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APPLICATION OF SOUTHWESTERN	§	PUBLIC UTILITY COMMISSION
ELECTRIC POWER COMPANY FOR	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY AUTHORIZATION	§	OF TEXAS
AND RELATED RELIEF FOR THE	§	
ACQUISITION OF WIND	§	
GENERATION FACILITIES	§	

**SOUTHWESTERN ELECTRIC POWER COMPANY’S OBJECTIONS TO TEXAS
INDUSTRIAL ENERGY CONSUMERS’ SEVENTH SET OF REQUESTS FOR
INFORMATION**

Southwestern Electric Power Company (SWEPCO) files these objections to the Seventh Set of Requests for Information (RFIs) from Texas Industrial Energy Consumers (TIEC).

I. Introduction

SWEPCO received TIEC’s Seventh Set of RFIs on October 3, 2019. Counsel for SWEPCO and TIEC have attempted to negotiate these objections diligently and in good faith. The negotiations were unsuccessful. This objection is timely filed.

II. Reservation of Rights

Based on diligent inquiry, SWEPCO believes that all necessary objections have been raised in this pleading. SWEPCO does not, however, waive its right, if additional documents are subsequently found that are responsive to these requests, to claim that such documents are confidential or privileged if such an objection is determined to be appropriate.

III. Objections to Definitions and Instructions

SWEPCO objects to the definitions and instructions to the extent they attempt to impose requirements in excess of the applicable rules. SWEPCO will respond to discovery in accordance with the applicable rules.

IV. Specific Objections

Request for Information

7-14 Please provide all internal presentations, analyses, and correspondence associated with the decision to proceed with the North Central Energy Facilities.

Objection

SWEPCO objects to the extent that this request does or could be construed to call for the production of information subject to the attorney-client or attorney work-product privileges.¹ Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's employees, attorneys, and consultants.² Privileged attorney-client communications include those between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services—including confidential legal advice, opinions, and mental analyses. SWEPCO further objects that privileged materials are outside the scope of permissible discovery.³

Notwithstanding the foregoing objection, SWEPCO will provide non-privileged information responsive to this request.

Request for Information

7-15 Please provide all internal presentations, analyses, and correspondence associated with the decision to issue the January 2019 wind request for proposals.

Objection

SWEPCO objects to the extent that this request does or could be construed to call for the production of information subject to the attorney-client or attorney work-product privileges.⁴ Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's employees, attorneys,

¹ Tex. R. Civ. P. 192.5; Tex. R. Evid. 503.

² Tex. R. Civ. P. 192.5(a).

³ See Tex. R. Civ. P. 192.3(a) (“[A] party may obtain discovery regarding any matter *that is not privileged* and is relevant to the subject matter of the pending action”) (emphasis added); 16 TAC § 22.141(a) (“Parties may obtain discovery regarding any matter, *not privileged* or exempted under the Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule”) (emphasis added).

⁴ Tex. R. Civ. P. 192.5; Tex. R. Evid. 503.

and consultants.⁵ Privileged attorney-client communications include those between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services—including confidential legal advice, opinions, and mental analyses. SWEPCO further objects that privileged materials are outside the scope of permissible discovery.⁶

Notwithstanding the foregoing objection, SWEPCO will provide non-privileged information responsive to this request.

Request for Information

7-16 Please provide all communications, including internal communications and communications with the Brattle Group, sent or received by AEP or SWEPCO regarding the economics of the North Central Energy Facilities.

Objection

SWEPCO objects to the extent that this request does or could be construed to call for the production of information subject to the attorney-client or attorney work-product privileges.⁷ Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's employees, attorneys, and consultants.⁸ Privileged attorney-client communications include those between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services—including confidential legal advice, opinions, and mental analyses. SWEPCO further objects that privileged materials are outside the scope of permissible discovery.⁹

Notwithstanding the foregoing objection, SWEPCO will provide non-privileged information responsive to this request.

⁵ Tex. R. Civ. P. 192.5(a).

⁶ See Tex. R. Civ. P. 192.3(a) (“[A] party may obtain discovery regarding any matter *that is not privileged* and is relevant to the subject matter of the pending action”) (emphasis added); 16 TAC § 22.141(a) (“Parties may obtain discovery regarding any matter, *not privileged* or exempted under the Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule”) (emphasis added).

⁷ Tex. R. Civ. P. 192.5; Tex. R. Evid. 503.

⁸ Tex. R. Civ. P. 192.5(a).

⁹ See Tex. R. Civ. P. 192.3(a) (“[A] party may obtain discovery regarding any matter *that is not privileged* and is relevant to the subject matter of the pending action”) (emphasis added); 16 TAC § 22.141(a) (“Parties may obtain discovery regarding any matter, *not privileged* or exempted under the Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule”) (emphasis added).

Request for Information

7-17 Please provide all communications, including internal communications and communications with Simon Wind or Invenergy, regarding the capacity factors of the North Central Energy Facilities.

Objection

SWEPCO objects to the extent that this request does or could be construed to call for the production of information subject to the attorney-client or attorney work-product privileges.¹⁰ Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's employees, attorneys, and consultants.¹¹ Privileged attorney-client communications include those between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services—including confidential legal advice, opinions, and mental analyses. SWEPCO further objects that privileged materials are outside the scope of permissible discovery.¹²

Notwithstanding the foregoing objection, SWEPCO will provide non-privileged information responsive to this request.

V. CONCLUSION

SWEPCO respectfully requests that its objections to TIEC's Seventh Set of RFIs be sustained and that SWEPCO be granted any other relief it is entitled.

¹⁰ Tex. R. Civ. P. 192.5; Tex. R. Evid. 503.

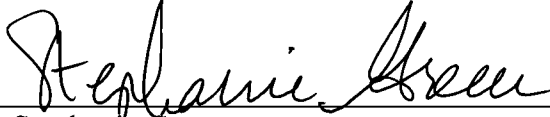
¹¹ Tex. R. Civ. P. 192.5(a).

¹² See Tex. R. Civ. P. 192.3(a) (“[A] party may obtain discovery regarding any matter *that is not privileged* and is relevant to the subject matter of the pending action”) (emphasis added); 16 TAC § 22.141(a) (“Parties may obtain discovery regarding any matter, *not privileged* or exempted under the Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule”) (emphasis added).

Respectfully submitted,

Rhonda Colbert Ryan
State Bar No. 17478800
**AMERICAN ELECTRIC POWER SERVICE
CORPORATION**
400 West 15th Street, Suite 1520
Austin, Texas 78701
Telephone: (512) 481-3321
Facsimile: (512) 481-4591

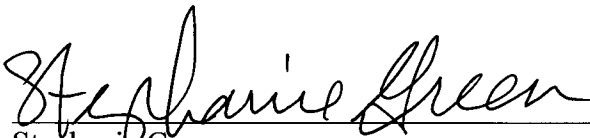
William Coe
State Bar No.00790477
Kerry McGrath
State Bar No.13652200
Stephanie Green
State Bar No. 24089784
DUGGINS, WREN, MANN & ROMERO, LLP
600 Congress Ave., Suite 1900
Austin, Texas 78701
Telephone: (512) 744-9300
Facsimile: (512) 744-9399

By: 
Stephanie Green

**ATTORNEYS FOR SOUTHWESTERN
ELECTRIC POWER COMPANY**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion was served on all parties of record this
14th day of October, 2019.


Stephanie Green