

**Special Motion by Paul Robbins
to Compel Austin Energy to Produce Evidence
Related to Customer Assistance Program (CAP)**

To the Impartial Hearings Examiner:

As a consumer advocate, since 2014, I have continually proven that some amount of CAP funding for low-income utility discounts is being misspent. Instead, Austin Energy is awarding some of the discounts to people who have high property wealth. This information has been made public in numerous news stories aimed towards the general public, as well as to the Austin City Council in numerous public presentations.

It is my belief that if I am allowed to collect evidence, I can prove that some of the money for CAP continues to be misspent.

CAP spending is bifurcated. While the discount itself is collected through a rider that is not directly related to rates, CAP administration is in fact funded through rates that this rate case is reviewing. CAP administration amounts to several million dollars.

To the extent that I can prove imprudence, I will be justified in asking for a rate reduction and reimbursement by the utility through: 1) repayment by the “profit” (General Fund Transfer) of the utility for misspent administrative funds; 2) a lowering of rates over the next 5 years.

Austin Energy Refuses Discovery

Between 2014 and mid-2021, I was able to collect data on participants in the Austin water utility and drainage utility CAP discounts to compare them with the local appraisal districts to detect high property wealth. I could not directly obtain electricity records because they are governed by a different set of privacy laws. Still, there was enough overlap that I could gauge benchmarks for inefficiencies.

With the passage of House Bill 872 in the 2021 Texas Legislative Session, such information is constricted under the pretense of privacy, so I can no longer obtain benchmarks in the previous manner.

During these rate proceedings, I specifically asked for the names and addresses of CAP customers receiving electric discounts during discovery, and Austin Energy refused to provide it, also using the pretense of privacy.

Petitioner Seeks Remedy

I am asking IHE to compel Austin Energy to provide a (mutually agreed upon) third-party data firm with the names and addresses of automatically-enrolled CAP participants in the electric discount program under a non-disclosure agreement.

This data firm will have the relevant information to determine if CAP customers are at or below 200% of the poverty level, which is the income bracket that CAP targets for participation.

While summary results will be made public, any documentation that discloses private information will only be available to IHE and City of Austin employees.

I am personally willing to pay for the analysis of a valid sample of CAP customers who are automatically enrolled if relief is granted.

Timeliness

This intervenor can be criticized for not bringing this motion to IHE sooner. Given the privacy issue, I was unsure of the best way to protest and seek relief until very recently.

I view Austin Energy's denial of my original discovery as a bureaucracy attempting to hide its mistakes. Hence, I offer this compromise and motion to compel.

The utility should not be allowed to direct my case and the issues in my case.

If I am granted timely relief, this information can probably be ready before Austin Energy's Closing Brief on August 1.

Additional Proof of Need

I am attaching a 2021 request to the City of Austin Auditor to review the Customer Assistance Program. See pages 6 thru 24 to view some of the high-valued properties whose owners were receiving discounts meant for the poor in late 2020.

Respectfully,



Paul Robbins