

**AUSTIN ENERGY  
2022 BASE RATE REVIEW**

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

**SIERRA CLUB’S AND PUBLIC CITIZEN’S FIRST SET OF REQUESTS FOR  
INFORMATION TO TEXAS INDUSTRIAL ENERGY CONSUMERS**

Sierra Club and Public Citizen (the “Conservation Organizations”) submit this Request for Information to Texas Industrial Energy Consumers (“TIEC” or “you”) provide information and answer the attached questions under oath under Austin Energy’s 2022 Base Rate Review Procedural Guidelines Section B.3(a) and Section F. Please answer the questions and sub-questions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. Please state the name of the witness in this proceeding who will sponsor the answer to the question.

We request that you provide responses via electronic communication (e.g., email or file share) to the RFIs to the following Authorized Representatives as soon as possible, so that the requested information may be reviewed before the party’s Position Statements are due in this case:

Joshua Smith  
joshua.smith@sierraclub.org  
Dru Spiller  
[dru.spiller@sierraclub.org](mailto:dru.spiller@sierraclub.org)  
James Brazell  
jbrazell@brazellllaw.com

## **DEFINITIONS**

Unless otherwise specified in each individual interrogatory or request, “you,” “your,” or “TIEC,” refers to Texas Industrial Energy Consumers, and its affiliates, directors, officers, employees, consultants, attorneys, and authorized agents.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all, each and every example of the requested information.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Control” means, without limitation, that a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control, and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

“Document” or “Documents” are used in their broadest sense to include written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of the Company regardless of where located, or (2) produced or generated by, known to or seen by the Company, but now in their possession, custody or control, regardless of where located whether or still in existence. Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made. For purposes of the production of “documents,” the term shall include copies of all documents being produced,

to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original.

Under Rule 196.4 of the Texas Rules of Civil Procedure, we request that any electronic or magnetic information (which is included in the definition of “document”) that is responsive to a request herein be produced via email, file share site, CD-ROM, or flashdrive in its native format with any formulae intact, and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format with formulae intact.

“Identify” means:

- a. With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) vis-à-vis the Company;
- b. With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“Person” means, without limitation, every natural person, corporate entity, partnership, association (formal or otherwise), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency.

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“Workpapers” are defined as original, electronic, machine-readable, unlocked, unlocked, in native format, and with formulae and links intact.

### **INSTRUCTIONS**

1. The Definitions, Instructions, and Claim of Privilege set out in this Request for Information apply to these questions.
2. In answering these questions, furnish all information that is available to you, including information in the possession of your agents, employees, and representatives, all others from whom you may freely obtain it, and your attorneys and their investigators.
3. Please answer each question based upon your knowledge, information, or belief, and any answer that is based upon information or belief should state that it is given on that basis.

4. If you have possession, custody, or control (as defined by Tex. R. Civ. P. 192.7(b)) of the originals of these documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp, or notation.

5. If you do not have possession, custody, or control of the originals of the documents requested, please produce copies of the documents, however made, in your possession, custody, or control. If any document requested is not in your possession or subject to your control, please explain why not, and give the present location and custodian of any copy or summary of the document.

6. If any question appears confusing, please request clarification from the undersigned counsel.

7. In providing your responses, please start each response on a separate page and type, at the top of the page, the question that is being answered.

8. As part of the response to each question, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparing of the answer. If the question has sub-parts, please identify the person or persons by sub-part. Please also state the name of the witness in this docket who will sponsor the answer to the question and who can vouch for the truth of the answer. If the question has sub-parts, please identify the witness or witnesses by sub-part.

9. Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available.

10. Wherever the response to a request for information consists of a statement that the requested information is already available to Sierra Club, please provide a detailed citation to the document that contains the information. The citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart(s)/table(s)/figure number(s).

11. In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

12. These questions are continuing in nature. If there is a change in circumstances or facts or if you receive or generate additional information that changes your answer between the time of your original response and the time of the hearings, then you should submit, under oath, a supplemental response to your earlier answer.

13. If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please call the undersigned counsel as soon as possible in order to discuss the situation and to try to resolve the problem. Likewise, if

you object to any of the questions on the grounds that the question seeks confidential information, or on any other grounds, please call the undersigned counsel as soon as possible.

14. If the response to any question is voluminous, please provide separately an index to the materials contained in the response.

15. If the information requested is included in previously furnished exhibits, workpapers, or responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

16. Data should be provided in native electronic format including active EXCEL workbooks and all linked workbooks, with all formulas, cell references, links, etc., intact, functioning, and complete for all tables, figures, and attachments in the testimony.

17. To the extent that a question asks for the production of copyrighted material, it is sufficient to provide a listing of such material, indicating the title, publisher, author, edition, and page references relied on or otherwise relevant to the question.

18. Sierra Club reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

### **PRIVILEGE**

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any request for information or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit meaningful evaluation of the validity of the claim. With respect to documents for which a privilege is claimed, produce a "privilege log" that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for which you are asserting a claim of privilege and any other information pertinent to the claim that would likewise enable evaluation of the validity of such claims.

Dated: July 7, 2022

Respectfully submitted,



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Joshua Smith  
Sierra Club Environmental Law Program  
2101 Webster St., Suite 1300  
Oakland, CA 94612  
Tele: 415-977-5560  
joshua.smith@sierraclub.org

*Counsel for Sierra Club*

## **CERTIFICATE OF SERVICE**

I, Joshua Smith, certify that a copy of the foregoing Sierra Club submission was served upon all parties of record in this proceeding on July 7, 2022, by First-class U.S. mail, hand delivery, and/or e-mail, as permitted by the presiding officer.

A handwritten signature in blue ink, appearing to read 'Joshua Smith', is positioned above a horizontal line.

Joshua Smith  
Sierra Club Environmental Law Program

**EXHIBIT A**

**AUSTIN ENERGY  
2022 BASE RATE REVIEW**

§ **BEFORE THE CITY OF AUSTIN**  
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- 1-1. Refer to the Cross-Rebuttal Testimony of Jeffrey Pollack at page 13, lines 9-13.
  - a. Please provide specific examples of energy efficiency investments made by specific members of TIEC in the last five years that have benefited all customer classes by lowering the distribution, transmission and wholesale needs of customers.
  - b. Please provide the total investment during the Test Year in energy efficiency measures by TIEC members in the Austin Energy service area.
  - c. Please provide the total energy and peak demand savings that have been achieved by those investments.
  - d. Please provide the total investment from 2017 to present in energy efficiency measures by TIEC members in the Austin Energy service area.
  - e. Please provide the total energy and peak demand savings that have been achieved by those investments.
- 1-2. Is TIEC’s position that all high-load customers should be exempt from the Energy Efficiency Services fee, including secondary, primary and transmission-level customers, or is TIEC only representing transmission-level customers?
- 1-3. Does TIEC disagree with Dr. Cyrus Reed that a more inclusive, participatory process is needed to set the annual Energy Efficiency Services fee, regardless of which customers it applies to?
- 1-4. Does TIEC take a position in this proceeding on whether Austin Energy’s Value of Solar program should be paid for partially through the Energy Efficiency Services fee?
- 1-5. Does TIEC disagree with Dr. Reed’s recommendation that the Value of Solar program should not be paid for out of the Energy Efficiency Services fee?



Dated this 7th day of July, 2022.

Respectfully submitted,



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Joshua Smith  
Sierra Club Environmental Law Program  
2101 Webster St., Suite 1300  
Oakland, CA 94612  
415-977-5560  
joshua.smith@sierraclub.org

### **CERTIFICATE OF SERVICE**

I, Joshua Smith, certify that a copy of the foregoing Sierra Club submission was served upon all parties of record in this proceeding on July 7, 2022, by electronic mail, as permitted by the presiding officer.



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Joshua Smith  
Sierra Club Environmental Law Program