

**AUSTIN ENERGY'S RESPONSE TO SOLAR AND STORAGE COALITION'S
MOTION TO COMPEL**

Austin Energy files this Response to Solar and Storage Coalition's ("SSC") Motion to Compel, and respectfully shows as follows:

I. PROCEDURAL HISTORY

SSC served its First Request for Information ("RFI") to Austin Energy on June 1, 2022. Austin Energy reviewed these RFIs and determined that certain requests sought irrelevant information. Counsel for Austin Energy and SSC conducted good faith negotiations that failed to resolve issues related to SSC 1-2(d) and 1-5(a), (b), and (c), so Austin Energy filed an Objection on June 13, 2022. SSC filed a Motion to Compel Austin Energy to respond to SSC 1-2(d) and 1-5(a), (b), and (c) on June 16, 2022. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § F(2)(h), this Response to SSC's Motion to Compel is timely filed.

II. RESPONSE TO SSC'S MOTION TO COMPEL

Austin Energy requests that the Impartial Hearing Examiner sustain its objections to the following requests:

SSC 1-2: One of the pillars for the Value of Solar rate is policy driven incentives, as noted on page 140.

d. Has Austin Energy analyzed a process for approving disconnect switches for energy storage systems installed as part of a solar installation?

SSC 1-5: On page 49, Cost of Services is divided into functions, one of those is Customer Service.

a. Please provide information on the average time, minimum time, and maximum time it takes for residential solar permits to be approved. This information should be provided by year for the last 5 years.

b. Please provide information on the average time, minimum time, and maximum time it takes for commercial solar permits to be approved. This information should be provided by year for the last 5 years.

c. Please provide information about residential solar permit requests that have been canceled by the customer or rejected by Austin Energy, such

as reasons for cancelation or rejection, frequency of cancelation or rejection, and other relevant details.

Austin Energy objected to these Requests because they all seek 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. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § A(1)(f), the Value of Solar Rider rates, methodology, and inputs will be re-assessed and updated during the 2022 Austin Energy Base Rate Review. Solar leasing options, equipment approval processes, and information related to solar permitting approvals, timelines, and cancellations were not included as part of the Base Rate Review or the Value of Solar Rider. Therefore, whether or not Austin Energy analyzed solar leasing options or analyzed a process for approving disconnect switches for energy storage systems installed as part of a solar installation has no relevance to the 2022 Base Rate Review or Value of Solar Rider. Similarly, the Value of Solar Rider is not considerate of, impacted by, or relevant to installation timelines. Therefore, information on the average time, minimum time, and maximum time it takes for residential and commercial solar permits to be approved, and information about residential solar permit requests that have been canceled by the customer or rejected by Austin Energy, has no relevance to the 2022 Base Rate Review or Value of Solar Rider. Thus, this request seeks information outside the scope of this proceeding.

SSC notes that it is interested in proposing certain amendments to the Value of Solar Tariff, and that the requested information is relevant to its proposal. However, the current Value of Solar review is limited to reviewing Value of Solar rates, methodology, and inputs, and is not the appropriate venue to propose programmatic ideas. The information requested by SSC in these RFIs is not relevant to Value of Solar rates, methodology, or inputs. Permitting wait times (and their possible impact on customer demand for solar) have no impact on the determination of the Value of Solar, which is what the current review is limited to. Further, Austin Energy is not the Authority

Having Jurisdiction (AHJ) on permitting in the City of Austin, and therefore, information related to permitting is not within Austin Energy's control. Austin Energy could not incorporate any proposals related to permitting into its Value of Solar program, even if the proposals were appropriately presented in this proceeding. SSC may request this information through a Public Information Request directly to the AHJ, which is the Development Services Department (DSD). However, the information is not appropriately requested as part of the Value of Solar review in this proceeding.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Austin Energy requests the Impartial Hearing Examiner sustain Austin Energy's Objection to SSC 1-2(d) and 1-5(a), (b), and (c). Austin Energy also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

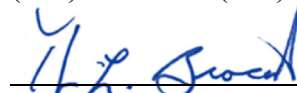
**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

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



THOMAS L. BROCATO