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SOAH DOCKET NO. 473-04-4555
PUC DOCKET NO. 29526

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APPLICATION OF CENTERPOINT
ENERGY HOUSTON ELECTRIC, LLC,
RELIANT ENERGY RETAIL
SERVICES, LLC AND TEXAS GENCO,
LP TO DETERMINE STRANDED
COSTS AND OTHER TRUE-UP
BALANCES PURSUANT TO PURA
§39.262

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PUBLIC UTILITY COMMISSION
FILING CLERK

**CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S AND TEXAS GENCO, LP'S
SECOND SET OF REQUESTS FOR INFORMATION TO
THE TEXAS INDUSTRIAL ENERGY CONSUMERS**

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APPLICATION OF CENTERPOINT	§	BEFORE THE STATE OFFICE
ENERGY HOUSTON ELECTRIC, LLC,	§	
RELIANT ENERGY RETAIL	§	OF
SERVICES, LLC AND TEXAS GENCO,	§	
LP TO DETERMINE STRANDED	§	ADMINISTRATIVE HEARINGS
COSTS AND OTHER TRUE-UP	§	
BALANCES PURSUANT TO PURA	§	
\$39.262	§	

**CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S AND TEXAS GENCO, LP'S
SECOND SET OF REQUESTS FOR INFORMATION TO
THE TEXAS INDUSTRIAL ENERGY CONSUMERS**

Pursuant to Sections 22.141-145 of the Procedural Rules of the Public Utility Commission of Texas, CenterPoint Energy Houston Electric, LLC and Texas Genco, LP (jointly CenterPoint) request that the Texas Industrial Energy Consumers ("TIEC"), by and through its attorney of record, provide the information requested on Attachment "A" in accordance with the definitions, explanatory notes, and instructions below within ten (10) days of receipt thereof, unless the Presiding Officer has provided a different time limit. It is further requested that the answers to the requests for information be made under oath, and that each item of information be made available as it is completed, rather than upon compilation of all information requested. Each answer should identify the person responsible for preparing it (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can attest to its accuracy. These requests are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied, such changed answer should be submitted immediately as a supplement to the original answer.

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DEFINITIONS, EXPLANATORY NOTES, AND INSTRUCTIONS

1. The term "identify," "identity" or "identification" when used in reference to an individual person, means to state that person's full name and business address, including zip code, telephone number, and present or last-known business position and duties.
2. The term "identify," "identity" or "identification" when used in reference to a business organization, means to state the corporate, partnership or proprietorship name or names, and locations, full addresses and telephone numbers of its principal place of business and all other business locations that should be denoted for a full and complete response to an inquiry, interrogatory or request for information.
3. The term "identify," "identity" or "identification" when used in reference to a document or study, means to state the type of document or the study format (e.g. book, magazine article, circular, ledger, letter, memoranda, chart, computer run information, microfilm, etc.), its present location and custodian, a description of its form, title, author, volume and page number or other means of general identification, its approximate size and number of pages, and the date on which it was made, prepared or taken. If any such document was, but is no longer in your possession or subject to its control, state what disposition was made of it.
4. The term "identify," "identity" or "identification" when used in reference to anything other than a person, business organization, document or study, means to state the nature and present location of the item, a description of its form, the name or title by which the item is commonly known, and the person or business organization that has custody of or responsibility to maintain the item.
5. The term "study" or "studies" means any analysis, investigation, summary of data, listing or report the results of which were made known, formally or informally, that is in the possession or control of the respondent to the attached requests for information.
6. The terms "document" and "documents" are used in their broadest sense and shall mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, including drafts, originals and copies, and all attachments and appendices thereto. Without limiting the foregoing, the terms "document" and "documents" shall include all agreements, contracts, communications, correspondence, letters, telegrams, telexes, emails, messages, memoranda, records, reports, books, summaries, tape recordings or other records of telephone conversations or interviews, summaries or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time record, instructions, work assignments, forecasts, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultants' reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, printouts, compilations, tabulations, analysis, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiche, articles,

speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, punch cards, programs, data compilation from which information can be obtained (including matter used in data processing) and other printed, written, handwritten, type-written, recorded, stenographic, computer-generated, computer-stored, or electronically-stored matter, however, and by whomever produced, prepared, reproduced, disseminated, or made. The terms "document" and "documents" also include all copies of documents by whatever means made, except that where a document is identified or produced, identical copies thereof which do not contain any markings, additions, or deletions different from the original need not be separately produced.

7. If a copy of the information requested is available in machine-readable form (such as punch cards, paper or magnetic tapes, drums, disks or core storage), state the form in which it is available and describe the type of computer or other machinery required to read the information.
8. When a request calls for the identification of a "document" or "documents," the identification should include the following:
 - (a) the full name and address of the author(s) by whom the document was written, prepared, recorded or made;
 - (b) the date of the document;
 - (c) the title and/or "re" of the document;
 - (d) the subject matter of the document;
 - (e) the full name and address of the recipient and every person who received copies of the document;
 - (f) the full name and address of the person who has possession, custody or control of the document, or who is in charge of maintaining the document; and
 - (g) if the document has been lost, shredded or destroyed (whether intentionally or unintentionally) an explanation of the reasons for and causes of such loss, shredding or destruction.
9. If any requested information or document cannot be provided in its entirety, it shall be provided to the greatest extent possible, with an indication of the portion of the information or document that cannot be provided and the reason why it can not be provided.
10. The respondent to requests for information must provide not only the information or documents in its physical possession, custody, or control, but all information and documents in the physical possession, custody, or control of any other person acting or purporting to act on behalf of the respondent, including, but not limited to, contractors, attorneys, consultants, and witnesses.

11. The term "communication" shall mean any transaction of information by oral, graphic, written, pictorial, or other means, including, but not limited to, telephone, conversations, letters, telegrams, emails, and personal conversations.
12. "To each" means to identify separately information, facts, data and documents for each of the individual items or things designated as the subject of the specific inquiry or request.
13. Terms expressed in the masculine gender shall be regarded as including the feminine or neuter; terms expressed in the singular shall be regarded as being expressed in the plural, and vice versa; terms expressed in the past tense be regarded as being expressed in the present tense, and vice versa; and the term "and" shall be regarded as the term "or," and vice versa, so as to not limit the scope of any request.
14. The term "CenterPoint" refers to Reliant Energy Incorporated (including its unincorporated divisions Reliant Energy HL&P and Texas Genco) when used in the context of any time period prior to October 1, 2002 and refers jointly to CenterPoint Energy Houston Electric, LLC and Texas Genco, LP when used in the context of any time period on or after that date.
15. The term "Reliant Resources" refers to Reliant Resources, Inc.; Reliant Energy Retail Services, LLC; Reliant Energy Solutions, LLC; and any affiliate of Reliant Resources, Inc. on or after October 1, 2002.
16. The terms "Texas Industrial Energy Consumers," "TIEC," "you," and "yours" refer both to the organization or trade association that is a party to the subject proceeding to whom these requests for information are addressed and to each person and/or company that is a member, directly or indirectly, of the organization or trade association for purposes of this proceeding.
17. The terms "Commission" and "PUC" refer to the Public Utility Commission of Texas.
18. In answering each request, please restate the request prior to providing the response. Each request and its response should begin on a separate page. Where there are subparts to a request, the answer to each subpart should be separately labeled.
19. The time frame for each request is January 1, 1999 to the present unless a different time frame is stated in the request.
20. If any requested information is not available in the form requested, please state that the information cannot be provided in the form requested and provide the information in the form that it currently exists.

Respectfully submitted,

A handwritten signature in cursive script, reading "Harris S. Leven", written over a horizontal line.

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**ATTORNEYS FOR CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC AND
TEXAS GENCO, LP**

**CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S AND TEXAS GENCO, LP'S
SECOND SET OF REQUESTS FOR INFORMATION TO
THE TEXAS INDUSTRIAL ENERGY CONSUMERS**

1. For this proceeding, have you or any of your attorneys, consultants, or representatives entered into any joint defense agreement, joint litigation agreement, or joint privilege agreement (or any other form of agreement that allows the attorney work product and attorney-client communications privileges to be maintained for information exchanged between unaffiliated parties) with any other party to this proceeding. If so, please identify the party or parties with whom you have such an agreement and provide the date or dates the agreement(s) was/were entered into.
2. Please identify and provide copies of all documents, including emails, that you or any of your attorneys, consultants, or representatives have sent to or received from any other party or any attorney, consultant, or representative of any other party to this proceeding that relate to this proceeding. For purposes of this response, you do not have to identify or provide copies of filings made at the Commission or at the State Office of Administrative Hearings in this proceeding, documents sent to or received from any of the Applicants, or emails on which any representative of any of the Applicants was copied.
3. For each of your witnesses who will file testimony in this proceeding and contemporaneous with the filing of the testimony, please:
 - a. Provide a complete copy of the workpapers supporting the testimony of the witness;
 - b. Identify all documents, including reports, models, data, or publications provided to or obtained by the witness in the course of preparing his/her testimony;
 - c. Identify any expert, other than the Applicants' experts, whose testimony, publications, or work the witness reviewed, in whole or in part, in the course of the preparing his/her testimony regardless of whether the witness relied on that expert's testimony, publications, or work to support the testimony filed;
 - d. Identify all persons, other than legal counsel, who the witnesses interviewed or with whom the witness discussed his/her testimony;
 - e. Provide the witness' complete current resume and bibliography;
 - f. Identify and provide copies of all testimony or reports the witness has presented before, or had filed with, any court or other governmental body since January 1, 1999 (you do not need to provide copies of testimony or reports filed with the Public Utility Commission of Texas, but please identify such testimony and provide the name or style

of the proceeding, the docket or project number, and the date filed); and

- g. Identify and provide copies of all articles, commentaries, editorials, or written work that the witness has had published since January 1, 1999 in any journal, newspaper, magazine, or other publication.
4. For each of your witnesses who will file testimony in this proceeding and contemporaneous with the filing of the testimony, please send a copy of the testimony and a complete copy of the workpapers supporting the testimony of the witness by email to:

paul.gastineau@centerpointenergy.com,
harris.leven@centerpointenergy.com, and
thudson@gdhm.com

5. Identify any consulting expert whose work has been reviewed by any of your witnesses in this proceeding and for each such consulting expert, please:
- a. Provide the expert's name and employer, and the address and telephone number by which the expert can be contacted;
 - b. Identify the subject matter for which the expert was consulted;
 - c. Identify all documents and facts provided to, or obtained by, the consulting expert or which formed the basis on which the consulting expert derived his/her opinions and mental impressions that are related to this proceeding;
 - d. Provide the opinions and mental impressions of the consulting expert that are related to this proceeding and identify the techniques and methods the consulting expert used to reach those opinions and mental impressions;
 - e. Identify all persons, other than legal counsel, who the consulting expert interviewed or with whom the consulting expert discussed his/her testimony;
 - f. Provide the consulting expert's complete current resume and bibliography;
 - g. Identify and provide copies of all testimony or reports the consulting expert has presented before, or had filed with, any court or other governmental body since January 1, 1999 (you do not need to provide copies of testimony or reports filed with the Public Utility Commission of Texas, but please identify such testimony and provide the name or style of the proceeding, the docket or project number, and the date filed); and
 - h. Identify and provide copies of all articles, commentaries, editorials, or written work that the consulting expert has had published since January 1, 1999 in any journal, newspaper, magazine, or other publication.

6. Please confirm that the following members of TIEC for purposes of this proceeding are, or have affiliates who are, a power generation company registered with the Public Utility Commission of Texas:

Air Liquide America
The Dow Chemical Company
Exxon Mobil
Occidental Chemical

7. If any of the members of TIEC, or any affiliates thereof, purchased wholesale capacity and/or energy for delivery in 2002, 2003, 2004 or beyond, or purchased retail capacity and/or energy for delivery in 2002, 2003, 2004 or beyond that was indexed to wholesale capacity and/or energy or provided in any form where you (or any of your members) could determine the amounts the retail electric provider paid for wholesale capacity and/or energy, please identify and provide:
- a. the wholesale capacity products purchased, the amount of each product purchased, the period(s) over which each product was to be delivered, and for each product, the price paid;
 - b. the wholesale energy products purchased; the amount of each energy product purchased, the period(s) over which each product was to be delivered, and for each product, the price paid;
 - c. all terms and conditions, other than standard commercial terms and conditions, which it is believed raised the price(s) paid for each wholesale capacity and/or energy product above the prices for other available wholesale capacity and/or energy, and the amount or an estimate of the amount each term or condition raised such price(s);
 - d. all terms and conditions, other than standard commercial terms and conditions, which it is believed lowered the price(s) paid for each wholesale capacity and/or energy product below the prices for other available wholesale capacity and/or energy, and the amount or an estimate of the amount each term or condition lowered such price(s); and
 - e. any other factor that affected the price of each wholesale capacity and/or energy product and the direction and the amount or an estimate of the amount the factor raised or lowered the price(s) paid for each product.
8. If any of the members of TIEC, or any affiliates thereof, sold wholesale capacity and/or energy for delivery in 2002, 2003, 2004 or beyond, please identify and provide:
- a. the wholesale capacity products sold, the amount of each product sold, the period(s) over which each product was to be delivered, and for each product, the price received;

- b. the wholesale energy products sold; the amount of each energy product sold, the period(s) over which each product was to be delivered, and for each product, the price received;
 - c. all terms and conditions, other than standard commercial terms and conditions, which it is believed raised the price(s) received for each wholesale capacity and/or energy product above the prices for other available wholesale capacity and/or energy, and the amount or an estimate of the amount each term or condition raised such price(s);
 - d. all terms and conditions, other than standard commercial terms and conditions, which it is believed lowered the price(s) received for each wholesale capacity and/or energy product below the prices for other available wholesale capacity and/or energy, and the amount or an estimate of the amount each term or condition lowered such price(s); and
 - e. any other factor that affected the amount received for each wholesale capacity and/or energy product and the direction and the amount or an estimate of the amount the factor raised or lowered the price(s) paid for each product.
9. Since 1995, has any of the members of TIEC for purposes of this proceeding, or any affiliates thereof, offered a premium over the prevailing stock price at the time such member or affiliate announced an attempt to acquire either some, all, or the controlling interest in another entity. If so, please describe the circumstances of the acquisition attempt, state the stock price and the premium offered, and provide all documents that explain why the premium was offered.
10. Since 1995, has any of the members of TIEC for purposes of this proceeding, or any affiliates thereof, changed their dividend policy. If so, please provide the details of each such change, and quantify the effect of the stock price of the member or affiliate.
11. Please provide all documents created between June 1, 1999 and January 1, 2001 and obtained by TIEC or any of its members which forecast or contain a forecast of the market value of any type of generation asset in ERCOT at any time from 1999 through 2004 or that forecast or contain a forecast of the stranded costs of HL&P, Reliant Energy HL&P, CenterPoint Energy, or any company affiliated with those companies.
12. Have any of the members of TIEC, any of their representatives, attorneys, consultants, and other professional advisors for purposes of this proceeding, or any of their directors, officers, or senior level managers purchase or sell the stock of Texas Genco since January 6, 2003 with the intention of influencing the price of such stock.
13. Please provide a listing of all purchases of Texas Genco stock from January 6, 2003 to the present made directly or indirectly by the members of TIEC, any of their representatives, attorneys, consultants, and other professional advisors for purposes of this proceeding, or any of their directors, officers, or senior level managers.
14. Did TIEC or any of its member companies, or any TIEC or members' representatives, attorneys, consultants, and other professional advisors for purposes of this proceeding, make

any analysis of the effect of the power cost projections that were used in the ECOM model as it was employed in PUC Dockets No. 22344 and 22355 on the capacity auction true-up that is prescribed by PURA Sec. 39.262(d)(2). If so, please provide the analysis or analyses.

15. Have TIEC or any of its member companies made any analysis of the effect of any projections of CenterPoint's and Texas Genco's stranded cost or of the sum of the Applicants' stranded cost and true-up balances as filed in this proceeding on the market price of power for 2004 and beyond. If so, please provide such analysis or analyses.
16. Do any of the TIEC members for purposes of this proceeding believe that the recovery of the sum of the Applicants' stranded cost and true-up balances as filed in this proceeding will have a material impact on the member's financial condition. If so, for each member, please provide copies of all documents where that impact has been reported to the financial community or the public. If a member believes recovery of the sum of the Applicants' stranded cost and true-up balances as filed in this proceeding will have a material impact on its financial condition, but has not reported that impact to the financial community or the public, please explain why it has not reported the impact.
17. Please provide a copy of the presentation made by Mr. Jonathan Day at the Greater Houston Partnership Electric Utility Restructuring program held at the Omni Hotel on October 12, 1999 (Mr. Day is listed as "Counsel – Texas Industrial Energy Consumers).
18. Please provide a clean copy of the presentation made by Mr. Jonathan Day at a meeting of the Greater Houston Partnership the morning of May 14, 2004. Please provide all calculations and workpapers that support the following numbers in the presentation:
 - a. the 41% overall increase for the initial impact on delivery charges;
 - b. the 57% - 114% increase for larger customers;
 - c. the initial bill impact: 10% to 16%;
 - d. all dollar amount numbers on the page or slide entitled "CenterPoint Energy Houston 2004 True-up Case: Impact";
 - e. all dollar amount numbers on the page or slide entitled "2004 Stranded Cost True-up Dollar Impact";
 - f. all cents and percentage figures on the page or slide entitled "Monthly Electric Utility Bill Comparison for Price-To-Beat Residential Electric Customers Based on Annual Load Profile"; and
 - g. the more than \$2.5 million in annual increases a typical oil refinery in Houston would face as claimed in the second paragraph of the letter to Governor Rick Perry from the Texas Apartment Association and others.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding by facsimile, hand delivery, overnight delivery, or United States first class mail on this 24th day of May, 2004.

Bunny Browning