to incorporate into his Participant Position Statement. However, he will have the opportunity to use any information provided at the Final Conference and in his closing brief.

Discovery has been open since April 18, 2022, giving participants over two months to ask questions and receive responses before filing Position Statements on June 22, 2022. The time for responding to discovery was reduced from the traditional 20-day deadline used at the Public Utility Commission of Texas to a 14-day deadline to facilitate faster transfer of information. In addition, two Technical Conferences were held in order to allow additional discovery. Finally, the original deadline for discovery and Position Statements was extended one week in an effort to allow participants more time to ask additional questions and receive information.

Considerable time and effort has gone into preparing a procedural schedule that addresses the timing constraints of City Council, the participants, and Austin Energy. Austin Energy is also mindful of the Impartial Hearing Examiner's scheduling conflicts identified in Order No. 3. Given the absence of any unforeseen or changed circumstances, adjusting the deadline for the filing of Position Statements at this late date is unwarranted and would create a cascading impact on the remainder of the schedule. Notwithstanding the foregoing, Austin Energy has been working with Mr. Robbins and will continue to do so in order to assist him through the process.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, pursuant to Section I.1(a) of the 2022 Austin Energy Base Rate Review Procedural Guidelines governing this matter, Austin Energy does not agree to modify the procedural schedule as proposed by Mr. Robbins.

Respectfully submitted,

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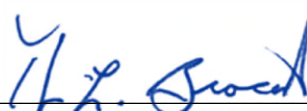
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**ATTORNEYS FOR THE CITY OF AUSTIN
D/B/A AUSTIN ENERGY**

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 21, 2022, in accordance with the 2022 Austin Energy Base Rate Review Procedural Guidelines.



THOMAS L. BROCATO