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DOCKET NO. 38339  
SOAH DOCKET NO. 473-10-5001

APPLICATION OF CENTERPOINT § PUBLIC UTILITY COMMISSION  
ENERGY HOUSTON ELECTRIC, LLC §  
FOR AUTHORITY TO CHANGE RATES § OF TEXAS

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**TEXAS INDUSTRIAL ENERGY CONSUMERS' MOTION TO STRIKE**

Texas Industrial Energy Consumers (TIEC) files the following motion to strike portions of the testimony and exhibits filed by CenterPoint Houston Electric, LLC (CenterPoint).

**I. Discussion**

On July 30, 2010, the Commission issued its preliminary order in this proceeding. In its preliminary order, the Commission determined that several issues should not be addressed. Specifically, the Commission determined that (1) CenterPoint's proposed lost revenue adjustment mechanism (LRAM) should not be addressed; (2) that the calculation of any performance bonus to be awarded to CenterPoint shall exclude money spent pursuant to the settlement in Docket No. 32093; and that CenterPoint's proposed distribution cost recovery factor (DCRF) should not be considered in this rate case.<sup>1</sup> Accordingly, TIEC moves to strike the following testimony and exhibits as they are not relevant to the issues to be addressed in this proceeding. Tex. R. Civ. R. 401, 402.

TIEC notes that the Gulf Coast Coalition of Cities and the City of Houston filed a motion to strike on August 20, 2010. TIEC supports this motion and does not duplicate the portions of testimony identified by therein. TIEC therefore moves that the following additional testimony and exhibits be struck:

**Ahrens:**

Page ES-1, third bullet, beginning "asks the Commission" through "adjustment mechanism;"

Page 11, line 20, "\$5,069,095"

Page 11, line 20 beginning "and (3) through line 21 ending "savings."

Page 12, line 21 "\$5,069,095."

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<sup>1</sup> Preliminary Order at 10.

Page 13, lines 1-4.

Page 21, line 6 beginning “including” through line 7 ending “LRAM,”

Page 21, line 15: “\$5,069,095” and line 16: “\$1,436,550”

Exhibit AA-1, page 48 “\$5,069,095” ; footnote 20

Exhibit AA-1, page 49, Table 13

**Troxle:**

ES-1, fifth bullet, beginning “I discuss” through “Gastineau.”

Page 34, line 6 beginning “In the event” through line 7, “testimony,”

Attachment MAT-7, pages 223-225, Retail Tariff Sheet No. 6.1.1.6.11

Attachment MAT-7, page 220, the values shown in the column “EECRF Charge”<sup>2</sup>

**Hedges:**

ES-1, fifth bullet, “Rider DCRF”

Page 5, line 13 through line 14: “Distribution Cost Recovery Factor (“DCRF”)

Page 11, line 8, “DCRF”

Page 12, line 10 “including the Company’s proposed DCRF.”

Page 12, line 19 through page 13, line 9

Page 16, line 2, beginning “He additionally” through line 3, ending “approach”

Page 16, line 5, “The legal questions in this Rate Case are truly novel.”

Page 16, line 6, “the DCRF approach”

Page 19, line 18 “the novel DCRF”

**Sumners:**

Page 22, line 4, beginning “On a” through line 7 ending “Gastineau.”

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<sup>2</sup> TIEC does not object to CenterPoint filing a revised Rider EECRF to reflect the revisions consistent with the rulings made in the Commission’s preliminary order.

**Prochazka:**

Page 16, line 2 through line 22, ending with “market participants.”

**Kilbride:**

Page 26 line 1 through Page 27, line 13.

**Reed:**

ES-1, first bullet.

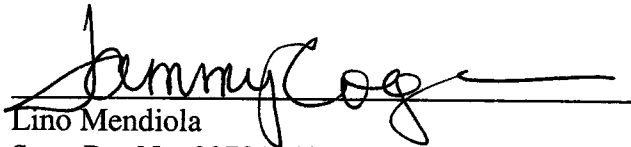
Page 6, line 10 “proposed Rider DCRF.”

**II. Conclusion**

For the reasons set forth herein, TIEC requests that the portions of testimony and exhibits identified above be struck and not be admitted into the record in this proceeding. TIEC also requests all other relief to which it is justly entitled.

Respectfully submitted,

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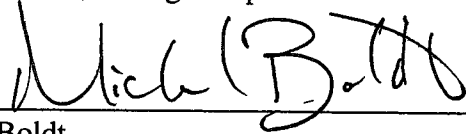
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ATTORNEYS FOR TEXAS INDUSTRIAL  
ENERGY CONSUMERS

**CERTIFICATE OF SERVICE**

I, Michael Boldt, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 24<sup>th</sup> day of August, 2010 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

A handwritten signature in black ink that reads "Mich (B)oldt". The signature is written in a cursive style with a large, stylized "B" in parentheses.

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Michael Boldt