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PUBLIC UTILITY COMMISSION
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JOINT APPLICATION OF TEXAS §
GENCO, LP AND CENTERPOINT §
ENERGY HOUSTON ELECTRIC, LLC TO §
RECONCILE ELIGIBLE FUEL §
REVENUES AND EXPENSES §

PUBLIC UTILITY COMMISSION
OF TEXAS

**CITY OF HOUSTON'S MOTION TO COMPEL RESPONSES TO
COH'S REQUEST FOR INFORMATION NOS. 8-39**

Pursuant to Section 22.144(e) of the Procedural Rules of the Public Utility Commission of Texas and the Commission's Procedural Schedule, the City of Houston (the "City"), files this Motion to Compel CenterPoint Energy Houston Electric, LLC and Texas Genco, LP (together "Centerpoint") to provide answers to the City's Request for Information ("RFI") Question No. 8-39, and in support thereof respectfully shows the following:

I. Introduction

On September 17, 2002, the City propounded its Eighth RFIs to Reliant. On September 27, 2002, Centerpoint filed Objections to the City's RFI No. 8-39 stating that the requested information is irrelevant and to RFI No. 8-71 based on grounds that the requested documents do not exist and it would be an undue burden for Centerpoint to create such documents. Counsel for the City contacted Centerpoint's counsel in an effort to resolve these matters but the parties have not been able to reach an agreement with respect to RFI No. 8-39. Accordingly, in accordance with the procedural rules, the City hereby files this Motion to Compel Centerpoint to provide answers to RFI No. 8-39.

II. Request for Information

The RFI that is the subject of this motion, City's RFI No. 8-39, requests information regarding the Westinghouse steam generator settlement:

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RFI COH 8-39 Please provide details of the Westinghouse steam generator settlement. Quantify goods and services received, or to be received, from Westinghouse as a result of the settlement.

Reliant objected to this request on the basis that (1) the information is not relevant and that it is and not calculated to lead to the discovery of admissible evidence.

III. Argument and Authorities

As the City has explained to Centerpoint's counsel, the terms of the Westinghouse steam generator settlement are clearly related to the issues being addressed in this fuel reconciliation proceeding. The replacement of the steam generator increased the refueling outage from approximately twenty-five (25) days to seventy-five (75) days. During the outage, Reliant's customers were forced to pay higher cost for replacement power. Therefore, details of any settlement reached with the Westinghouse, the manufacturer, of the defective steam generator are pertinent to the length of the outage. Furthermore, discovery into other settlements with Westinghouse has revealed that defective fuel paid for by Reliant's customers was often offset by other goods and service not related to fuel. Obviously, the requested information is reasonably calculated to lead to the discovery of admissible evidence and is relevant to these proceedings. Therefore, the Commission should overrule Centerpoint's objection to the City's RFI No. 8-39 should be overruled and require Centerpoint to respond to this RFI.

FOR THESE REASONS, the City respectfully requests that the Commission grant this motion to compel and for such other relief, legal and equitable, to which it is justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR CITY OF HOUSTON,
TEXAS**

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2002, a true and correct copy of the foregoing document was served upon on all parties of record by facsimile and/or First-Class Mail United States mail, postage paid.

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